

## CHAPTER 34.

## PRESERVATION OF FISH.

S. F. 51.

AN ACT for the Protection and Preservation of Fish and Repealing Sections 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of Chapter 50 Acts of the 15th General Assembly, Chapter 70 Acts of the 16th General Assembly, Sections 3, 5, 6, 7 and 8 of Chapter 80 Acts of the 17th General Assembly, Chapter 92 Acts of the 18th General Assembly and Chapter 9, Acts of the 20th General Assembly.

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

Parts of Chap.  
50 acts 15 G.  
A., Chap. 70  
acts 16 G. A.,  
Chap. 80 acts  
17 G. A., Chap.  
92 acts 18 G. A.  
Chap. 9 acts  
20 G. A. re-  
pealed.

SECTION 1. That Sections 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of Chapter 50 of the Acts of the 15th General Assembly, Chapter 70, Acts of the 16th General Assembly, Sections 3, 5, 6, 7 and 8 of Chapter 80 Acts of the 17th General Assembly, Chapter 92 Acts of the 18th General Assembly, and Chapter 9 Acts of the 20th General Assembly, be and the same are hereby repealed and the following enacted in lieu thereof.

Unlawful to  
take fish ex-  
cept by hook  
and line.

SEC. 2. It shall be unlawful for any person to take from any of the waters of the state any fish in any manner except by hook and line; except that it shall be lawful for any person to take minnows for bait with a seine that does not exceed five yards in length. Also that it shall be lawful to take buffalo and suckers by spearing between the First day of Nov and the First day of March following. The word minnows as used herein does not include or apply to young bass, pike, crappies, trout, salmon, or fry of any game fish, either native or foreign; and all such fish, either young or adult, so taken, shall be immediately returned to the waters from whence taken. It shall be lawful for the state fish commissioner to take from any of the public waters in any manner any fish for the purpose of propagation or restocking other waters.

Spearing.

Returned to  
waters.

SEC. 3. It shall be unlawful for any person to catch or take from any of the waters of the state any salmon or trout between the first day of November and the first day of April following, or any bass, pike crappies or any other game fish between the first day of Nov. and the 15th day of May following in each year, in any manner whatsoever.

Salmon,  
trout, bass,  
pike, crappies  
time forbid-  
den.

Unlawful to  
buy, sell or  
offer for sale.

SEC. 4. It shall be unlawful for any person, company or corporation to buy, sell or offer for sale or have in his or their possession for sale or transportation any fish which shall have been taken in violation of sections 2 and 3 of this act.

Violation  
fined \$10 to \$50.

SEC. 5. Any person found guilty of a violation of the preceding sections of this act shall upon conviction before any justice of the peace, mayor of any incorporated town or city

or any court of record within the county in which such offense is committed, be fined not less than ten nor more than fifty Dollars and stand committed until such fine and costs are paid.

Sec. 6. No person shall place, erect or cause to be placed or erected, in or across any of the rivers, creeks, lakes, or ponds or any outlets or inlets thereto any trot line, seine, net, weir, trap, dam or other obstruction in such manner as to hinder or obstruct the free passage of fish up down or through such water course for the purpose of taking or catching fish unless the same be done under the supervision of the fish commissioner, except minnows as provided in Section 2 of this Act.

Trot lines, traps or obstructions unlawful.

Sec. 7. No person shall place in any of the waters of the state any lime, ashes, drug, or medicated bait or shoot any gun or use any dynamite, gun cotton, giant powder or other explosive or any electrical machine or device with the intent thereby to kill, injure, poison, stupify or catch fish.

Use of drugs, explosives, etc., unlawful.

Sec. 8. Any person found guilty of a violation of Sections six or seven of this act shall, upon conviction before any justice of the peace, Mayor of any incorporated town or city, or any court of record in the county in which such offense is committed, be fined not less than twenty-five dollars nor more than one hundred dollars, and stand committed until such fine is paid. And any seine, net, trap or other device used in violation of Section Six or Seven of this act may be seized and destroyed by order of the court before whom such action may be brought.

Violation fined \$5 to \$100.

Device used seized and destroyed.

Sec. 9. In all prosecutions under Sections 2, 3, 4, 5 and 13 of this act the person filing the information shall be entitled to a fee of five dollars which shall be taxed as costs against the person, company or corporation so convicted, and in all prosecutions under Sections 6, 7, and 8 of this act the persons filing the information shall be entitled to a fee of ten dollars, which shall be taxed as costs, as above provided, but in no case shall the fee of the informant be paid out of the county treasury. Any fish found in the possession of any person, company or corporation taken in violation of the preceding sections shall be seized and sold for the purpose of paying the costs in the case.

Fee to Informant under sections 2, 3, 4, 5, 13.

Fee to Informant under sections 6, 7, 8.

Sec. 10. Persons raising or propagating fish on their own premises or owning premises on which there are waters having no natural outlet or inlet through which such waters may become stocked or replenished with fish from public waters, shall absolutely own such fish as they may contain, and any person taking or attempting to take any fish 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 less than five dollars nor more than twenty-five dollars, or imprisoned in the county jail not more than thirty

Fish on owner's premises.

Penalty for trespass.

days and shall be liable to the owner of the fish in damages, in double the amount of damages sustained, the same to be recovered in civil action before any court having jurisdiction over the same.

Certain riv-  
ers excluded.

SEC. 11. Nothing herein contained shall be held to apply to fishing in the Mississippi the Missouri or the Big Sioux rivers nor so much of the Des Moines river as forms the boundary between the states of Missouri and Iowa.

Enforcement  
by Commis-  
sioner.

SEC. 12. It shall be the duty of the fish commissioner to see that the provisions of this act are enforced and for that purpose he shall have the right to call to his assistance any prosecuting attorney to prosecute all violations of this act in the county where such violations occur.

Opinion of  
Atty. Gen'l.

When requested by the Fish Commissioner, the Attorney General shall give his opinion in writing upon all questions of law pertaining to his office. Nothing in this act shall be construed as prohibiting any citizen from instituting legal proceedings for the enforcement of any provision hereof.

Unlawful to  
fish in stocked  
stream.

SEC. 13. It shall be unlawful for any person to fish for or catch in any manner any fish in any stream in this State which has been stocked with breeding trout—one or two years old—by this State or the United States Fish Commission for one year from date of said stocking, provided notice of said stocking is posted by authority of the State Fish Commissioner whenever a public highway crosses such stream.

Notice posted.

Penalty.

Any violation of this section shall be subject to the penalties prescribed in section 5 of this act.

Repealing  
clause.

SEC. 14. All Acts or parts of acts, inconsistent or in conflict herewith are hereby repealed.

Publication.

SEC. 15. This act being deemed of immediate importance shall be in force and take effect from and after its publication in the "Iowa State Register" and "Des Moines Leader" newspapers published in Des Moines, Iowa.

Approved April 1st, 1890.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Des Moines Leader* April 4, 1890.

FRANK D. JACKSON, *Secretary of State.*