

## CHAPTER 50.

## CARE AND PROPAGATION OF FISH.

H. F. 222. AN ACT to Provide for the Appointment of a Board of Fish Commissioners for the Construction of Fish-ways, for the Protection and Propagation of Fish, and to Repeal Sections 4052 and 4053, and to Amend Section 4054 [Code, Title XXIV., Chapter 2, relating to Offenses against Public Policy].

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the governor of the state is hereby authorized and required to appoint three competent persons who shall be known as the State Fish Commissioners, who shall hold their positions for the period of two years, and any vacancies occurring in said commission by death, resignation, or otherwise, shall, for the unexpired term be filled by the appointment and commission of the governor. The general duties of the said commissioners, in addition to other duties prescribed by this act, shall be to forward the restoration of fish to the rivers and waters of this state, and to stock the same with fish as they may be supplied with means for that purpose by the United States fish commissioners and by societies and individuals interested in the propagation of fish in the waters of the state.

State fish commissioners appointed by governor.

Vacancy.

Duties.

To examine methods of securing passage of fish up dams, and to report to general assembly.

Fish-ways  
Stocking  
streams.

Pay \$200 each per annum.

To enforce this act.

District-attorney.

SEC. 2. It shall also be the duty of the fish commissioners to make an examination of the various improved fish-ladders, fish-ways, and of the methods necessary to be used to secure the passage of migratory fish up through or over the dams now constructed in the state, and to report to the next general assembly, through the governor, the cost of construction of the various improved methods with the applicability thereof to the streams of the state, with such other information as in their judgment may be proper, with the cause or causes of the decrease of fish in the streams of the state, and the means that must be used to secure fish in abundance therein; and to report also what arrangements it will be necessary to make with the owners of mill-dams now constructed to secure the construction of fish-ways in such dams without doing injustice to the owners of such dams and to report generally such facts in connection with the construction of fish-ways and the stocking of the streams of the state with fish as in their opinion may be needed for the information of the general assembly.

SEC. 3. Said fish commissioners shall receive in full compensation for their services, two hundred dollars each per year, and no more, which salary shall be paid out of the state treasury from any money therein not otherwise appropriated.

SEC. 4. It shall also be the duty of said fish commissioners to see that the provisions of this act are enforced, and for that purpose they shall have the right to call to their assistance any prosecuting attorney, to prosecute all violations of this act in the judicial district, where such violation occurs.

SEC. 5. It shall be the duty of any person or persons, or cor-

porations, hereafter erecting or constructing any dam in any of the rivers within the state, or their tributaries accessible to migratory fishes, to put in or upon the same, fish-ways, under the direction and approval of said fish commissioners, without which every such dam shall be deemed a public nuisance, and liable to be abated upon the information of any one complaining; and the person or persons constructing a dam, in violation of this section, shall be liable to a fine of ten dollars for each day such dam shall be continued without a fish-way, such as shall be required by the commissioners under this act.

Dams hereafter constructed to have fish-ways, to be approved by commissioners.  
 Otherwise nuisances.  
 Fine or violation.

SEC. 6. No person shall place, erect, or cause to be placed or erected across any of the rivers, creeks, ponds, or lakes, within the state, any dam, seine, net, weir, fish-dam, or other obstruction in such manner as shall hinder or obstruct the free passage of fish up or down through such water or water-courses; and from and after the passage of this act it shall be unlawful for any person to use any seine or net for the purpose of catching fish, except minnows, in any of the waters of the state, the meshes of which seine are less than two inches, and no person shall be permitted to seine any fish except during the months of July, August, and September, except minnows.

Obstructions preventing free passage of fish prohibited.  
 Seine or net.  
 When prohibited.

SEC. 7. Any person found guilty of the violation of the provisions of section six of this act shall on conviction before a justice of the peace of the township in which he resides, or where the offense be committed if arrested therein, be fined not less than ten nor more than fifty dollars for the first offense, and for the second or any subsequent offense not less than twenty dollars, and shall stand committed till such fine be paid.

Fine for violation of sec. 6.

SEC. 8. No person shall place in any of the waters of the state any lime, ashes, drug, or medicated bait, with intent thereby to injure, poison, or catch fish. Any person violating the provisions of this section shall be punished as provided in section seven of this act.

Lime, drugs, &c. with intent, &c., prohibited.

SEC. 9. It shall not be lawful to fish with nets or any other method of entrapping fish, except with hook and line, or spear, in the ordinary manner of fishing, within half a mile of any dam in which there is or may be constructed a fish-way, for the purpose of the passage of fish up and down any stream in the state. Any person found guilty of the violation of the provisions of this section shall, on conviction, be fined as provided in section seven of this act.

Fishing within half mile of fish-way, except with hook and line or spear unlawful.

SEC. 10. Sections 4052, 4053, and all after the word "dollars" in the eighth line of section 4054, are hereby repealed.

Code: §§ 4052, 4053, and part of 4054 repealed.

SEC. 11. This act being deemed of immediate importance shall take effect and be in force from and after its publication, according to law, in *The Daily State Register*, and *The Daily Iowa State Leader*, newspapers published at Des Moines, Iowa.

Publication clause.

Approved March 19th, 1874.

I hereby certify that the foregoing act was published at Des Moines in *The Iowa Daily State Leader* March 27, and in *The Iowa Daily State Register* March 31, 1874.

JOSIAH T. YOUNG, Secretary of State.