

## Mechanics' Liens.

### CHAPTER 93.

#### ATTACHMENT.

AN ACT to Amend Section 215 of the Code of Civil Procedure.

*Be it enacted by the Legislative Assembly of the Territory of Dakota:*

§ 1. PROCEEDINGS IN DISCHARGING ATTACHMENT.] That section 215 of the Code of Civil Procedure be amended so as to read as follows: § 215. In all cases the defendant or any person who has acquired a lien upon or interest in the defendant's property after it was attached may move to discharge the attachment, if the motion be made upon affidavits on the part of the defendant or person who has acquired a lien upon or interest in the defendant's property after it was attached, but not otherwise. The plaintiff may oppose the same by affidavit or other proof, in addition to the affidavit on which the attachment was granted, and in such case the defendant or person who has acquired a lien upon or interest in the defendant's property after it was attached, may sustain the motion by affidavits or other proof, in rebuttal of the affidavits or other proof offered and submitted on the part of the plaintiff to approve the motion, and when there is more than one defendant and several property of either of the defendants has been seized by virtue of the warrant of attachment, such defendant may deliver to the court or clerk an undertaking, in accordance with the provisions of the preceding section, to the effect that he will, on demand, pay to the plaintiff the amount of judgment that may be recovered against such defendant, and all the provisions of the preceding section relating to such undertaking apply thereto.

§ 2. That this act shall be in force and effect from and after its passage and approval.

Approved, February 25th, 1881.

## CHAPTER 94.

## SUB-CONTRACTORS.

AN ACT to Amend Section 656 of the Code of Civil Procedure.

*Be it enacted by the Legislative Assembly of the Territory of Dakota:*

§ 1. PROCEEDINGS BY SUB-CONTRACTORS.] That section six hundred and fifty-six of the Code of Civil Procedure be amended to read as follows: § 656. Every sub-contractor wishing to avail himself of the benefits of this chapter shall give notice to the owner, his agent or trustee before or at the time he furnishes any of the things aforesaid or performs any labor, of his intention to perform or furnish the same, and shall within sixty days after such material shall have been furnished or labor performed file with the clerk of the district court of the county or judicial subdivision in which the building, erection or other improvement to be charged with the lien is situated, a just and true account of the demand due him after allowing all credits, and containing a correct description of the property to be charged with said lien and verified by his affidavit. But a failure to file the same within the time aforesaid shall not defeat the lien, except as against purchasers or incumbrances in good faith and without notice, whose rights accrued after the sixty days and before any claim for the lien was filed, or against the owners, except the amount due to contractor at the time of filing the same.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, March 3d, 1881.