

§ 6. EMERGENCY.] An emergency is hereby declared to exist, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 2, 1905.

LIENS.

CHAPTER 129.

[H. B. No. 230—Davis.]

COSTS ON FORECLOSURE OF LIENS.

AN ACT to Amend Section 5577 of the Revised Codes, Relating to Costs on Foreclosure of Liens.

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

§ 1. AMENDMENT.] To amend section 5577 of the revised codes of the state of North Dakota, relating to costs on foreclosure of liens and that the same read as follows:

§ 5577. COSTS ON FORECLOSURE OF LIENS.] In all actions or proceedings for the foreclosure of a mortgage upon personal property or of a mortgage or other lien upon real property the plaintiff or person commencing such action or proceeding shall be entitled to tax as a part of his costs, when the amount of the debt secured by such mortgage or liens does not exceed the sum of five hundred dollars, the sum of twenty-five dollars; when the amount of the debt so secured exceeds five hundred dollars and does not exceed one thousand dollars, the sum of fifty dollars; when the amount of the debt so secured exceeds one thousand dollars and does not exceed two thousand dollars, the sum of seventy-five dollars; when the amount of the debt so secured exceeds two thousand dollars the sum of seventy-five dollars, and in addition thereto two per cent on the amount so secured in excess of two thousand dollars; provided, that none of the above fees shall be allowed unless the foreclosure proceedings shall be conducted under the supervision of an attorney duly authorized to practice in the courts of this state.

Approved March 11, 1905.

CHAPTER 130.

[S. B. No. 24—Fox.]

MECHANICS' LIENS.

AN ACT to Repeal Section 4795 of the Revised Codes of North Dakota of 1899, and Chapter 122 of the Session Laws of 1903, and to Amend Section 4796 of the Revised Codes of North Dakota of 1899, Relating to Mechanics' Liens.

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

§ 1. REPEAL.] That section 4795 of the revised codes of 1899 and chapter 122 of the session laws of 1903 be, and the same is hereby repealed.

§ 2. AMENDMENT.] That section 4796 of the revised codes of 1899 be, and the same is hereby amended and re-enacted to read as follows:

§ 4796. ACTION TO ENFORCE.] Any person having a lien by virtue of this chapter may bring an action to enforce the same in the district court in the county or judicial subdivision in which the property is situated, and any number of persons claiming liens against the same property may join in the same action and when separate actions are commenced the court may consolidate them. Whenever in the sale of the property subject to the lien there is a deficiency of the proceeds, judgment may be entered for the deficiency in like manner and with like effect as in actions for the foreclosure of mortgages.

Approved February 24, 1905.

CHAPTER 131.

[H. B. No. 112—Richmond.]

SATISFACTION OF MECHANICS LIENS.

AN ACT to Provide for the Filing of Satisfaction of Mechanic's Lien and Penalty for Failure to Do So.

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

§ 1. SATISFACTION FILED WHEN, WHERE AND HOW.] Every holder or owner of a mechanic's lien shall within twenty days after the payment of the same cause to be filed a properly executed satisfaction of such lien and file the same with the clerk of the district court of the county in which such lien has been filed, which satisfaction shall be filed and entered by said clerk without fee or charge.

§ 2. FAILURE TO FILE SATISFACTION. PENALTY.] Every person, firm or corporation failing to comply with the provisions of section 1 of this article shall be subject to a fine of not less than ten or more than fifty dollars and in addition thereto the costs and damages sustained by reason of such failure.

§ 3. REPEAL.] Any acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1905.

LIGNITE COAL.

CHAPTER 132.

[H. B. No. 159—Belden.]

USE OF LIGNITE COAL.

AN ACT to Amend Section 1030 of the Revised Codes of 1899, Relating to Public Institutions.

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

§ 1. AMENDMENT.] That section 1030 of the revised codes of 1899, relating to public institutions, be amended to read as follows:

§ 1030. PUBLIC INSTITUTIONS TO USE.] The various state institutions, county buildings and public school houses of this state shall use for fuel, native or lignite coal, and it shall be unlawful for any officer to purchase for use in institutions, county buildings and public schools any coal other than that taken from the mines within the boundaries of this state; provided, that the comparative cost of such fuel is not greater than that of lignite coal. This section shall not be construed, however, as prohibiting the use of wood at such institutions, county buildings and public schools, when the cost thereof does not exceed that of native coal, or the use of coal other than native lignite coal at such public schools as are located six miles or more from any mine or railroad station within the boundaries of this state; provided, that the comparative cost of such fuel is not greater than that of lignite coal.

Approved March 11, 1905.