

his assigns has a legal counterclaim or any other valid defense against the collection of the whole or any part of the amount claimed to be due on such contract, such judge, may, by an order to that effect, enjoin the vendor or his successor in interest from the cancellation of such contract as herein provided, and direct that all further proceedings for the cancellation be had in the District Court properly having jurisdiction of the subject matter; and for the purpose of carrying out the provisions thereof, service may be made upon the vendor or his assigns or upon his attorney or agent.

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 All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved February 10, 1917.

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## LARCENY

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### CHAPTER 152.

[H. B. No. 340—Lang.]

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#### LARCENY.

An Act Defining the Crime of Using, with Intent to Defraud Proceeds of Payment Made to a Contractor or Sub-Contractor on Any Improvement to Real Estate for Any Other Purpose than the Payment of Labor, Materials, Machinery or Fixtures, Performed or Furnished for such Improvement while the Same Remains Unpaid for, as Larceny, and Defining the Penalty Therefor.

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

§ 1.] Any contractor or sub-contractor on any improvement to real estate within the meaning of Section 6814 of the Compiled Laws of 1913, with intent to defraud, shall use the proceeds of of any payment to him on account of such improvement by the owner of such real estate, or person having any improvement made, for any other purpose than the payment of labor performed upon, or materials, machinery or fixtures furnished for such improvement, while any such labor performed, or materials, machinery or fixtures furnished for such improvement at the time of such payment, remains unpaid for, shall be guilty of larceny of the proceeds of such payment so used.

§ 2. When payment so used in violation of the preceding section is of an amount exceeding twenty dollars (\$20.00), such person shall upon conviction be punished as provided by law for the crime of grand larceny, and when the amount of such payment so used in violation of the preceding section is of an amount to twenty dollars (\$20.00) or less, such person shall upon conviction be punished for petit larceny.

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

Approved March 10, 1917.

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## MARRIAGE LICENSES

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### CHAPTER 153.

[S. B. No. 277—King.]

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#### MARRIAGE LICENSES.

An Act Regulating the Issuance of Marriage Licenses When Either of the Applicants Therefor Have Been Granted a Decree of Divorce.

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

§ 1. The County Judge of each county in this State, when applied to by any person for a marriage license, shall, in addition to the requirements now provided by law, require each of the contracting parties to file an affidavit under oath, setting forth the fact as to whether or not either or both have been divorced, and in case it appears from such affidavits that a decree of divorce has theretofore been granted to either or both of such parties, the county judge shall require a certified copy of such decree or decrees of divorce to be filed with such application.

§ 2. No marriage license shall be issued to such parties which would in any manner contravene any provision contained in such decree or decrees of divorce mentioned in Section 1 hereof.

Approved March 8, 1917.

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## MECHANICS LIEN

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### CHAPTER 154.

[S. B. No. 265—Jacobsen.]

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#### CLERK OF DISTRICT COURT.

An Act Relating to the Duty of the Clerk of the District Court regarding Filing Satisfactions of Mechanics' Liens and providing a Penalty for the Violation thereof.

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

§ 1. Whenever there shall be filed with the Clerk of the District Court a satisfaction of a mechanic's lien as provided in