

MECHANICS' LIENS.

CHAPTER 122.

[S. B. No. 138—Robinson.]

RELATING TO MECHANICS' LIENS.

AN ACT to Amend Section 4795 of the Revised Codes, Relating to Sales of Buildings Upon Foreclosure of Mechanics' Liens Thereon.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 4795 of the revised codes of 1899 be, and the same is hereby amended to read as follows:

§ 4795. WHEN PRIOR TO PRIOR LIEN ON LAND. POWER OF COURT.] The liens for the things aforesaid or the work, including liens for additions, repairs and betterments, shall attach to the building, erection or improvement, for which they were furnished or done, in preference to any prior lien or incumbrance or mortgage upon the land upon which such erection, building, or improvement, belongs or is erected or put. If such material was furnished, or labor performed, in the erection or construction of an original and independent building, erection or other improvement commenced since the attaching of such prior lien, incumbrance or mortgage, the court may, in its discretion, order and direct such building, erection or improvement, to be separately sold under execution, and the person [purchaser] may remove the same within such reasonable time as the court may fix. But if in the opinion of the court it would be for the best interest of all parties that the land and the improvements thereon should be sold together, it shall so order and the court shall take an account and ascertain the separate values of the land and of the erection, building or other improvement, and distribute the proceeds of the sale so as to secure to the prior mortgage or other lien, priority upon the land, and to the mechanic's lien, priority upon the building, erection or other improvements. If the material furnished or labor performed was for an addition to, repairs of, or betterment upon buildings, erections or other improvements, the court shall take an account of the values before such material was furnished or labor was performed, and ascertain the increased value caused by such addition, repairs or betterments, and upon the sale of the premises, distribute the proceeds of the sale so as to secure to the prior mortgage or lien priority upon the land and improvements as they existed prior to the attachment of the mechanic's lien, and to the mechanic's lien priority upon the increased value caused by such addition, repairs or betterments; provided, that

when sales are made of the buildings apart from the land and their removal is ordered by the court, such sale shall be made, and the notice thereof given the same as in sales upon execution in district court.

Approved March 9, 1903.

JAMES McKECHNIE.

CHAPTER 123.

[H. B. No. 11—Buttz.]

RELIEF OF JAMES M'KECHNIE.

AN ACT for the Relief of James McKechnie, a Member of Battery "A,"
North Dakota National Guard.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ADMITTED TO AGRICULTURAL COLLEGE.] That the trustees of the agricultural college at Fargo are authorized to admit James McKechnie to said college as a student for one year, and for such further period as said trustees shall deem just and proper, to give the said beneficiary a suitable education that will enable him to earn a livelihood.

§ 2. BOARD SHALL PROVIDE FOR MAINTENANCE.] That said James McKechnie, while a member of Battery A of the national guard of the state of North Dakota, without any fault on his part, and while in the performance of his duty as a soldier of the state, on July 4, 1902, at Lisbon, North Dakota, lost his right arm by reason of the premature discharge of a gun belonging to said battery. Said board of trustees shall provide for the maintenance (including suitable clothing) for said beneficiary during the time he remains a student in said college, and they are authorized to designate a class of studies suitable for him.

§ 3. POWERS OF BOARD.] That if said board of trustees shall at any time deem it advisable to discharge said beneficiary from said college, they are authorized so to do.

§ 4. SOLDIERS' HOME AUTHORIZED TO ADMIT.] That if at any time after said James McKechnie shall have left the said agricultural college, his physical condition becomes such that he is not able to provide for the necessaries of life, said condition not having been brought about by his own vicious habits, then the board of trustees of the soldiers' home at Lisbon, in said state, shall upon the application of said James McKechnie, examine him, with a view to his admission in the said soldiers' home, and if, upon examination, the said board of