

CHAPTER 77.

LIENS.

AN ACT Giving Liens to Mechanics, Artisans, and Other Persons upon Personal Property in Certain Cases.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Who entitled to lien.

SECTION 1. That any mechanic, artisan, or other person, who shall make, alter, repair or bestow labor upon any article of personal property, at the request of the owner or party having possession thereof, or who shall furnish materials from which the same is made or repaired, shall have a lien upon all such articles of personal property, for his reasonable charges for the labor performed, or materials furnished and used in such making, alteration, repair, or improvement.

If charges not filed in thirty days.

SEC. 2. If any such charges for which a lien is given by the preceding section, be not filed within thirty days after the same becomes due and payable, the mechanic or other person to whom such lien is given, may apply to any justice of the peace of the county wherein he resides, to appoint appraisers to appraise the several articles of personal property, when such lien is claimed. Such justice shall thereupon appoint by warrant, under his hand and seal, the appraisers being responsible householders of the county, not interested in the matter, to appraise such personal property.

Appraisers sworn.

SEC. 3. The appraisers so appointed, shall be sworn by the justice, to well and faithfully appraise and value all such personal property, and shall thereupon proceed to view and appraise the same, and shall return appraisement, wherein shall be set down each article separately, to the justice, by whom they were appointed, within ten days after their appointment.

Ten days' notice.

SEC. 4. After such appraisement is made, the person to whom such lien is given by the foregoing sections, shall give ten days' prior notice of the time, place, and terms of sale, together with a description of the property to be sold. Such notice shall be personally served upon the owner, or the person from whose possession such property was received, if such owner or person reside within the county; if not, by publication in some newspaper published in the county wherein the person attempting to enforce his lien resides, (or if there be no such newspaper, then by posting in three public places within such county for at least four weeks,)

Personally served.

Publication.

and shall transmit by mail to the owner, at his usual place of abode, if known, a copy of such notice, the notice being personally served, or the service being complete after four weeks, the party claiming a lien, may proceed to sell all such personal property, or as much thereof as may be necessary to pay his claim, at public auction, for cash in hand, at any public place within such county, named in such notice, between the hours of ten a. m. and four p. m. of the day appointed; and from the proceeds may pay the reasonable costs of such appraisement, notice, and sale, and his reasonable charges for which he hath his lien. The residue of the property unsold, he shall surrender unto the owner. .

SEC. 5. No such sale shall be made for less than two-thirds of the appraised value of the article sold, nor except upon due notice, as required by the preceding section. Every such sale made in violation of the provisions of this section shall be absolutely void. Sale for not less than two-thirds.

SEC. 6. At any such sale, the person to whom such lien is given, may become the purchaser. Holder of lien may purchase

SEC. 7. In any case where the property to be sold cannot conveniently be sold in one day, the sale may be continued from day to day, by public outcry, at the place of sale. Upon the completion of such sales, the person to whom the lien is given hereby, shall cause a bill of sale thereof to be filed with the justice of the peace before whom the appraisement was had, in which shall be set down the sum for which each separate article of property was sold, and the name of the purchaser. The justice shall record such bill of sale in his docket, and preserve the original thereof, together with the appraisement. Sale continu'd from day to day.

SEC. 8. Nothing herein contained shall be so construed as to take away the right of action of the party to whom such lien is given for his charges, or for any residue thereof after sale of such property. When right of action not taken away.

SEC. 9. At any such sale, the person to whom such lien is given as herein provided, may appoint a clerk and crier. Clerk and crier.

SEC. 10. Appraisers appointed under the provisions of this act shall receive three dollars per day; justices of the peace shall receive for each warrant of appraisement twenty cents per one hundred words, and the like fees for recording each bill of sale. Clerks and criers at sales made under the provisions hereof, shall receive each three dollars per day. Fees.

SEC. 11. The act shall take effect and be in force from and after its passage.

Approved, December 10, 1869.

AN ACT to Create a Lien for Mechanics and Others in Certain Cases.

Mechanics' lien.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Any person who shall perform any labor, or furnish any material or machinery, for the erection, repair, or removal of any house, mill, manufactory, or other building, or appurtenance, Who may have lien.

by virtue of a contract or agreement, express or implied, with the owner thereof or his agent, shall have a lien to secure the payment of the same, upon such house, mill, manufactory, or other building, or appurtenance, and the lot of land upon which the same shall stand.

Basis of account.

SEC. 2. Every mechanic or other person doing or performing any work, or furnishing any material for the erection, repair or removal of any house, mill, manufactory, or other building or appurtenance, erected, repaired or removed, under a contract or agreement, express or implied, between the owner thereof or his agent, and the builder thereof or other person, whether such work shall be performed, or material furnished as journeyman, laborer, sub-contractor, or otherwise, whose demand for work so done or material so furnished, has not been paid, may deliver to the owner of such building or his agent, an attested account of the amount and value of the work and labor thus performed, or the materials thus furnished and remaining unpaid; and thereupon such owner or his agent, shall retain, out of his subsequent payments to the contractors, the amount of such work and labor, or material furnished, for the benefit of the person so performing or furnishing the same.

Limit of notice to contest.

SEC. 3. Whenever any account of labor performed or material furnished, as referred to in the preceding section, shall be placed in the hands of the owner of any building, or his agent, as above stated, it shall be the duty of such owner or agent to furnish his contractor with a copy of such papers, so that, if there be any disagreement between such contractor and his creditor, they may, by amicable adjustment, or by arbitration, ascertain the true sum due; and if the contractor shall not, within ten days after the receipt of such papers, give the owner or his agent written notice that he intends to dispute the claim, or if, in ten days after giving notice, he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner or his agent shall be justified in paying the same when it becomes due.

SEC. 4. The amount which may be due from any contractor to his creditor may be recovered from said owner by the creditor of said contractor, in an action at law, to the extent in value of any balance due by the owner to his contractor, under the contract with him at the time of the notice first given as aforesaid, or subsequently accruing to such contractor under the same.

Filing of lien,
time.

SEC. 5. Any person entitled to a lien under this act, shall make an account in writing of the items of labor, skill, machinery, and material furnished, or either of them, as the case may be, and after making oath thereto, shall, within sixty days from the time of completing such labor and skill, or furnishing the last item of such machinery and material, file the same in the office of the register of deeds of the county in which the building may be situated, for which such labor, skill, machinery or material shall have been furnished, and shall also file, at the same time, a correct description of the property to be charged with said lien, which account and description of said property, so made and filed, shall be recorded in a separate book to be provided for that purpose,

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and shall, from the time of the completion of the work or furnishing the material, and for one year thereafter, operate as a lien on the several descriptions of structures and buildings, and lots or parcels of land on which they stand, in the first section of this act named. When any labor has been done or materials furnished, as provided, on a written contract, the same, or a copy thereof, shall be filed with the account herein required to be filed; *Provided*, That all lien claims for erecting or repairing any building, doing any labor, or furnishing any material thereon or therefor, shall be concurrent liens upon the same, and the land whereon the same is erected, and shall be paid *pro rata* out of the proceeds arising from the sale thereof, if the same shall be sold.

Lien good one
year.

Proviso.

Concurrent
liens.

SEC. 6. Every person holding such lien may proceed to obtain a judgment for the amount of his account thereon by civil action, and when any suit or suits shall be commenced on such accounts within the time of such lien, the lien shall continue until such suit or suits be finally determined and satisfied, and in all actions instituted under this act, all persons claiming liens upon the property sought to be affected, shall be made parties to such action or proceeding; and the rights of all parties to such action shall be determined by the court, and such order made therein as shall preserve and protect the rights of all such parties, under the provisions of this act.

Action upon
cases where
liens may lie.

SEC. 7. The county registers of deeds, for filing and recording all papers under this act, shall be paid the same fees as are, or hereafter may be, allowed by law for filing and recording deeds.

SEC. 8. When any person who shall have filed his account and perfected his lien, pursuant to the provisions of this act, shall have received satisfaction for his claim, and the legal costs of his proceedings therein, he shall, upon the request of any person interested, and within six days, enter satisfaction of his lien in the office where such account and lien is of record, which shall forever thereafter discharge, defeat and release the same. Satisfaction of lien, entry of.

SEC. 9. If any person having received satisfaction as specified in the preceding section, or having been tendered the amount due on his claim with legal costs, shall not, within six days after request, enter satisfaction as aforesaid, he shall forfeit and pay to the person aggrieved, double the amount of damages which may have been sustained in consequence of such refusal or neglect. Neglect to enter satisfaction.

SEC. 10. Any person who shall make, alter, repair or bestow labor on any article of personal property, (at the request of the owner thereof, or other person authorized by the owner to make such request), shall have a lien on such property so made, altered or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed, and the materials he has furnished; and such person may hold and retain possession of the same, until such just and reasonable charges shall be paid, and if they be not paid within thirty days after the labor shall have been performed, or the materials furnished, such person having such lien may proceed to sell the property by him so made, altered or repaired, or upon which labor has been bestowed, at public auction, by giving public notice of such sale by advertisement for three weeks in some newspaper of general Lien for labor on personal goods or property.

circulation in the county, or by posting up notice of such sale in three of the most public places in the county, three weeks before the time of sale; and the proceeds of such sale shall be applied, first, to the discharge of such lien, and the costs and expenses of selling such property, and the remainder, if any, shall be paid over to the owner thereof, or his legal representative. Sale of property, manner of.

Lien for stor-
age or trans-
portation.

SEC. 11. Any person or corporation being a common carrier, and any person or corporation who shall, at the request of the owner of any personal property, or at the request of any party thereunto lawfully authorized, carry, convey or transport the same from one place to another, and any person who shall safely keep or store any personal property at the request of the owner, or any party thereunto, lawfully authorized, shall have the same lien and the same power of sale for the satisfaction of reasonable charges, upon the same conditions and restrictions as provided in the preceding section. The provisions of this act shall not interfere with any special agreement between the parties.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved, 1st December, 1871.

AN ACT to Create Liens upon Personal Property.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

Shall have
lien on stock,
etc.

SECTION 1. Any ranchman, farmer, agistor or herder of cattle, tavern keeper, or livery stable keeper, to whom any horses, mules, asses, cattle, or sheep, shall be entrusted, for the purpose of feeding, herding, pasturing, or ranching, shall have a lien upon said horses, mules, asses, cattle or sheep, for the amount that may be due, for such feeding, herding, pasturing, or ranching, and shall be authorized to retain possession of such horses, mules, asses, cattle, or sheep, until the said amount is paid; *Provided*, That the provisions of this section shall not be construed to apply to stolen stock.

Common car-
riers shall have
lien upon
property.

SEC. 2. Every common carrier of goods or passengers who shall, at the request of the owner of any personal goods, carry, convey, or transport the same from one place to another, and any warehouseman or other person who shall safely keep or store any personal property at the request of the owner or person lawfully in possession thereof, shall, in like manner, have a lien upon all such personal property, for his reasonable charges for the transportation, storage, or keeping thereof, and for all reasonable and proper advances made thereon by him in accordance with the usage and custom of common carriers and warehousemen.

Mechanics
shall have
lien, etc.

SEC. 3. Any mechanic or other person who shall make, alter, repair, or bestow labor upon, any article of personal property, for the improvement thereof, at the request of the owner of such personal property, or of the materials from which the same is made, shall, in like manner, have a lien upon all such articles of personal property, for his reasonable charges for the labor performed and materials furnished and used in such making, alteration, repair or improvement.

SEC. 4. If any such charges for which a lien is given by the three preceding sections, be not paid after the same become due and payable, the mechanic, innkeeper, agistor, or other person to whom such lien is given, as aforesaid, may apply to any justice of the peace of the county wherein he resides, to appoint appraisers to appraise the several articles of personal property whereon such lien is claimed. Such justice shall thereupon appoint by warrant under his hand and seal, three reputable householders of the county, not interested in the matter, to appraise such personal property.

If lien is not paid, property shall be appraised.

SEC. 5. The appraisers so appointed shall be sworn by the justice, to well and faithfully appraise and value all such personal property, and shall thereupon proceed to view and appraise the same, and shall return their appraisal, wherein shall be set down each article separately, to the justice by whom they were appointed, within ten days after their appointment.

Appraisers shall return appraisal to justice of the peace.

SEC. 6. After such appraisal is made, the person to whom such lien is given by the foregoing sections, may, after giving ten days' prior notice of the time, place, and terms, of such sale, with a description of the property to be sold, by the publication in some newspaper published in the county wherein he resides, (or, if there be no such newspaper, then by posting in three public places within such county) and delivering to the owner of such personal property, or if he do not reside in the county, transmitting by mail to him at his usual place of abode, if known, a copy of such notice, proceed to sell all such personal property, or so much thereof as may be necessary, at public auction, for cash in hand, at any public place within such county, between the hours of ten a. m. and four p. m. of the day appointed, and from the proceeds thereof, may pay the reasonable costs of such appraisal, notice and sale, and his reasonable charges for which he hath his lien. The residue of the proceeds of such property unsold, he shall render unto the owner.

Property shall be sold.

SEC. 7. No such sale shall be made for less than two-thirds of the appraised value of the article sold, nor except upon due notice, as required by the preceding section; every such sale made in violation of the provisions of this section, shall be absolutely void.

Not less than two-thirds, etc.

SEC. 8. At any such sale, the person to whom such lien is given may become the purchaser.

Person holding lien may purchase.

SEC. 9. In any case where the property to be sold cannot conveniently be sold in one day, the sale may be continued from day to day, by public outcry at the place of sale. Upon the completion of such sale the person to whom the lien is given hereby, shall cause a sale bill thereof to be filed with the justice of the peace before whom the appraisal was had, in which shall be set down the sum for each separate article of property sold, and the name of the purchaser. The justice shall record such sale bill in his docket, and preserve the original thereof, together with the appraisal.

Sale bill shall be filed and recorded with the justice.

SEC. 10. Nothing herein contained shall be so construed as to take away the right of action of the party to whom such lien is given, for his charges, or for any residue thereof, after sale of such property. shall not take away right of action.

SEC. 11. At any such sale, the person to whom such lien is given, as herein provided, may appoint a clerk and crier.

Compensati'n of appraisers. SEC. 12. Appraisers appointed under the provisions of this chapter shall receive three dollars per day; justices of the peace shall receive for each warrant of appraisement, one dollar; for receiving and recording each appraisement, twenty cents per one hundred words, and the like fees for recording each sale bill: clerks and criers, at sales made under the provisions hereof, shall receive each three dollars per day.

Mortgage not valid against a lien. SEC. 13. No mortgage on personal property shall be valid as against the rights and interest of any person entitled to a lien under the provisions of this law.

Liens shall be paid *pro rata*. SEC. 14. All lien claims for labor performed in cutting or manufacturing railroad cross ties, wood, poles, lumber, &c., or for doing any labor in reference thereto, shall be concurrent liens upon the same, and shall be paid, *pro rata*, out of the proceeds arising from the sale thereof, if the same shall be sold.

Lien upon railroad cross ties. SEC. 15. Persons entitled to a lien for labor performed in cutting or manufacturing any railroad cross ties, wood, poles, lumber, &c., shall not be required to identify any particular tie or ties, or sticks, poles or boards, but may maintain their lien against any or all of that class of property owned and held by the person or persons from whom their pay for such labor is due, and may seize and sell the same as provided in this act.

Lien not valid against an innocent purchaser, unless, etc. SEC. 16. No lien upon personal property shall be valid as against an innocent and *bona fide* purchaser, unless the person having the right of such lien shall notify said purchaser, before he makes payment for such property, of the existence of such lien, in which case, the purchaser shall be responsible to the person having such lien claim against said property, for the full amount of his claim, and all legitimate costs and expenses, and payment made on such lien claim shall apply on payment for such personal property.

In force. SEC. 17. This act shall take effect and be in force from and after its passage.

Approved, December 13, 1873.

AN ACT giving Liens to Miners and other Laborers in Mines, Coal Banks, and upon Oil Lands.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Lien for labor. SECTION 1. That every miner or other person, who, at the request of the owner of any ledge or lode of quartz-bearing gold, silver, cinnabar or copper, or of any coal bank or mine, shall work in or upon such mine or bank, shall have a lien upon such vein or lode, mine or bank, to the amount due at any time when a demand shall be made upon such owner, or his or their agent for money due for such labor, and payment shall be refused.

Lien for materials. SEC. 2. That any person who shall labor as a mechanic, or otherwise, or who shall furnish timber, lumber, rope, nails, or any other material for timbering shafts [or] levels for the mine, or who

shall furnish any kind of materials for erecting windlass, whim, or other hoisting apparatus upon any vein, mine or coal bank, referred to in the first section, shall also have a lien upon the mine or coal bank for which he furnished such materials, or upon which he performed such labor.

SEC. 3. The party seeking a lien shall proceed, so far as the proceedings are applicable, in the same manner, to enforce a lien as by law required in the case of mechanics and other persons seeking to enforce a lien upon dwelling houses and other buildings, except when other provisions are made by this act.

SEC. 4. When any sum, exceeding ten dollars, for labor performed by any miner, or other person, upon, or in, any mine or coal bank specified in section one of this act, shall be due and unpaid for ten days, it shall be competent for the person or persons to whom such sum of money shall be due, to file a notice in the office of [the] county recorder in the county where such mine is situated, at any time within thirty days after the last day upon which work was done by him; which said notice shall in substance set forth the fact that the party performed labor (naming the kind), for a party or company, (naming the party or company), that such labor was performed under a contract (stating the substance;) also, the time when the party commenced and when he ceased to work, the amount still due and unpaid, together with a description of the mine or coal bank upon which such work was performed, which statement shall be verified by the affidavit of the party so filing it, and when filed, the county recorder shall record the same in a "lien book," the same as required in the case of mechanics' notices of liens.

SEC. 5. The provisions of the next preceding section shall apply to persons who shall furnish materials or work upon any shaft, whim or other hoisting works, who, by complying with the general provisions of such section, shall have a like lien.

SEC. 6. When...

SEC. 6. When notices, as provided in the next two preceding sections, shall be filed, the lien shall hold, not only against the owner of the mine or bank from the time when the miner or other person began work, but against all persons or company who shall have purchased such mine or coal bank while such miner or other person was employed therein, or furnished materials used therein or thereon. Against wh'm liens hold.

SEC. 7. Suit to enforce such lien may be commenced at any time within one year after filing such notice. Suit, when commenced.

SEC. 8. Any owner of any oil well or spring, who shall employ any person to perform any work of any kind around, or about, any oil well or spring, either in building derricks, buildings, or any kind of machinery, or in boring or drilling, shall be deemed within the provisions of this act; and all persons performing labor or furnishing materials, shall have like liens upon oil territory upon which he labored or for which he furnished materials or the improvements thereon, as miners or other laborers upon, or in, mines as provided in this act, and shall proceed in the same manner to enforce a lien. Oil wells.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, December 2, 1869.

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Lien law. AN ACT to Create a Lien for Miners and Laborers in Certain Cases, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Miners or laborers may have lien. SECTION 1. That every miner or other person, who at the request of the owner or owners, or his or their agent, of any lode, lead or ledge of quartz bearing gold, silver, cinnabar or copper, or of any coal bank or mine, shall perform any labor, or furnish any timber, rope, nails or any other material for timbering shafts or levels for the mine, or who shall furnish any kind of material for erecting windlass, whims or any other hoisting apparatus or machinery; shall have a lien upon such lode, ledge, lead, mine or bank to secure the payment of the same.

Account to be made. SEC. 2. Every miner or other person doing or performing any work, or furnishing any material as specified in section one of this act, under a contract or agreement, express or implied, between the owner or owners thereof, or his or their agent, whether such work shall be performed or material furnished as miner, laborer, sub-contractor or otherwise, whose demand for work so done, or material so furnished, has not been paid, may deliver to the owner or owners of such mine, or his or their agent, an attested account of the amount and value of the work and labor thus performed, or the material thus furnished, and remaining unpaid, and thereupon such owner or owners, or his or their agent, shall retain out of his subsequent payments to the contractors the amount of such work and labor, or material furnished, for the benefit of the person so performing or furnishing the same.

Service of notice on mine owner.

SEC. 3. Whenever any account of labor performed or material furnished, as referred to in the preceding section shall be placed in the hands of the owner or owners of any mine, or his or their agent, as above stated, it shall be the duty of such owner or owners, or his or their agent, to furnish his or their contractor with a copy of such papers, so that if there be any disagreement between such contractor and his creditor, they may by amicable adjustment, or by arbitration ascertain the true sum due, and if the contractor shall not, within ten days after the receipt of such papers, give the owner or owners, or his or their agent, written notice that he intends to dispute the claim, or if ten days after giving notice he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner or owners, or his or their agent, shall be justified in paying the same when it becomes due.

Manner of recovery.

SEC. 4. The amount which may be due from any contractor to his creditor, may be recovered from said owner or owners, or his or their agent, by the creditor of said contractor, in an action at law to the extent in value of any balance due by the owner or owners, or his or their agent, to his or their contractor, under the contract with him at the time of the notice first given as aforesaid, or subsequently, according to such contract [or] under the same.

Duty of person entitled to lien.

SEC. 5. Any person entitled to a lien under this act, shall make an account in writing of the items of labor, skill, machinery and

material furnished, or either of them, as the case may be; and after making oath thereto, shall, within sixty days from the time of completing such labor and skill, or furnishing the last item of such machinery and material, file the same in the office of the register of deeds of the county in which the ledge, lead or lode, or bank may be situated, for which such labor, skill, machinery or material shall have been furnished, and shall also file at the same time a correct description of the property to be charged with said lien, which account and description of said property, so made and filed, shall be recorded in a separate book to be provided for that purpose, and shall, for the time of the completion of the work, or furnishing material, and for one year thereafter, operate as a lien on the several descriptions of ledges, leads, lodes, mines or banks in the first section of this act named; when any labor has been done, or labor furnished, on a written contract, the same, or a copy thereof, shall be filed with the account herein required to be filed; *Provided*, That all lien claims for labor performed or material furnished shall be concurrent liens upon the same, and shall be paid *pro rata* out of the proceeds arising from the sale thereof, if the same shall be sold.

Account to be filed with the reg'r. of deeds.

Lien claims to be concurrent.

SEC. 6. Every person holding such lien may proceed to obtain a judgment for the amount of his account thereon, by civil action, and when any suit or suits shall be commenced on such accounts within the time of such lien, the lien shall continue until such suit or suits be finally determined and satisfied, and in all actions instituted under this act, all persons claiming liens upon the property sought to be affected, shall be made parties to such action or proceeding; and the rights of all parties to such action shall be determined by the court and such order made therein as shall preserve and protect the rights of all such parties under the provisions of this act.

Judgments on
liens, how ob-
tained.

SEC. 7. The county register of deeds, for filing and recording all papers under this act, shall be paid the same fees as are, or hereafter may be allowed by law for filing and recording deeds.

Fees of county
register.

SEC. 8. When any person who shall have filed his account and perfected his lien, pursuant to the provisions of this act, shall have received satisfaction for his claim and the legal costs of his proceedings therein, he shall, upon the request of any person interested, and within six days, enter satisfaction of his lien in the office where such account and lien is of record, which shall forever thereafter discharge, defeat and release the same.

Satisfaction of
lien, entry of,

SEC. 9. If any person, having received satisfaction as specified in the preceding section, or having been tendered the amount due on his claim with legal costs, shall not, within six days after request, enter satisfaction as aforesaid, he shall forfeit and pay to the person aggrieved, double the amount of damages which may have been sustained in consequence of such refusal or neglect.

Penalty for
neglect.

SEC. 10. The provisions of this act shall apply to oil wells or springs, and iron mines, so far as the same may be applicable, and to all mines not herein specified, within this Territory.

SEC. 11. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved, 16th December, 1871.