

any order of the court has been heretofore made in any proceeding, the records of said proceeding and said order having been destroyed by fire or otherwise, the court shall again make and file such order therein, and all proceedings up to and including said order shall be deemed to have been taken and made as provided by law, and said final order shall have the same effect as if the entire record of said proceedings were still in existence and on file in said action or proceeding in said court.

§ 2. EMERGENCY.] Whereas, there is now no adequate remedy for the substitution for lost papers and papers destroyed by fire in county courts, an emergency exists; therefore, this act shall take effect from and after its passage and approval.

Approved March 7, 1899.

MARKS OR BRANDS.

CHAPTER 108.

[S. B. 122.]

REGISTERING MARKS AND BRANDS.

AN ACT to Amend Section 1538 of the Revised Codes of the State of North Dakota and to Repeal Section 1539 of said Codes; also to Relieve the Register of Deeds of any Duty in Regard to Registering Marks and Brands.

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

§ 1. AMENDMENT.] Section 1538 of the Revised Codes of the State of North Dakota, relating to marks and brands, is hereby amended to read as follows:

§ 1538. SECRETARY MUST RECORD BRANDS.] The secretary of state shall keep a record of all marks, brands and trade marks showing the names and residences of the person owning the same, together with a description and facsimile of such mark, brand or trade mark and in case of live stock the range occupied by such stock, as near as may be, which record shall be open to the inspection of any person interested and he shall deliver to the owner of such mark, brand or trade mark a certificate thereof, which certificate shall be deemed evidence of ownership, for which he shall charge and collect a fee of two dollars.

§ 2. REPEAL.] Section 1539 of the Revised Codes of 1895 is hereby repealed.

§ 3. AFTER ACT SHALL TAKE EFFECT.] After this act shall take

effect, the registers of deeds of the several counties shall not be required to make any record of or perform any duty in regard to marks and brands.

Approved March 8, 1899.

MECHANICS' LIENS.

CHAPTER 109.

[H. B. 159.]

RELATING TO MECHANICS' LIENS.

AN ACT to Amend Section 4788 of Chapter 77 of the Revised Codes of 1895, Relating to Mechanics' Liens.

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

§ 1. AMENDMENT.] That section 4788 of the Revised Codes of 1895 be amended to read as follows:

§ 4788. WHO MAY AND FOR WHAT.] 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 erecting, alteration or repair of any building or other structures upon land, or in making any other improvement thereon, including fences, sidewalks, paving, wells, trees, grades, drains or excavations under a contract with the owner of such land, his agent, trustee, contractor or subcontractor, or with the consent of such owner, shall upon complying with the provisions of this chapter, have for his labor done, or materials, machinery or fixtures 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 the work was done, or the things furnished, to secure the payment for such labor, material, machinery or fixtures; provided, that no person who furnishes any materials, machinery or fixtures as aforesaid, for a contractor or a subcontractor shall be entitled to file such lien unless he notify the owner of the land by registered letter previous to the completion of said contract that he has furnished such materials, machinery or fixtures.

The owner shall be presumed to have consented to the doing of any such labor or the making of any such improvement, if at the time he had knowledge thereof, and did not give notice of his objection thereto to the person entitled to the lien. The provisions of this section and chapter shall not be construed to apply to claims or contracts for furnishing lightning rods or any of their attachments.

Approved March 7, 1899.