

Liens.

CHAPTER 82.

FILING TRANSCRIPT OF JUDGMENT IN OTHER COUNTIES.

AN ACT to Amend Section 300 of the Code of Civil Procedure.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. TRANSCRIPT OF JUDGMENT FILED IN ANOTHER COUNTY CONSTITUTES A LIEN.] That section 300 of the Code of Civil Procedure be amended to read as follows:

§ 300. On filing a judgment roll upon a judgment directing in whole or in part the payment of money, it may be docketed with the clerk of the court in which it was rendered in a book to be known as the judgment docket, and in any other county upon filing with the clerk of the District Court for said county a transcript of the original docket, and it shall be a lien on all the real property, except the homestead, in the county where the same is so docketed, of every person against whom any such judgment shall be rendered, and which he may have at the time of the docketing thereof in the county in which such real property is situated, or which he shall acquire at any time thereafter, for ten years from the time of docketing the same in the county where it was rendered, and no judgment heretofore rendered shall, after the passage of this act, become a lien on real property as herein provided, unless it be docketed in the county where the land is situated:

Provided, however, That when the land is situated in an unorganized county said judgment may be filed in the county to which such unorganized county is attached for judicial purposes, and it shall thereupon become a lien upon the land of the judgment debtor in such unorganized county; but when said unorganized county becomes organized the said lien must be filed in the office of the clerk of the District Court of such county within ninety days after the organization of such county, or it shall cease to be a lien upon such real estate. But whenever an appeal from any judgment shall be pending and the undertaking requisite to stay execution on such judgment shall have been given and the appeal perfected as provided in this Code, the court, in which such judgment was recovered may, on special motion, after notice to the person owing the judgment, direct the clerk to make an entry on the judgment docket that the judgment is secured on appeal, and

thereupon it shall cease, during the pendency of the appeal, to be a lien on the real property of the judgment debtor as against purchasers and mortgagees in good faith and for value.

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

Approved, February 14, 1883.

CHAPTER 83.

WHERE ACTIONS MAY BE BROUGHT.

AN ACT to Amend Section Six Hundred and Sixty-seven of the Code of Civil Procedure.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. WHERE ACTIONS MAY BE BROUGHT. CONSOLIDATION OF LIENS.] That section six hundred and sixty-seven of the Code of Civil Procedure be amended to read as follows :

Section 667. Any person having a lien by virtue of this chapter may bring an action to enforce the same in the district court of the county or judicial subdivision where the property is situated, and any number of persons claiming liens against the same property may join in the same action, and when separate actions are commenced the court may consolidate them. The court may also allow as part of the costs the money paid for filing each lien and the sum of five (5) dollars for drawing the same.

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

Approved, March 9, 1883.

CHAPTER 84.

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:

Section 656. Every sub-contractor wishing to avail himself of the benefits of this chapter, shall, within sixty days after the 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 incumbrancers 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 9, 1883.

CHAPTER 85.

CONCERNING LIVE STOCK.

AN ACT Giving a Lien on Certain Mares, Cows, and the Offspring thereof for the Services of a Stallion or Bull.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. OWNER OF STALLION OR BULL MAY HAVE LIEN.] That all owners, or any person having in charge a stallion or bull shall have a lien for the service of the stallion or bull, upon the mare or cow served by any stallion or bull and upon the offspring of the mare or cow served by any stallion or bull ;

Provided, That in case the owner of such stallion or bull desire to retain a lien upon any mare or cow served in the manner above mentioned, the owner of such stallion or bull shall within ten days after such service, file with the register of deeds of the county where such mare or cow are situated, a notice in writing, containing a particular description of the said mare or cow, when served, and the amount of lien claimed upon the same, which notice when filed as aforesaid shall operate as notice to subsequent purchasers and incumbrancers in good faith for the term of one year from filing of such notice.

§ 2. JUDGMENT—PROCEEDINGS.] That on all judgments rendered in any court in this Territory for the services of any stallion or bull, upon any mare or cow, an execution issued upon such judgment may be levied upon the mare or cow served by any stallion or bull, and upon the offspring of the mare or cow, served by any stallion or bull, and said mare or cow and the offspring thereof shall be sold in the manner provided by law for the sale of personal property levied upon by virtue of an execution. The proceeds of the sale must be applied to the payment of the judgment and all costs of the sale of the property levied upon ; the remainder, if any, must be paid over to the owner of the mare or cow or of the offspring thereof.

§ 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved, March 7, 1883.