

publication, the provisions of Section twenty-four of the Revision of 1860 to the contrary notwithstanding.

Approved February 4th, 1862.

I hereby certify that the foregoing Act was published in the Daily Iowa State Register and Daily Des Moines Times, February 6th, 1862.
 ELIJAH SELLS, Secretary of State.

CHAPTER 4.

PRESERVING TROUT.

AN ACT to provide for the preservation of Trout in the waters of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be unlawful for any person to take any Trout in any of the waters of this State with any net, seine, weir, basket, spear grapple, trap or any other device, whatsoever, except a hook and line. Nor shall any person take or destroy any of the fish aforesaid in any of said waters by any means whatever, between the fifteenth day of September and the last day of December in each and every year.

Trout to be caught with hook & line. Taking trout prohibited between the 15th day of September and last day of December.

SEC. 2. The having in possession any of the above named fish recently ensnared or killed between the days above mentioned, shall be deemed and taken as *prima facie* evidence that the same was caught by the person or persons having the possession of the same in violation of the provision of this Act.

Possession prima facie evidence of violation of law.

SEC. 3. Any person violating any of the provisions of this Act, shall forfeit and pay a fine of three dollars for each Trout killed, bought or sold or held in possession in violation of this Act.

Penalty.

SEC. 4. Any person who shall go upon the premises of any person or corporation, whether inclosed or not, and shall be found seeking to take by any means whatever any of the fish aforesaid, within the said fifteenth day of September and the last day of December aforesaid, shall be deemed guilty of trespass and may be prosecuted by any person, in possession of said premises, before any Justice of the Peace of the county or other court of competent jurisdiction, and fined in any sum not less than three dollars nor more than fifty dollars to be paid one moiety to the complainant and one moiety

Penalty for trespass upon premises of any person or corporation.

to the Clerk of the District Court of the county for the use and benefit of the schools of said county; *Provided*, however, that a judgment against a person for a violation of this Act under the first Section of the same, shall be a bar to any suit under the fourth Section of this Act for the same offence.

Manner of commencing suit.

SEC. 5. A prosecution may be brought by any person in the name of the State of Iowa, against any person or persons violating the first Section of this Act, before any Justice of the Peace of the county in which such violation of this Act is alleged to have taken place, or before any court of competent jurisdiction thereof, and any sum or sums so recovered shall be paid to the Clerk of the District Court of the county, for the benefit of the common schools of said county.

Taking effect

SEC. 6. This Act shall be in force from and after its publication according to law.

Approved February 5th, 1862.

CHAPTER 5.

DEPUTY CLERK DISTRICT COURT.

AN ACT to authorize the Deputy Clerk of the District Court to act instead of his principal in certain cases, and to legalize certain acts heretofore done.

Deputy Clerk to discharge duties of principal.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in case the Clerk of the District Court of any County shall be absent or from any other cause shall be unable to discharge any of the duties required of him by virtue of the provisions of Chapter 115, of the Revision of 1860, including the drawing of Jurors, then and in that case the Deputy of such Clerk duly appointed, may act in his stead, and all Acts and parts of Acts coming in conflict with this Act are hereby repealed.

Acts legaliz'd

SEC. 2. In all cases where Deputy Clerks have heretofore in the absence or inability of their principals, acted under the provisions of said Chapter 115, in drawing the names of Jurors, such acts are hereby legalized and declared valid and binding.

Take effect.

SEC. 3. This Act being deemed by the General Assembly of immediate importance, shall take effect and be