

## CHAPTER 116.

(S. B. No. 26)

## AMENDING ACT OF 1893 RELATIVE TO LIENS FOR LABOR.

AN ACT relating to liens for labor performed, material, provisions and supplies furnished, and amending Sections 1 and 2 of an act entitled, "An act creating and providing for the enforcement of liens for labor and material," approved February 21, 1893, being Sections 5900 and 5901 of Ballinger's Annotated Codes and Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 1 of an act entitled, "An act creating and providing for the enforcement of liens for labor and material," approved February 21, 1893, the same being Section 5900 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

SECTION 1. Every person performing labor upon or furnishing material to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street-railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, has a lien upon the same for the labor performed or material furnished by each, respectively, whether performed or furnished at the instance of the owner of the property subject to the lien or his agent; and every contractor, sub-contractor, architect, builder or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: *Provided*, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall take from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, and material men, and persons who supply such contractors with provisions, all just dues to such persons or to any person to whom any part of such work is given, incurred in carrying on such work, which bond shall be filed

5900 Ballinger

Who may enforce liens.

Bond, for railway construction.

Liability of  
railroad  
company.

by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor.

5901 Ballinger

Liens upon  
land, for im-  
provements.

SEC. 2. That Section 2 of an act entitled, "An act creating and providing for the enforcement of liens for labor and material," approved February 21, 1893, the same being Section 5901 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows: Section 2. The lot, tract or parcel of land upon which the improvement is made or the property is situated, subject to the lien created by Section 1 of this act, or so much thereof as may be necessary to satisfy the lien and the judgment thereon, to be determined by the court on rendering judgment in a foreclosure of the lien, is also subject to the lien to the extent of the interest of the person or company, who in his or its own behalf, or who, through any of the persons designated in Section 1 to be agent of the owner or owners caused the performance of the labor, or the construction, alteration or repair of the property.

Passed the Senate February 9, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 117.

(H. B. No. 239)

### AMENDING BALLINGER'S AND PIERCE'S CODES RELATING TO MILEAGE OF COUNTY COMMISSIONERS.

AN ACT to amend Section three hundred forty of Ballinger's Annotated Codes and Statutes of the State of Washington, same being Section 4121 of Pierce's Washington Code, relating to mileage and expenses of County Commissioners.

*Be it enacted by the Legislature of the State of Washington:*

340 Ballinger.  
4121 Pierce.

SECTION 1. That section three hundred forty of Ballinger's Annotated Codes and Statutes of the State of Wash-