

in determining the value that such improvements have been damaged, all the material carried away by any such person being tried under this act, shall be taken into consideration, providing it shall have been taken, carried away and destroyed within one year from the date of his arrest under this act.

§ 5. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. EMERGENCY.] *Whereas*, An emergency exists in that there is no adequate law governing the provisions of this act now on our statutes, *Therefore* this act shall be in force and effect from and after its passage and approval.

Approved, March 6, 1895.

FARM LABORER'S LIEN.

CHAPTER 63.

[H. B. No. 110.]

FARM LABORER'S LIEN.

AN ACT to Protect Farm Laborers and Giving Them Liens on Crops as Security for Their Wages.

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

§ 1. LIEN FOR WAGES.] Any person who performs services for another in the capacity of farm laborer between the first day of April and the first day of December in any year, shall have a lien on all crops of every kind, grown, raised or harvested by the person for whom the services were performed during said time as security for the payment of any wages due or owing to such person for services so performed, and said lien shall have priority over all other liens, chattel mortgages or incumbrances, excepting, however, seed grain and threshers liens; *Provided, however*, that the wages for which a lien may be obtained must be reasonable, and not in excess of that which is usually charged for the same kind of work in the locality where the labor is performed; *Provided further*, that in case any such person without cause, quits his employment before the expiration of the term for which he is employed, or if he shall be discharged for cause, then he shall not be entitled to a lien as herein provided.

§ 2. LIEN, HOW ACQUIRED.] In order to acquire a lien as specified in section one of this act, the person performing such services shall within ten days after the services are fully performed, file in the office of the register of deeds of the county in which any of the real estate is situated on which any crop is

grown on which a lien is claimed, an affidavit and notice setting forth the terms of the employment, the name of the employers, the time when the services were commenced and when ended, the wages agreed upon if any, and if not agreed upon, then the reasonable value of the same, the terms of payment if any, and a description of the real estate on which any crop is growing or has been grown or harvested on which a lien is claimed, the amount paid him if any, and the amount remaining unpaid, and that said laborer claims a lien for same.

§ 3. FEES FOR FILING.] It shall be the duty of the register of deeds to file and enter said affidavit and notice in the manner required by law for filing and entering chattel mortgages, entering employer as a mortgagor and laborer as mortgagee, and shall be entitled to a fee of ten cents for filing same.

§ 4. HOW FORECLOSED. If the person for whom such services were performed fails to pay for same when due, or if he shall sell, conceal or dispose of the property covered by said lien or any part thereof, then the owner of such lien shall have the right to take full and absolute possession of all the property covered by such lien and sell the same in the manner and upon the notice provided by law for the foreclosure of chattel mortgages, and the costs and fees for foreclosing shall be the same.

Approved, March 11, 1895.

FISH HATCHERY.

CHAPTER 64.

[S. B. No. 169.]

STATE FISH HATCHERY.

AN ACT Entitled "An Act Constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and Providing for the Establishment and Maintenance of a State Fish Hatchery or Hatcheries and Fish Breeding Ponds, and for the Stocking of the Same and the Other Waters of This State with Fish, and Their Protection."

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

§ 1. STATE FISH COMMISSIONER.] The State Superintendent of Irrigation and Forestry is hereby constituted the State Fish Commissioner of North Dakota.

§ 2. DUTY OF THE COMMISSIONER.] It shall be the duty of the State Fish Commissioner of North Dakota to act in conjunction with the United States Commissioner of Fish and Fisheries, and otherwise as his judgment may dictate, by stocking the