

the legislature, and the printing of which, and all other printing coming within the purview of the library commission, shall be paid for out of the general printing fund of the state.

§ 8. OFFICES PROVIDED.] There shall be provided in the capitol building adequate office room, to be furnished in the same manner as other offices therein are furnished, for the state library commission, with such suitable quarters as may be necessary for the proper shelving of the educational reference library, the books of the traveling libraries and the legislative reference collection.

§ 9. APPROPRIATION.] There is hereby appropriated for the use and purposes of the state library commission any unexpended balances in the funds appropriated for the educational reference library and traveling libraries, and also an annual appropriation of seven thousand eight hundred dollars out of any moneys in the state treasury not otherwise appropriated.

§ 10. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed, especially any acts or parts of acts carrying any appropriations for the so-called educational reference library and traveling libraries.

§ 11. EMERGENCY.] Whereas, an emergency exists in that there is now no adequate provision for the maintenance of the state library commission, this act shall take effect and be in force on and after its passage and approval.

Approved March 3, 1909.

LIENS

CHAPTER 157.

[S. B. No. 20—Purcell]

RENEWAL OF LIENS AND JUDGMENTS.

AN ACT to Amend Sections 7083 and 7085 of the Revised Codes of the State of North Dakota for the Year 1905, Relating to the Method of Renewing Liens and Judgments and Providing for Renewing the Same Without Suit for an Additional Term of Ten Years and Allowing Execution Thereon After Renewal.

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

§ 1. AMENDMENT.] Section 7083 of the revised codes of 1905 is amended to read as follows:

§ 7083. JUDGMENTS, RENEWAL OF. CONTINUING LIEN.] Any judgment directing in whole or in part the payment of money which has heretofore, or may hereafter, be duly entered and docketed in

the book in the office of the clerk of any district court of this state, whether said judgment was originally rendered by the court in whose clerk's office the same is entered, or whether entered upon a transcript of judgment from any other county in the state, pursuant to sections 7082, 7085 and 7086, revised codes of 1905, or upon a certified transcript of the docket entry of a judgment or decree of any district court or circuit court of the United States, within the state of North Dakota, pursuant to sections 7087 and 7088, revised codes of 1905, or entered upon a certified transcript of the judgment of a justice of the peace, pursuant to section 7093, revised codes of 1905, or entered pursuant to any other provision of law, may be renewed, and the lien thereof continued for a further period of ten years from and after the filing and docketing of the affidavit for renewal, as hereinafter provided.

§ 2. AMENDMENT.] Section 7085 of the revised codes of 1905 is amended to read as follows:

§ 7085. CLERK SHALL ENTER AFFIDAVIT.] The affidavit mentioned in the preceding section (7084) shall be immediately entered by the clerk at length in the judgment book in the same manner and with the same effect as the original judgment, and the clerk shall enter in his judgment docket forthwith, after a statement of said original judgment, the date of said renewal, the fact of renewal, and the amount for which said judgment is renewed, and the entry and docketing of said affidavit of renewal shall operate to continue the lien of said judgment on all the real property, excepting the homestead of the judgment debtor or debtors, in the county where the same is so docketed, which he or they may have at the time of the docketing thereof in the county in which such real estate is situated, or which he or they may acquire at any time thereafter for ten years from the time of such re-docketing in the county where the same is so entered; and a certified copy of said renewal affidavit and of the docket entries thereon, certified by the clerk of the district court wherein the same is filed, entered and docketed, as aforesaid, may by the plaintiff be filed and docketed in any other county of the state of North Dakota in which a transcript of the original judgment was filed, pursuant to sections 7082, 7085 and 7086 of the revised codes of 1905; provided, that when any such affidavit has heretofore been filed pursuant to said sections 7083, 7084 and 7085 of the revised codes of 1905, the clerk of any such district court where such affidavit is filed shall forthwith re-docket said judgment for the amount so shown by said affidavit in the same manner and with the same effect as said original judgment, but said affidavit and re-docketing shall never prevent the judgment debtor from having a satisfaction thereof on payment of the amount actually due on said judgment.

Approved March 11, 1909.

CHAPTER 158.

[S. B. No. 19—Purcell]

MECHANIC'S LIENS.

AN ACT to Amend Section 6237 of the Revised Codes of 1905, Relating to the Filing of Mechanic's Liens, the Giving of Notice of Furnishing Materials to Contractors and Sub-contractors.

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

§ 1. AMENDMENT.] Section 6237 of the revised codes of 1905, is amended to read as follows:

§ 6237. WHO MAY HAVE, FOR WHAT. DUTY OF MATERIAL MAN.] Any person who shall perform any labor upon, or furnish any materials, machinery or fixtures for the construction or repair of any work of internal improvement, or for the erection, alteration or repair of any building or other structure upon lands or in making any other improvements thereon, including fences, sidewalks, pavings, wells, trees, grades, drains or excavations under a contract with the owner of such land, his agent, contractor or sub-contractor, or with the consent of such owner, shall, upon compliance with the provisions of this chapter, have for his labor done, or materials, fixtures or machinery furnished, a lien upon such building, erection or improvement, and upon the land belonging to such owner on which the same is situated, or to improve which said work was done, or the things furnished, to secure the payment for such labor, machinery, material or fixtures; provided, no person furnishing material, machinery or fixtures for any of the purposes aforesaid, shall be entitled to a lien under this chapter unless he shall keep an itemized account thereof, separate and apart from all other items of account against the purchaser, and in the case of furnishing such materials, machinery or fixtures to a contractor or sub-contractor, no lien shall be allowed therefor unless the party furnishing the same shall keep a separate account thereof against such contractor or sub-contractor or of the material, machinery or fixtures so furnished to be used in the construction, alteration, repair or improvement of the property of each separate person (except in cases where the property is owned by several persons jointly or as co-tenants, in which case such joint owners or co-tenants shall be deemed a person within the meaning of this act), and the mingling of charges in one account for material, machinery or fixtures to be used in the construction, alteration, repair or improvement of the property of different persons (except in cases of joint owners or owners in common) shall defeat the right to a lien against either of such persons; provided, further, that no person who furnished any material, machinery or fixtures

as aforesaid to a contractor or sub-contractor, shall be entitled to file such lien under this chapter unless he notified the owner, or one of the owners in cases of joint owners, of the premises upon or for which the same is to be used, by registered letter immediately after the making of such contract to so furnish material or machinery or fixtures to such contractor or sub-contractor, that he is about to furnish the same, and the probable charge therefor; provided, further, that where the work or material for which a mechanic's lien is being claimed was furnished under contract with a contractor or sub-contractor, the property owner shall not be liable to lien claimants to an aggregate amount greater than the contract price he was to pay such contractor or sub-contractor. The owner shall be presumed to have consented to the furnishing of such labor or material or machinery or fixtures if at the time, he had knowledge thereof, and did not give notice of his objections thereto to the person entitled to such lien. The provisions of this chapter shall not be construed to apply to claims or contracts for lightning rods or any of their attachments.

Approved March 5, 1909.

LIVE STOCK

CHAPTER 159.

[S. B. No. 4—Gunderson]

GLANDERED HORSE INDEMNITY APPROPRIATION.

AN ACT to appropriate the Sum of Eighty Thousand Dollars, or As Much Thereof as May Be Necessary to Indemnify Persons Who Have Lost Animals From the Disease Known as Glanders.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of eighty thousand dollars, or as much thereof as may be necessary, out of the monies in the state treasury, not otherwise appropriated, for the purpose of paying approved claims now on file or that may hereafter be filed in the state auditor's office, asking for indemnity for horses, geldings, mares, asses and mules killed or destroyed on account of being affected with the disease known as glanders, according to house bill numbered two hundred twenty-five, passed by the tenth legislative assembly of the state of North Dakota, being an act indemnifying the owners for animals killed or destroyed, according to law, for being affected with the disease known as glanders.