

as amount earned by him. Upon his failure to obey the orders of the court he may be punished as for contempt of court.

§ 24. GUARDIANSHIP OF PERSON.] Nothing in this act shall be construed to give the guardian appointed under this act the guardianship of the estate of the child or to change the age of minority for any other purpose except the custody of the child.

§ 25. APPEALS.] Cases under this act may be received and appealed as other similar court and criminal cases.

FEES.] The fee for publishing the notice required in section 6 of this act, shall be paid for by the county, unless the child affected by such proceeding is legally dependent upon someone who is able to pay therefor.

§ 26. CONTEMPT OF COURT.] Any person who shall interfere with the direction or disposition of any child under any order of the court concerning any child, may in pursuance of the provisions of this act, or with any juvenile or other officer of the court in carrying out the directions of the court under any such order, shall be held to be in contempt of court and subject to punishment as for contempt of court.

§ 27. This act shall be construed to repeal existing laws in conflict with this act under and by which dependent, neglected and delinquent children as defined by this act might be arrested, complained against, committed, confined or taken into or placed in custody, in justice courts or police courts, but as to all other laws it shall be construed as cumulative and not as exclusive.

§ 28. EMERGENCY.] Whereas, an emergency exists, in that inadequate care and protection is now furnished to the dependent and delinquent children of this state, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1911.

LIENS

CHAPTER 178.

[S. B. No. 195—Putnam]

REGULATING THE DISCHARGE OF LIENS.

AN ACT Regulating the Discharge of Liens, Not Dependent Upon Possession and to Provide for the Release of Liens, Filed of Record Against Real Property, and Personal Property, and the Giving of an Undertaking for the Payment Thereof.

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

That whenever any mechanic's lien, lien for the service of sires, seed liens, threshing lien, farm laborer's lien, miner's lien, shall

have been heretofore, or may be hereafter filed against the real property or personal property of a resident of North Dakota, the officer having control of the record of said lien shall discharge the same of record by making an entry on the margin of the record thereof, as follows:

"Discharged by Undertaking," and the officer shall date and sign the discharge, and thereafter said lien shall be void and of no effect.

Provided; That the owner of said lien real or personal property, shall first cause to be filed with said officer, the affidavit of the owner of said property, or the owner of a substantial interest therein, or, of his agent or attorney, setting forth an interest in said property, and that the said owner has a defense against the collection of said lien, or a part thereof, and that there exists a disagreement between the parties affecting the amount or validity of said lien, and that the lienor desires a discharge of said lien of record.

Provided: That the owner of said property, or the owner of an interest in said property, as aforesaid, shall first file with the officer having control of the records of said lien, an undertaking with two sureties thereon, providing that the owner of said property, aforesaid, will pay any amount the lien claimant shall recover thereon, and all costs, and said sureties shall each justify in at least the amount of said lien. The lien claimant, his agent or attorney shall be served with a copy of said affidavit, a copy of said undertaking, and a notice stating the day, hour and place where the application will be made for the release of said lien. The lien claimant shall have notice of said application to be served in the manner following: If personal, there shall be five days notice, and the proof of the service of notice shall be the same as required of a summons in a civil action. If service be made by registered letter, ten days notice shall be given from the date of mailing of the letter, and the proof of the service by registered letter shall be the postmaster's receipt, and an affidavit showing that a copy of the notice, undertaking and affidavit of interest was enclosed in said letter, and that the same was properly addressed to the lien claimant, sealed, and sufficient postage attached thereto to carry the same to its destination, and such service on the agent or attorney of the lien claimant shall be sufficient. At the time and place specified in the notice for the hearing, the lien claimant, his agent or attorney, may except to the sufficiency of the surety, and if an exception be made to the sufficiency of the surety, the surety shall justify before the officer named in the original notice, and the statute governing justification under bail and arrest shall govern the justification of the sureties. If said sureties, or other surety fail to justify within ten days from the date named for the hearing of said application, then said application shall be dismissed. If no ex-

ception is taken to the sufficiency of the surety, or if the surety justify as herein provided, and if said officer approve said undertaking, then said lien shall be discharged of record, as herein provided.

The officer before whom said proceedings are had shall be entitled to charge not exceeding one dollar to be paid in advance by the applicant, and if said officer be the clerk of the district court, he shall record the notice, affidavit, and undertaking in the order book and if the officer be the register of deeds, he shall record said notice, affidavit and undertaking in his book of miscellaneous records, and certified copies of said documents shall be prima facie evidence of the matters therein contained in the courts of North Dakota.

§ 2. EMERGENCY.]

Approved March 3, 1911.

LIBRARIES

CHAPTER 179.

[H. B. No. 196—Peart.]

LIBRARY FUNDS.

AN ACT to Amend Section 2972 of the Political Codes of the Revised Codes of North Dakota of 1905, as Amended by Chapter 155 of the Laws of 1909, Providing for Library Funds.

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

§ 1. AMENDMENT.] Section 2972 of the political code of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 2972. LIBRARY FUND, HOW PROVIDED.] The city council of each city, not exceeding in population fifty thousand inhabitants, and each village or township board of every village and township containing over four hundred inhabitants, shall have the power to establish and maintain a public library and reading room, and for such purpose may annually levy and cause to be collected, as other taxes collected, a tax not exceeding four mills on each dollar of the taxable property of such city, village, or township, to constitute the library fund, which fund shall be kept separate and apart from the other money of the city, village or township, by the treasurer thereof, and the same shall be used exclusively for such purpose, provided, that no library shall be so established without first receiving the approval of the majority of the electors of such city, village or township,