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## MARRIAGE AND DIVORCE

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### CHAPTER 183.

[S. B. No. 147—Williams]

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#### DISSOLUTION OF MARRIAGE.

AN ACT to Amend Section 4048 of the Revised Codes of 1905 Providing for the Dissolution of Marriage; the Effect Thereof and the Duty of the Court to Regulate the Re-Marriage of Either or Both Parties.

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

§ 1. AMENDMENT.] Section 4048 of the revised codes of the state of North Dakota, as revised and compiled in 1905, is hereby amended so as to read as follows:

§ 4048. MARRIAGE. HOW DISSOLVED.] Marriage is dissolved only:

1. By the death of one of the parties; or,
2. By a judgment of a court of competent jurisdiction decreeing a divorce of the parties.

The effect of a judgment decreeing a divorce is to restore the parties to the state of unmarried persons, except that neither party to a divorce may marry except in accordance with the decree of the court granting the divorce.

It shall be the duty of the court granting a divorce to specify in the order for judgment whether either or both of the parties shall be permitted to marry, and if so when, and the court shall have jurisdiction to modify the decree of divorce at any time so as to permit one or both of the parties to marry, if in his discretion he shall deem it right.

Approved February 21, 1911.

## CHAPTER 184.

[S. B. No. 225—Linde]

## ALIMONY AND SUPPORT OF CHILDREN IN DIVORCE ACTIONS.

AN ACT to Amend and Re-Enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the Year 1905, Relating to Alimony, Support and Maintenance of the Children of a Marriage or of Either Party Thereto in Divorce Actions.

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

AMENDMENT.] Sections 4071, 4073 and 4074 are hereby amended to read as follows:

§ 4071. ALIMONY PENDING ACTION.] When an action for divorce is pending, the court may in its discretion, require either party thereto to pay as alimony any money necessary for the support of the other party thereto, or children of the marriage, or to prosecute or defend the action.

§ 4073. SUPPORT.] When divorce is granted, the court shall make such equitable distribution of the property of the parties thereto as may seem just and proper and may compel either of such parties to provide for the maintenance of the children of the marriage, and make such suitable allowances to the other party for support during life or for a shorter period as to the court may seem just, having regard to the circumstances of the parties respectively; and the court may from time to time modify its orders in these respects.

§ 4074. SECURITY, SEPARATE ESTATE. HOMESTEAD.] The court may require such party to give reasonable security for providing maintenance or making any payments required under the provisions of this chapter and may enforce the same by appointment of a receiver or by any other remedy applicable to the case. But when the wife has a separate estate sufficient to give her a proper support, the court in its discretion may withhold any allowance to her out of the separate property of the husband. The court in rendering the decree of divorce may assign the homestead or such part thereof as may to the court seem just, to the innocent party either absolutely or for a limited period, according to the facts in the case and in consonance with law relating to homesteads. The disposition of the homestead by the court and all orders and decrees touching the alimony and maintenance of either party to a marriage and for the custody, education and support of the children as above provided are subject to revision on appeal in all particulars, including those which are stated to be in the discretion of the court.

REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1911.

## CHAPTER 185.

[S. B. No. 226—Linde]

## DEFENDANT TO PROVIDE FOR TEMPORARY SUPPORT OF PLAINTIFF IN DIVORCE ACTIONS.

AN ACT Giving the Court Authority to Require the Defendant to Provide for the Temporary Support and Maintenance of the Plaintiff in Divorce Actions.

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

§ 1. TEMPORARY SUPPORT AND MAINTENANCE.] In all actions brought to enforce the obligations established by law for the support or maintenance of either party to a marriage in an action of divorce, the court shall have authority, in its discretion to require the defendant therein to pay such sum or sums of money as it may deem necessary for the temporary support and maintenance of the plaintiff and to prosecute the action.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1911.

## CHAPTER 186.

[H. B. No. 9—Burns]

## ISSUANCE OF MARRIAGE LICENSE.

AN ACT to Amend Section 4037 of the Revised Codes of North Dakota for 1905, Relating to Issuing of Marriage License.

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

§ 1. AMENDMENT.] Section 4037 of the revised codes of 1905 of North Dakota is hereby amended to read as follows:

§ 4037. MARRIAGE LICENSE. HOW OBTAINED.] The county judge of each county in this state, when applied to by any person for a marriage license, shall inquire of such person upon oath relative to the legality of such contemplated marriage and he may examine other witnesses upon oath if deemed best; and if any of the persons intending to marry are under age said judge shall require the consent of the parent or guardian, if there is any, personally given, or a certificate of consent signed by such parent or guardian and attested by two witnesses, one of whom shall appear before such judge and make an oath that he saw such parent or guardian sign such certificate; and if said judge shall be satisfied there is no legal impediment

thereto, he shall issue and sign such marriage license and affix his seal, in the form prescribed by law. Provided that the inquiry above mentioned on oath relative to the legality of such contemplated marriage, and the examination of other witnesses upon oath may be taken and sworn to before a notary public, or other officer authorized to administer oaths and if such affidavits are deemed sufficient by the county judge to whom such application is made, such statements and application shall be considered of the same force and effect as if taken personally before said county judge. Provided further that the county judge shall retain on file in his office all papers and records pertaining to such marriage license.

Approved February 11, 1911.

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## MECHANIC'S LIENS

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### CHAPTER 187.

[H. B. No. 433--DeLance]

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#### MECHANIC'S LIEN BILL.

AN ACT to Amend Section 6237 of the Revised Codes of 1905 and Chapter 158 of the Session Laws of 1909, Relating to the Filing of Mechanic's Liens; the Giving of Notice of Furnishing Materials to Contractors and Sub-Contractors.

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

§ 1. AMENDMENT.] Section 6237 of the revised codes of 1905 and chapter 158 of the Session Laws of 1909 of the state of North Dakota is amended to read as follows:

§ 6237. WHO MAY HAVE. FOR WHAT. DUTY OF MATERIAL MAN.] 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 erection, alteration or repair of any building or other structure upon lands or in making any other improvements thereon, including fences, sidewalks, pavings, wells, grades, drains or excavations under a contract with the owner of such land, his agent, contractor or sub-contractor, or with the consent of such owner, shall upon compliance with the provisions of this chapter have for his labor done, or materials, fixtures or machinery 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 said work was done, or the things fur-