

Fish.

CHAPTER 60.

AN ACT to Protect the Passage of Fish in the Dakota, Sioux and Sheyenne Rivers.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. PERSONS BUILDING OR OWNING DAMS TO MAKE PASSAGE WAY FOR FISH.] There shall be erected and maintained by the owner or owners of any dam across the Sioux, Dakota and Sheyenne rivers, a fishway, at least one foot in depth at the edge of dam, and of proper width, to allow all fish endeavoring to migrate to the waters of said rivers above the dam, to pass over the same. The said fishway shall be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dam, and it shall be protected on each side by an apron at least one foot in height, to confine the waters therein. Said fishway shall be constructed under the supervision of the county commissioners of the counties where said dams are located, and be located at such place in said dam, and built in such manner and of such material as they may direct; *Provided*, That the provisions of this act shall not apply to mill dams already in existence on the Sioux river as long as they are in good repair, but whenever such dams need reconstruction the provisions of this act shall be in full force.

§ 2. WHEN COMMISSIONERS OF COUNTY MAY BUILD FISHWAY.] Whenever the owner or occupant of any such dam neglects or refuses to construct such fishway or chute over the same, the commissioners of the county in which such dam is situated shall proceed on notice to them in writing, made by five freeholders of the county, to let the work of erecting such fishway or chute, and providing material therefor, to the lowest responsible bidder, and all expenses attendant upon the erection or maintenance of the same shall be paid by the owner or the occupant of the dam, [and] shall be recovered in the name of the person so building such fishway or chute, upon the acceptance of the same by the county commissioners; and if not paid by said dam owners or occupants, the same shall become a lien on said property, and shall be collected as is provided in enforcing mechanics' liens.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

[§ 4.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1885.

Fuel.

GOVERNING THE TRANSPORTATION.

CHAPTER 61.

AN ACT to Regulate the Receiving and Transportation of fuel on Railroads in this Territory.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. RAILWAY COMPANY REQUIRED TO TRANSPORT FUEL.] Any railroad company doing business in this Territory, when desired by any person wishing to ship coal or other fuel over its road, shall receive and transport such coal or other fuel in bulk, within a reasonable time, and permit the same to be loaded either on its track near the depot or at any warehouse or side-track without any distinction, discrimination or favor between one shipper and another, and without discrimination or distinction as to the manner in which such coal or other fuel is offered for transportation, or as to the person, warehouse or place, where or to which it may be consigned. Every railroad company shall permit connections to be made and maintained in a reasonable manner with its track to and from any coal mine adjacent to or near any station or side track on its line, *Provided, however,* That such railroad company shall not be required to pay the cost of making or maintaining said connections or of the siding or switch track necessary to make the same: and, *Provided, further,* That a majority of the railroad commissioners shall direct such railroad to make such connections and siding.

§ 2. NO DISCRIMINATION.] No railroad corporation shall charge, demand or receive from any person, company or corporation, for the transportation of coal or other fuel, a greater sum than it shall at the same time charge, demand or receive from any other person, company or corporation for a like service from the same