

and the garnishment proceedings shall be deemed discontinued, and any money or property paid or delivered to any officer, shall be surrendered to the person entitled thereto, and the costs shall be taxable as disbursements of the plaintiff in the action, if he recovers.

§ 21. COSTS—DISCRETION OF COURT.] In case of the trial of an issue between the plaintiff and any garnishee, costs shall be awarded to the plaintiff, and against the garnishee, in addition to his liability, if the plaintiff recovers more than the garnishee admitted by his answer; and if he does not, the garnishee shall recover costs of the plaintiff. In all other cases, under this chapter, not expressly provided for, the court may award costs in favor of or against any party, in its discretion. When there is no issue for trial, and any liability on the part of the garnishee is disclosed, the costs of the garnishment proceedings shall be taxed for the plaintiff, if he recovers, as disbursements in the principal action.

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 All acts or parts of acts in conflict with this act are hereby repealed.

Approved, March 11, 1895.

GEOLOGICAL SURVEY.

CHAPTER 66.

[S. B. No. 44.]

GEOLOGICAL SURVEY OF NORTH DAKOTA.

AN ACT To Provide for a Geological and Natural History Survey of the State of North Dakota.

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

§ 1. DUTY OF TRUSTEES OF UNIVERSITY.] It shall be the duty of the board of trustees of the university of North Dakota to cause to be begun as soon as may be practicable, and to carry on a thorough geological and natural history survey of the State.

§ 2. EXTENT OF THE SURVEY.] The geological survey shall be carried on with a view to a complete account of the mineral kingdom; as represented in the State, including the number, order, dip and magnitude of the several geological strata, their richness in ores, coals, clays, peats, salines and mineral waters, marls, cements, building stones and other useful materials, the value of said substance for economical purposes, and their accessibility; also an accurate chemical analysis of the various rocks, soils, ores, clays, peats, marls and other mineral substances; of which complete and exact record shall be made.

§ 3. METROLOGICAL STATISTICS TABULATED.] The said board of trustees shall also cause to be collected and tabulated such metrological statistics as may be needed to account for the varieties of climate in the various part of the State; also to cause to be ascertained by barometrical observations or other appropriate means, the relative elevations and depressions of the different parts of the State; and also, on or before the completion of the said surveys, to cause to be compiled from such actual surveys and measurements as may be necessary an accurate map of the State; which map when approved by the governor, shall be the official map of the State.

§ 4. SPECIMENS COLLECTED.] It shall be the duty of said board of trustees, to cause proper specimens, skillfully prepared, secured and labeled, of all rocks, soils, ores, coals, fossils, cements, building stones, plants, woods, skins and skeletons of animals, birds, insects and fishes, and other mineral, vegetable and animal substances and organisms discovered or examined in the course of said surveys, to be preserved for public inspection free of cost, in the university of North Dakota, in rooms convenient of access and properly warmed, lighted, ventilated and furnished, and in charge of a proper scientific curator; and they shall also whenever the same may be practicable, cause duplicates in reasonable numbers and quantities of the above named specimen, to be collected and preserved for the purpose of exchanges with other state universities and scientific institutions, of which latter the Smithsonian institution at Washington shall have the preference.

§ 5. MAP OF THE STATE.] The said board of trustees shall cause a geological map of the State to be made as soon as may be practicable, upon which by colors, and other appropriate means and devices, the various geological formations shall be represented.

§ 6. ANNUAL REPORT OF TRUSTEES.] It shall be the duty of the said board of trustees, through their president, to make on or before the second Tuesday in December of each and every year, a report showing the progress of the said surveys, accompanied by such maps, drawings and specifications as may be necessary and proper to exemplify the same to the Governor, who shall lay the same before the Legislature; and the said board of trustees upon the completion of any separate portion of any of the said surveys, shall cause to be prepared a memoir or final report which shall embody in a convenient manner all useful and important information accumulated in the course of the investigation of the particular department or portion; which report or memoir shall likewise be communicated through the Governor to the Legislature.

§ 7. STATE GEOLOGIST.] The professor of geology in the university of North Dakota shall be *ex-officio* State Geologist.

Approved, February 26, 1895.