

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

waters of this State with fish by distributing in suitable parts thereof such fish as he may deem best adapted to furnish cheap and nutritious food for the people; to establish and maintain a State fish hatchery or hatcheries and such fish breeding ponds as he may deem necessary, and to equip and stock the same with fish; to employ suitable agents to take [charge] of and propagate such young fish and fish eggs as he may require or obtain; to have the entire charge of the fish culture and a general supervision of all the fish of the waters throughout this State and to take such legal steps as shall secure proper protection of the same. *Provided*, Nothing in this act shall be so construed as to make the State of North Dakota liable for the lands, springs or waters secured for a State fish hatchery or hatcheries or fish breeding ponds or for any service rendered by any fish agents or any other person engaged in such work as named in this section.

§ 3. UNLAWFUL TO KILL OR DESTROY—WHEN—FINE AND IMPRISONMENT.] It shall be unlawful for any person to take, catch, kill or destroy with a hook and line or in any other manner whatever, any fish at any time at any of the mill dams, mill races or any of the fishways, sluices, or aprons in any of the waters of the State, or within five hundred feet measured from the same up stream, or within five hundred feet measured from the same down stream, or to cut open the ice and remove any fish from the waters through the openings thus made, or remove fish from any of the waters of this State at any time by means of spearing, seines, nets or any other device, or by any other manner, except with a hook and line, and in no event shall the number of fish taken, caught or killed by any one person exceed twenty-five fish in any one day. Whoever shall offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of no less than ten dollars and no more than twenty-five dollars, and cost of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or both fine and imprisonment in the discretion of the court, for each and every fish thus taken, caught, killed or destroyed contrary to the provisions of this section.

§ 4. DUTY OF PEACE OFFICER.] Every seine, net or other unlawful device used or intended to be used to catch, take, kill or destroy any fish in this State contrary to the laws thereof is forfeited to the State, and it is the duty of every peace officer of this State to seize and destroy any such device whenever the same is being used in the violation of this act.

§ 5. REPORT OF COMMISSIONER—WHEN.] Two months previous to the meeting of the Legislative Assembly, the State Fish Commissioner of North Dakota shall make a report to the Governor of this State giving an account of the doings of his office, together with such recommendations as in his judgment may best promote fish culture in this State.

§ 6. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 7. EMERGENCY.] *Whereas* the present laws of the State of North Dakota do not make proper provision for the stocking of the waters of this State with fish, nor for their protection, and it being important that the same should be at once furnished, *Therefore*, this act shall take effect and be force from and after its approval.

Approved, March 20, 1895.

GARNISHMENT.

CHAPTER 65.

[H. B. No. 145.]

ESTABLISHING A GARNISHMENT LAW.

AN ACT Entitled an Act to Establish a Garnishment Law For the State of North Dakota.

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

§ 1. CREDITORS MAY PROCEED.] Any creditor shall be entitled to proceed by garnishment, in any court having jurisdiction of the subject of the action, against any person (except a public corporation) who shall be indebted to, or have any property whatever, real or personal, in his possession or under his control belonging to such creditor's debtor, in the cases, upon the conditions and in the manner prescribed in this chapter. The term plaintiff is used in this chapter to embrace every judgment creditor, and the term defendant a judgment debtor.

§ 2. METHOD OF PROCEDURE.] Either at the time of the issuing of a summons, or at any time thereafter before final judgment, in any action to recover damages founded upon contract, express or implied, or upon judgment or decree, or at any time after the issuing, in any case, of an execution against property, and before the time when it is returnable, the plaintiff, or some person in his behalf, may make an affidavit stating that he verily believes that some person, naming him, is indebted to, or has property, real or personal, in his possession, or under his control, belonging to the defendant, or either or any of the defendants, in the action or execution, naming him, and that such defendant has not property in this State liable to execution, sufficient to satisfy the plaintiff's demand, and that the indebtedness or property mentioned in such affidavit is to the best of the knowledge and belief of the person making such affidavit, not by law exempt