

to have all the powers, rights, and privileges that would have belonged to said district, if the same had been legally organized on the 11th day of March, 1878, notwithstanding the provisions of section 1800, of the Code of 1873, to the contrary.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect from after the date of its publication in the *Iowa State Register*, and *Storm Lake Pilot*; *Provided*, such publication shall be without expense to the state.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Storm Lake Pilot*, March 27, and in the *Iowa State Register*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 80.

### PROPAGATION OF FISH.

H. F. 571. AN ACT Entitled "An Act to Promote Fish Culture in the State of Iowa, and to Amend and Consolidate the Enactments heretofore passed for that purpose, Amending Chapter 70, Acts of the Sixteenth General Assembly.

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

SECTION 1. That the governor of the state is hereby authorized and required to appoint, after the expiration of the term of the present incumbent, and biennially thereafter, one competent person, who shall be known as the state fish commissioner, who shall hold his position for the term of two years; and any vacancy that may occur, for the unexpired term, or by reason of the expiration of the term of said office, shall be filled by the appointment and commission of the governor.

One fish commissioner appointed by governor.

Vacancy.

Duties.

The general duties of said commissioner, including the present incumbent, shall be to have general charge and superintendence of the state hatching house, now located at Anamosa, to forward the restoration of fish to the rivers and waters of the state, and to stock the same with fish from said hatching house, and elsewhere, to the extent that means therefor may be furnished by the state, and to the extent that means for that purpose may be furnished by the United States fish commissioner, and by societies and individuals interested in the propagation of fish in the waters of this state.

SEC. 2. The fish commissioner, including the present incumbent, shall receive, in full compensation for his services, twelve hundred dollars per year, to be paid out of any money in the state treasury not otherwise appropriated.

Salary, \$1,200.

SEC. 3. That for the purpose of carrying out the provisions of this act, and continuing the work as contemplated in laws

of 1876, chapter 70 thereof, there is hereby appropriated out of \$6,000 appropriated for continuing work. any money belonging to the state, not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act: *Provided*, That said amount be under the control of the executive council of the state.

SEC. 4. That it shall be the duty of said fish commissioners Report of commissioner. to make a detailed, itemized and sworn statement, on or before two years after the 15th day of November, 1877, and every two years thereafter, showing the amount of money expended, for what purpose or purposes expended, the number and kinds of fish distributed, together with such general information on the subject of fish culture as such commissioner may think proper; and upon the submission of such report, and each subsequent, the same shall be caused to be printed and distributed, to the same extent and in the same manner as now provided by law for the printing and distribution of the reports of public officers of the state.

SEC. 5. No person shall place, erect, or cause to be placed Obstructions to free passage of fish prohibited. or erected, across any of the rivers, creeks, ponds or lakes of this state, any trotline, dam, seine, weir, fish dam, or other obstruction, in such manner as to prevent the free passage of fish up, down or through such water courses, unless the same be done by the instruction or under the direction of the fish commissioner, and that when the same is so done by or through the instruction, or under the direction of the fish commissioner, it shall be unlawful for any person or persons to remove, or in any way interfere with the same. This section shall not be construed to prohibit the erection of dams for manufacturing purposes as provided by law.

SEC. 6. Any person found guilty of a violation of the provisions of section five of this act, shall, upon conviction before a justice of the peace, be fined not less than twenty-five, nor more than one hundred dollars, or imprisoned in the county jail not less than ten days, nor more than thirty days, in the discretion of the court. Penalty for violating the provisions of this act.

SEC. 7. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

SEC. 8. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published at Des Moines, Iowa. Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Iowa State Leader*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State.*