

Mr. Butler, from the Committee on Fish and Game, submitted the following report:

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred House File No. 199, a bill for an act to provide for the preservation of, and better distribution of fish, by erection of fishways in dams not already provided for, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it do pass.

J. H. BUTLER, *Chairman.*

HOUSE FILE NO. 199.]

[HADLEY.

A BILL

FOR AN ACT TO PROVIDE FOR THE PRESERVATION OF, AND BETTER DISTRIBUTION OF FISH, BY ERECTION OF FISHWAYS IN DAMS NOT ALREADY PROVIDED FOR.

SECTION 1 *Be it enacted by the General Assembly of the State of Iowa,* It shall be the duty of commissioner of fisheries, to order fishways to be placed in all dams of rivers wherein, in their judgment, they may deem such fishways necessary for the better distribution and preservation of fish.

SEC. 2. It shall be the duty of the commissioners appointed under this act, when they shall have determined upon the method and plan for fishways, to submit and furnish a copy of the plan adopted for each dam to the proprietors thereof, and shall file a copy of each of such plans in the office of secretary of state, with an affidavit of the fact that the same has been furnished to said proprietors, which affidavit shall be full proof of the facts therein stated.

SEC. 3. Said fish commissioners shall notify the several proprietors of said dams to construct said fishways according to the plans adopted, at their own expense, and such fishways shall be constructed within such reasonable time as said commissioners shall prescribe, and according to said plans, with such minor variations therein as said commissioners shall approve; the said commissioners shall certify said construction to the secretary of state. -

SEC. 4. When said fishways shall have been constructed as aforesaid, the commissioner under

2 this act shall prescribe in writing the times when the same shall be kept open and unobstructed,
3 with power to change such times as they may deem judicious, and a copy of such prescriptions
4 shall be served on each of such proprietors, and the certificate of said commissioners of the man-
5 ner in which the same have been served shall be full proof of the fact.

SEC. 5. If any proprietor of any dam shall refuse or neglect for the period of thirty days
2 from the time said commissioner shall have furnished said proprietor with the plan, as herein pro-
3 vided, to agree with said commissioners for the building at, over or around his dam of the fishway
4 prescribed by the plan furnished such proprietor by said commissioners, then said commissioners
5 shall be authorized to contract, on behalf of this state, for the construction of the fishway at, over
6 or around the dam of said proprietor so refusing or neglecting, and said commissioners shall there-
7 upon cause such fishway to be constructed with all reasonable dispatch, and the expenses thereof
8 shall be a charge against the owner of such dam, and the same may be recovered of said propri-
9 etor in an action of contract in the name of the state, with costs and twelve per cent. interest on
10 the amount of such expense, from the time when the same shall have been demanded of such
11 proprietor by said commissioners.

SEC. 6. Any person who shall neglect or refuse to keep open or maintain any fishway at the
2 times prescribed by the commissioners under this act, shall forfeit the sum of fifty dollars for
3 each day's neglect or refusal so to keep open or maintain said fishways, to be recovered by indict-
4 ment in the county or district where said dam or any part thereof is situated, one half thereof to
5 the use of the complainant, and the other half to the use of the county fund in the county or
6 counties where such dam or dams may be situated.

SEC. 7. This act being deemed of immediate importance, shall take effect and be in force from
2 and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers published
3 at Des Moines, Iowa.

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SECTION 1. *Be it Enacted by the General Assembly of the State of Iowa,* It shall be the duty of Commissioner of Fisheries, to order fish ways to be placed in all dams of rivers wherein in their judgment they may deem such fish-ways necessary for the better distribution and preservation of fish.

SEC. 2. It shall be the duty of the commissioners appointed under this act, when they shall have determined upon the method and plan for fish-ways, to submit and furnish a copy of the plan adopted for each dam to the proprietors thereof, and shall file a copy of each of such plans in the office of the secretary of state, with an affidavit of the fact that the same has been furnished to said proprietors, which affidavit shall be full proof of the facts therein stated.

SEC. 3. Said fish commissioners, shall notify the several proprietors of said dams, to construct said fish-ways according to the plans adopted, at their own expense, and such fish-ways shall be constructed within such reasonable time as said commissioners shall prescribe, and according to said plans, with such minor variations therein as said commissioners shall approve; the said commissioners shall certify said construction to the secretary of state.

SEC. 4. When said fish-ways shall have been constructed as aforesaid, the commissioner under this act shall prescribe in writing the times when the same shall be kept open and unobstructed, with power to change such times as they may deem judicious, and a copy of such prescriptions shall be served on each of such proprietors, and the certificate of said commissioners of the manner in which the same have been served shall be full proof of the fact.

SEC. 5. If any proprietor of any dam shall refuse or neglect for the period of thirty days from the time said commissioner shall have furnished said proprietor with the plan, as herein provided to agree with said commissioners for the building at, over or around his dam of the fish-way prescribed by the plan furnished such proprietor by said commissioners, then said commissioners shall be authorized to contract on behalf of this state for the construction of the fish-way at, over or around the dam of said proprietor so refusing or neglecting, and said commissioners shall thereupon cause such fish-way to be constructed with all reasonable despatch, and the expense thereof shall be a charge against the owner of such dam, and the same may be recovered of said proprietor in an action of contract in the name of the state, with costs and twelve per cent. interest on the amount of such expense, from the time when the same shall have been demanded of such proprietor by said commissioners.

SEC. 6. Any person who shall neglect or refuse to keep open or maintain any fish-way at the
2 times prescribed by the commissioners under this act, shall forfeit the sum of fifty dollars for each
3 days neglect or refusal so to keep open or maintain said fish-ways, to be recovered by indictment
4 in the county or district where said dam or any part thereof is situated, one-half thereof, to the
5 use of the complainant, and the other half to the use of the county fund in the county or counties
6 where such dam or dams may be situated

SEC. 7. This act, being deemed of immediate importance, shall take effect immediately after
2 its publication in the *Iowa State Leader* and *Iowa State Register*, newspapers published at Des
3 Moines, Iowa.