

## LIENS

### CHAPTER 144

S. B. No. 328—(Committee on Delayed Bills.)

#### SEED LIENS

An Act amending and re-enacting Section 6851 of the Compiled Laws of North Dakota, 1913, relating to who may have seed liens, and extending the scope of Federal liens, providing that the Secretary of Agriculture of the United States of America may have seed liens for loans made to farmers during the years 1933 and 1934 for crop production, seeding, planting, fallowing and cultivation, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 6851 of the Compiled Laws of North Dakota, 1913 be amended and re-enacted to read as follows:

§ 6851. SEED LIENS, WHO MAY HAVE.] Any person who shall furnish to another, seed to be sown or planted on lands owned or contracted to be purchased, used, occupied or rented for him, shall upon filing the statement provided in Section 6852 have a lien upon all the crop produced from the seed so furnished, to secure the payment of the purchase price thereof; and the Secretary of Agriculture of the United States of America may file a seed lien for loans made to farmers during the years 1933 and 1934 for crop production, seeding, planting, fallowing and cultivation.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1933.

### CHAPTER 145

H. B. No. 320—(Rathbun, by request.)

#### SEED AND CROP PRODUCTION LIEN

An Act to amend and re-enact Chapter 257 of the Session Laws of 1931 of the State of North Dakota, relating to seed and crop production liens.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 257 of the Session Laws of 1931 is hereby amended and re-enacted to read as follows:

§ 1. SEED AND CROP PRODUCTION LIENS.] Any county of this

State, or the United States of America, or any bureau, agency or department thereof, which shall furnish seed or money for the purchase of seed, feed, gas, oil or repairs on farm equipment, necessary in crop production, to any farmer within the State of North Dakota, to be sown or planted upon lands owned, rented or contracted to be purchased, used, occupied or rented by such person, shall upon filing the statement provided for in the next Section, have a lien upon the crops produced from the seed so furnished, or from the seed purchased with the money so furnished, or from the grain produced with the aid to crop production herein provided for, to secure the purchase price of said feed, seed, gas, oil or repairs, or the payment of the money advanced for the purchase of such seed, feed, gas, oil or repairs.

§ 2. AMENDMENT.] That Section 2 of Chapter 257 of the Session Laws of 1931 be amended and re-enacted to read as follows:

§ 2. Such lien shall be perfected by filing in the office of the Register of Deeds of the county in which said seed is to be sown or planted, or such feed, gas, oil or repairs, are used, within thirty days after the furnishing thereof, of the statement in writing, verified by the oath of the officer having charge of the furnishing of such seed, feed, gas, oil or repairs, which statement shall show the kind and quantity of such seed, feed, gas, oil or repairs furnished, and its value, or the amount of money so advanced for the purchase thereof, and the name of the person to whom it was furnished, or the money advanced, and a description of the lands upon which the same is to be sown, or has been planted or sown, and upon which a lien is claimed.

§ 3. AMENDMENT.] That Section 3 is hereby re-enacted to read as follows:

§ 3. The lien given by this Chapter shall, as to the crops covered thereby, have priority over all the other liens and encumbrances, excepting only liens given by Chapter 97 of the Civil Code of the Compiled Laws of 1913.

§ 4. EMERGENCY.] Whereas, an emergency exists, in that many farmers in portions of this State are without seed, feed, gas and oil, or means to secure the same, and whereas the present state of the law makes the procedure to secure loans from the Federal Government for the purchase of seed, complicated, slow, and in many cases, impractical, this Act shall be in full force and effect immediately upon its passage and approval by the Governor.

Approved March 7, 1933.

**CHAPTER 146****H. B. No. 316—(Gilbertson.)****LIEN FOR REPAIRS OF PERSONAL PROPERTY**

An Act to amend and re-enact Section 6877 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Chapter 176 of the Session Laws of 1931. An Act providing for a lien for repairs of personalty.

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

§ I. AMENDMENT.] That Section 6877 of the 1925 Supplement to the Compiled Laws of 1913, as amended by Chapter 176 of the Session Laws of 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 6877. LIEN FOR REPAIRS OF PERSONALTY.] Any blacksmith, machinist, or garage keeper, having an established place of business within the State who makes, alters, or repairs any automobile, engine, threshing machine, or well machine at the request of the owner, or legal possessor of the property, shall have a lien upon the same for his reasonable charges for work done and material furnished, including accessories and parts placed upon the same, until the charges are paid, and said lien shall have priority over all other liens, chattel mortgages or encumbrances against said personal property, provided such lien does not exceed fifty dollars (\$50.00); any amounts of said lien in excess of fifty dollars (\$50.00) shall become a lien subject to any prior encumbrance, and provided further that any person entitled to a lien under this Section, shall, within sixty days after materials are furnished or labor performed in altering or repairing such personal property, file in the office of the Register of Deeds of the county of residence of the owner or legal possessor of the property, a statement in writing, verified by oath, showing the labor performed, materials furnished, the price agreed on for the same, or if no price is agreed on then state the reasonable value thereof, the name of the person for whom the work or labor was performed, or to whom materials were furnished, or both, and descriptions of the property upon which the lien was claimed; provided, that when the person retains possession of this property so altered or repaired no statement is required to be filed as above provided; provided, that if any person makes, alters, or repairs more than one article of personal property for the same owner or legal possessor thereof, he may include all such articles or personal property so made, altered, or repaired, within sixty days preceding the filing thereof, in the same statement, and the statement so made shall have the same force and effect as to each article enumerated therein as though a separate statement had been filed for each of said articles so made, altered, or repaired. Unless the person entitled to said lien shall file such statement within the time aforesaid, he shall be

deemed to have waived his right thereto; provided, further, that the person holding such lien on property that has been previously encumbered by mortgage, before the foreclosure of same, shall give to the record holder of such mortgage twenty days' notice in writing of his intention to foreclose said lien before beginning action or proceedings for foreclosure of the same, which notice may be served by sending same in a registered letter addressed to such lien holder at his last known post office address; and provided, further, that the holder of any mortgage against property on which the lien herein provided for, shall have been filed, may at any time previous to sale, pay off the amount due on such lien, the holder thereof shall assign the same to such person and thereafter he shall be entitled to all the rights that the person filing said lien would have been had the same not been paid.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1933.

## CHAPTER 147

S. B. No. 309—(Whelan.)

### SUGAR BEET CROP PRODUCTION LIEN

An Act creating and establishing a lien in connection with the planting, cultivation and harvesting of sugar beets, to be known as Sugar Beet Crop Production Lien, providing the manner in which such lien shall be perfected, the priority thereof, and declaring an emergency.

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

§ 1. SUGAR BEET PRODUCTION LIEN, WHO MAY HAVE.] Any person, association, co-partnership or corporation, who shall enter into a contract to furnish to another sugar beet seed to be planted, insecticide, fertilizer to be used upon the land so planted, labor in connection with the cultivation, harvesting and hauling thereof, as well as any cash advances made, or material or services rendered, or any part or portion thereof necessary in the production and harvesting of sugar beet crops, shall be entitled to a lien upon the crop so raised for the full amount to become due under and in accordance with the terms and conditions of said contract.

§ 2. PROCEDURE TO OBTAIN LIEN.] Any person, association, co-partnership or corporation, entitled to a lien under this Act shall, within sixty days from the date of entering into such contract file in the office of the Register of Deeds of the county in which such crop is to be grown a verified copy of such contract containing, among other things, the name and post office address of all parties to the contract and a description of the land upon which such crop is to be grown. Unless such contract shall be filed within the time

aforesaid such person, association, co-partnership or corporation, shall be deemed to have waived the right to such lien.

§ 3. PRIORITY.] The lien given by this Act shall, as to the crops covered thereby, have priority over all other liens and encumbrances thereon.

Approved March 7, 1933.

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## LIGNITE

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### CHAPTER 148

H. B. No. 335—(Owings.)

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#### DEFINING LIGNITE CHAR AND LIGNITE BRIQUETS

An Act defining Lignite Char and Lignite Briquets for freight rate making purposes.

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

§ 1. Lignite char is hereby defined as the product obtained by processing raw lignite coal by heat treatment resulting in a carbonized product. Lignite briquet is hereby defined as product of lignite coal obtained by the carbonizing of raw lignite treated with binder to form convenient sizes and shapes for commercial handling.

§ 2. For the purpose of making freight rates for the transportation of lignite char or lignite briquets these items, as defined in Section 1 of this Act, shall be considered as lignite coal and shall not be charged rates in excess of rates contemporaneously applicable upon lignite coal.

§ 3. That the Board of Railroad Commissioners for the State of North Dakota are hereby authorized and required to take all necessary steps as required by law to make effective the provisions of this Act to the end that the freight rates provided for herein shall become legally effective contemporaneously with the passage and approval of this Act.

§ 4. EMERGENCY.] This Act is hereby declared to be an emergency Act and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1933.