

the future earnings of man, animal or machinery, personal notice thereof in writing shall be served upon the party for whom such services are performed before the payment of such services, which said notice may be served and returned in the same manner as a summons in a civil action, and provided further, that in case of such agreement in regard to the earnings of machinery which is operated with man and animal, such lien shall not attach to more than fifty per cent of the gross earnings of such machinery, man and animal, and provided further, that the payment hereinbefore referred to shall not be construed so as to include claims or debts held by the person for whom such services are so performed against a person owning or operating said machinery.

Approved March 5, 1901.

LIBEL.

CHAPTER 119.

[S. B. 160.]

NEWSPAPER LIBEL.

AN ACT Defining Newspaper Libel and Providing for Demanding Remedy Before Action Can be Brought.

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

§ 1. DEFINING LIBEL. NEWSPAPERS.] Before any suit for libel can be brought against a newspaper, other than a libel of, or concerning a female, the party aggrieved must, at least three days before filing his complaint, serve notice on the publisher of such newspaper at the principal office of its publication, specifying the statement alleged to be false and defamatory, and then if on the trial it appears that the article was published in good faith, and its falsity was due to a misapprehension in regard to the facts, and a full and fair retraction of the erroneous statement was published in the next issue of the paper, or in the case of a daily paper within three days after the mistake was brought to the attention of the publisher, in as conspicuous a place and type as the original article, the plaintiff will be entitled to recover only such damage as he can show he has sustained to his property, business, trade, profession or occupation.

§ 2. DEMAND REMEDY BEFORE ACTION.] But if the libel is against a candidate for office, the retraction must also be made editorially, and

in the case of a daily paper at least three days, and in the case of a weekly paper, at least ten days before the election.

§ 3. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 8, 1901.

LIMITATION OF ACTIONS.

CHAPTER 120.

[S. B. 34.]

LIMITATION OF ACTIONS.

AN ACT to Amend Section 5200 of the Revised Codes of the State of North Dakota, 1899, Being Section 5200 of the Revised Codes of 1895, in Regard to the Limitation of Actions.

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

§ 1. AMENDMENT.] That section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, be and the same is hereby amended so as to read as follows:

[TEN YEARS. WITHIN TEN YEARS.]

1. An action upon a judgment or decree of any court of the United States or of any state or territory within the United States.

2. An action upon a contract contained in any conveyance of mortgage or instrument affecting the title to real property, except a covenant of warranty, an action upon which must be commenced within ten years after the final decision against the title of the covenantor.

3. Any proceeding by advertisement or otherwise for the foreclosure of a mortgage upon real estate.

§ 2. EMERGENCY.] There exists an emergency in this that there is no limitation of proceedings to foreclose mortgages upon real estate by advertisement, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 27, 1901.