

CHAPTER 69.

VAGRANTS.

S. F. 32. AN ACT to Restrain Vagrancy and Common Beggary.

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

Male va-
grants to be
kept at hard
labor.

SECTION 1. That if any male person, physically able to perform manual labor, shall be found in a state of vagrancy, or practicing common begging, he shall, on conviction thereof, be fined in any sum not exceeding fifty dollars, and sentenced to hard labor in the jail of the county, for which labor *they* [he] shall receive a credit at the rate of seventy-five cents per day until said fine and cost of prosecution, and accruing costs, shall be paid.

Duty of
boards of su-
pervisors.

SEC. 2. The board of supervisors of the several counties are hereby authorized to provide for carrying the provisions of the foregoing section into effect, for which purpose they may, by order entered upon their journals, declare that the jail shall extend to and include the lands of the proper county, and every form and kind of labor commonly performed therein by male persons.

To take effect.

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

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 70.

RELATING TO THE PROPAGATION OF FISH.

H. F. 101. AN ACT to Promote Fish Culture in the State of Iowa, and amend Chapter Fifty, of the Laws of the Fifteenth General Assembly, Enlarge and Define the Duties of Fish Commissioner, and Appropriate money to carry out the Provisions of this act.

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

Duty of com-
missioner.

SECTION 1. That it is hereby made the duty of the fish commissioner to proceed without unnecessary delay to distribute among the several counties in the state, fairly and as equally as in the judgment of the commissioner may be to the best interest of the state, all the fish now on hand at the state hatching house

at Anamosa, that are now ready and fit for distribution; *provided*, always, that counties that have heretofore been partially supplied shall receive less, in proportion to the numbers they have heretofore received.

SEC. 2. That said commissioner is hereby further authorized and empowered to procure and distribute among the several counties of the state during the year 1876, 500,000 live eels, in such lakes, ponds or water courses, throughout said counties, as in the judgment of the fish commissioner are best adapted to the increase and support of the same; said eels to be procured of the United States fish commission, or from such other source or sources as are most expedient and of the least expense to the state; and that all fish that may be hereafter bred or hatched at the state hatching house at Anamosa, shall, as soon as the same are ready and fit for distribution, be distributed among the several counties, and at such seasons as the fish commissioner shall deem best adapted to the preservation and increase of the same; *provided*, that not more than one thousand dollars shall be used for this purpose.

500,000 eels to be distributed at discretion of commissioner.

Distribution of fish.

SEC. 3. That during the years 1876 and 1877, the fish commissioner shall have the power to expend one thousand dollars of the money hereinafter appropriated, in facilitating the increase of the number of fish that are natives of the waters of this state, and in such ways and manner as in the judgment of said commissioner shall be most conducive to that end.

May expend for increase of native fish.

And be it further enacted, That sections 6 and 7, of chapter 50 of the laws of the fifteenth general assembly be amended to read as follows:

§ 6 and 7, chapter 50, 15th G. A. amended.

SEC. 6. No person shall place, erect, or cause to be placed or erected, across any of the rivers, creeks, ponds or lakes of this state, any dam, seine, weir fish dam or other obstruction, in such manner as to prevent the free passage of fish up or down through such water courses, unless otherwise ordered by the commissioner; 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 that are natives of the waters of the state; *provided*, always, that it shall be lawful for the fish commissioner to take fish in any of the public waters at any time, and by any method, for the purpose of propagation, or for the purpose of exchanging with fish commissioners of other states or of the United States. Nothing in this section shall be so construed as to prohibit the erection of dams for manufacturing purposes, as now provided by law.

Obstructions to free passage of fish prohibited.

Seine or net prohibited.

Proviso.

SEC. 7. Any person found guilty of a violation of the provisions of section six of this act, shall upon conviction before a justice of the peace, be fined not less than five 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 until such fine be paid.

Fine for violation of section 6.

SEC. 4. Persons raising or propagating fish on their own premises, or owning premises on which there are waters having no natural outlet, supplied with fish, shall absolutely own said fish, and any person taking fish therefrom, or attempting to take fish

Fish in waters on property belonging to private parties.

therefrom, without the consent of the owner, or his agent, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars, nor less than five dollars, or imprisoned in the county jail not more than thirty days, and shall be liable to the owners of the fish in damages in double the amount of damages sustained, the same to be recovered in a civil action before any court having jurisdiction over the same.

SEC. 5. That for the purposes of carrying out the provisions of this act, there is hereby appropriated out of any money belonging to the state, and not otherwise appropriated, the sum of eight thousand seven hundred and fifty dollars, (\$8,750) or so much thereof as may be necessary to carry out the provisions of this act, and chapter fifty of the laws of the fifteenth general assembly on the same subject; *provided*, that the said eight thousand seven hundred and fifty dollars (\$8,750) shall be under the control of the executive council, as provided in section one, of chapter seventy-four, of the private, local, and temporary laws of the fifteenth general assembly.

And provided further, That the fish commissioner make a detailed, itemized, and sworn statement to said executive council on or before the 15th day of November, 1876, and annually thereafter, showing the amount of money expended, for what purpose or purposes expended; the number and kind of fish distributed, and when and where distributed, together with such general information on the subject of fish culture as said commissioner may think proper; and upon the submission of such report, and each subsequent report, the executive council shall cause to be printed 2,000 copies thereof; and when so printed shall transmit by mail not less than fifteen of said reports to the auditor of each county in this state for general distribution.

SEC. 6. It shall be unlawful to catch and kill any bass or wall-eyed pike between the first day of April and the first day of June, or any salmon or trout between the first day of November and the first day of February, of any year, in any manner whatever.

SEC. 7. Any person found guilty of a violation of section 6 of this act, shall, on conviction before a justice of the peace, be fined not less than five dollars nor more than twenty-five dollars for each offense, and shall stand committed until such fine be paid.

SEC. 8. The commissioner is further authorized to purchase on behalf of the state a certain piece of land situated in Jones county, said to contain twenty acres, upon which the state fish hatching house is located, and pay therefor the sum of three hundred and sixty dollars, and take a deed of said land in the name of the state of Iowa, and have the same recorded in the proper office for the record of such deed.

SEC. 9. The commissioner may, with the consent of the executive council employ a person as superintendent and secretary who may be one of the said commissioner[s], whose duties shall be to attend to the correspondence and accounts of the commission, supervise the obtaining of ova, the hatching and distribution of

\$8,750 appropriated to carry out provisions of this act.

To be under control of executive council.

To whom the commissioner shall make sworn statement.

2000 copies of which are to be printed.

When it shall be unlawful to kill certain fish.

Fine for violation of section 6.

Commissioner to purchase certain land.

Superintendent.

fish, and such other duties as the commissioner may from time to time prescribe.

SEC. 10. *Provided*, that nothing herein contained shall be held to apply to fishing in the Mississippi and Missouri rivers. Proviso.

SEC. 11. All acts or parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 12. That section 1, of chapter 50, of the laws of the 15th general assembly be amended by striking out of the second and third lines thereof, the words "three competent persons who shall be known as fish commissioners," and inserting in lieu thereof the words "one competent person who shall be known as fish commissioner," and that said act be so amended as to read and apply to one commissioner, instead of commissioners. Sec. 1, chap. 50, 15th general assembly amended. But one commissioner.

SEC. 13. That section 3, of chapter 50, of the laws of the 15th general assembly, be, and the same is hereby repealed, and that there be enacted in lieu thereof the following: Sec. 3, chap. 50, 15th general assembly repealed.

[SEC. 3.] The fish commissioner shall receive in full compensation for his services, twelve hundred dollars per year, to be paid out of the appropriation as herein made, and he shall, by virtue of his office act as superintendent and secretary. Compensation of commissioner.

SEC. 14. This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Leader, and the Iowa State Register, newspapers published in Des Moines, Iowa. To take effect.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, and in the *Iowa State Leader*, March 17, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 71.

CONCERNING THE COLLEGE FOR THE BLIND.

AN ACT to Repeal Sections, 1681 1682 and 1683, Chapter 6, Title 7 of the s. F. 179. Code, and for other purposes.

Be it enacted by the General Assembly of the State of Iowa: § 1 1681, 1682, and 1683.

SECTION 1. That sections 1681, 1682 and 1683 of the Code be and are hereby repealed.

SEC. 2. That the sum of five hundred and seventy-eight and 64-100 dollars which now stands to the credit of the industrial home, established in connection with college for the blind, be by the trustees of said institution transferred to the mechanical department of said institution for the purchase of stock material and other necessaries for said department. \$578.64 transferred from "Industrial home" to "mechanical department."

SEC. 3. This act being deemed of immediate importance, shall