

SEC. 2. The several sums hereby appropriated for replacing and repairing boilers, for clothes-wringer and mangle, and for general contingent fund, may be drawn and expended by the board of trustees of said hospital. How drawn.

SEC. 3. The sum of five hundred dollars, appropriated by chapter 90, laws of the seventeenth general assembly, for the purpose of repairing road on the south side of farm, may be expended under the directions of the board of trustees on the road east of the hospital. \$500 for road, may be used on road east of hospital.

SEC. 4. The money appropriated by this act for finishing and furnishing sections 3 and 4 of the south wing, shall be expended in accordance with the provisions of chapter 120 of the laws of the thirteenth general assembly, and the act of which that is amendatory. Money appropriated for sections 3 and 4 of south wing drawn under Chap. 120, 13th G. A.

SEC. 5. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Buchanan County Bulletin, and Iowa State Leader, a newspaper published in Des Moines, Iowa. Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 31, and in the *Buchanan County Bulletin*, April 2, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 123.

### FISH-WAYS.

AN ACT to Provide for the Further Enforcement of Chapters 80 and 188, of the Acts of the Seventeenth General Assembly, in Relation to the Construction and Attachment of Fish-Ways to Dams. Sub. S.F. 196.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That within thirty days after the passage and publication of this act, each clerk of the board of supervisors, in any county in this state in which there is any dam constructed across any stream therein, shall notify the state fish commissioner of the height of each dam in his county, the width of the stream where the dam is constructed, the character of the foundation upon which each dam rests, and shall give to him all other information necessary to convey to said commissioner an intelligent understanding of the situation and location of each dam in said county. Clerk of board of supervisors to notify fish commissioner within 30 days of height and location of dam.

Commissioner shall acknowledge receipt of notice and send model.

SEC. 2. That within thirty days after the receipt of said notice, the state commissioner shall acknowledge the same by mail, and within thirty days from that date, the said commissioner shall send through the United States mail, or by express, to the clerk of the said board of supervisors, plans and specifications, also one model for each county to be retained by the auditor for reference, suitable for the construction of a fish-way for each dam reported as aforesaid, and the expenses connected therewith to be paid by the county receiving the same, and the said clerk shall, immediately on the receipt of said plans and specifications, cause a notice to be served in the same manner as required for the service of original notices and returned to the auditor for preservation; which notice shall be directed to the owner, agent or party in charge of the dam, and which shall inform said owner, agent or party that model, plans and specifications are in his office, subject to his inspection, for the construction of a fish-way to said dam, and that, unless he consult the same and comply therewith within sixty days, the county will proceed to construct the same, and the costs and penalties therefor will be made a tax lien on the entire premises on which such dam is situated.

Clerk shall serve notice on party in charge of dam.

Board of supervisors shall construct dam where party fails to do so and collect costs and penalty.

SEC. 3. If, within sixty days after the service of said notice, the owner, agent or party in charge shall fail to construct and attach a fish-way to such dam, as required by the commissioner, then the county board of supervisors shall immediately proceed to construct and attach the same, and when so constructed and attached, the original cost and twenty per cent thereon as a penalty shall be entered upon the tax books of the county, and shall be a lien on said property, to be collected in the same manner as provided by law for the collection of other taxes.

May issue warrants.

SEC. 4. To carry out any of the provisions of this act, the county board of supervisors may issue county warrants for the payment of such expenditures and expenses, and when the said taxes are paid the said warrants and all accrued interest thereon shall be refunded to the county, and the balance, after paying the clerk and state commissioner and board of supervisors for their services and for the service of said notice, shall be paid over to the county treasurer to become a part of the school fund of the county.

Shall visit each dam in April and September.

SEC. 5. Some one of the county board of supervisors, in the first week in April and September of each year, shall visit each dam in his county, to which fish-ways are attached, and require the party in charge to keep the same in good repair, and if he fails or for any reason shall neglect to repair the same within ten days after notice so to do, the said supervisor shall immediately cause the needed repairs to be made at the expense of the county, and the costs thereof, with a penalty of twenty-five per cent added, shall become a lien on the premises, and shall be collected as other taxes are collected against the property.

SEC. 6. The said clerk and state fish commissioner and board of supervisors shall keep an accurate and itemized account of their expenditures, and report the same under oath to the county board of supervisors at any regular meeting, and the said board shall thereupon allow such reasonable compensation for their services as they may consider reasonable and just, to be paid out of any money in the county treasury not otherwise appropriated.

Clerk and others keep an itemized account of expenditures: paid by the board.

SEC. 7. Any person who shall kill, trap, ensnare, detain, or in any manner molest the free and unmolested passage of any fish within one hundred yards of any dam, or in their transit through any fish-way attached or belonging thereto, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall pay a fine for each offense of not less than five nor more than fifty dollars, and five dollars to the complaining witness, together with costs of prosecution, including an attorney fee not exceeding ten dollars, and stand committed until the same are fully paid; and when said fine shall be collected the same shall be paid over to the county treasurer, to become part of school fund.

Penalty for molesting fish within one hundred yards of a dam.

SEC. 8. If any member of any board of supervisors shall, by vote or act, neglect or refuse to enforce the provisions of this act, he shall be adjudged guilty of a misdemeanor, and upon the complaint of any person before any justice of the peace having jurisdiction thereof, if he be convicted he shall pay a fine of not less than twenty nor more than one hundred dollars and costs for each offense, and when collected the same shall be paid over to the county treasurer, to become a part of school fund of the county.

Penalty for members of board refusing to enforce this act.

SEC. 9. Nothing in this act shall be construed to repeal any part of chapters 80 and 188 of the acts of the seventeenth general assembly of the state of Iowa.

Does not repeal.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, two newspapers published in the city of Des Moines, Iowa.

Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.