

thereto, he shall issue and sign such marriage license and affix his seal, in the form prescribed by law. Provided that the inquiry above mentioned on oath relative to the legality of such contemplated marriage, and the examination of other witnesses upon oath may be taken and sworn to before a notary public, or other officer authorized to administer oaths and if such affidavits are deemed sufficient by the county judge to whom such application is made, such statements and application shall be considered of the same force and effect as if taken personally before said county judge. Provided further that the county judge shall retain on file in his office all papers and records pertaining to such marriage license.

Approved February 11, 1911.

MECHANIC'S LIENS

CHAPTER 187.

[H. B. No. 433—DeLance]

MECHANIC'S LIEN BILL.

AN ACT to Amend Section 6237 of the Revised Codes of 1905 and Chapter 158 of the Session Laws of 1909, 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 and chapter 158 of the Session Laws of 1909 of the state of North Dakota 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, 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 fur-

nished, 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 has made a written demand for payment of such account at least fifteen days prior to the filing of the lien, and in the case of furnishing such materials, machinery or fixtures to a contractor or sub-contractor no liens shall be allowed therefor unless the party furnishing the same shall keep a separate account against said contractor or sub-contractor 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 all owners in common) shall defeat the right to a lien against either of such persons, provided, further, that no person who furnishes 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 notifies the owner or one of the owners, in case 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 mechanic's lien is being claimed was furnished under contract with the 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 constructed to apply to claims or contracts for lightning rods or any of their attachments.

Approved March 6, 1911.