

CHAPTER 466.

[H. F. No. 1181.]

AN ACT TO REGULATE THE CATCHING OF FISH IN THE WATERS OF LAKE ALEXANDER, IN THE COUNTY OF MORRISON, STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be unlawful for any person or persons to take, catch, kill or destroy in any manner whatever, any fish in Lake Alexander, county of Morrison, or in any inlet or outlet of said lake, between the first (1st) day of March, and the first (1st) day of May, in any year, and after the first (1st) day of May in any other manner than by the use of the trolling line or of rod and line.

SEC. 2. Any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine of not less than ten (10), nor more than twenty-five (25) dollars, and be committed to the county jail until such fine and costs shall be paid, such imprisonment, however, not to exceed ten (10) days.

SEC. 3. All proceedings under this act shall be commenced within sixty (60) days from the time when such offense shall have been committed and shall be brought in the same manner as provided by law in similar cases, and all fines collected under the provisions of this act shall be paid, one-half ($\frac{1}{2}$) to the party or parties on whose testimony such conviction has been made, and one-half ($\frac{1}{2}$) to the treasurer of said Morrison county, for the public schools in said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 12, 1889.

CHAPTER 467.

[H. F. No. 691.]

AN ACT RELATING TO FISHWAYS IN THE COUNTIES OF FILLMORE AND HOUSTON, AND TO REPEAL CERTAIN ACTS RELATING TO THE SAME.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That a dam or artificial obstruction now built or hereafter built upon or across Root river, so called or any of its branches, in the counties of Fillmore or Houston, in this state, shall be provided

and maintained by the owner or occupant of the same with a good and suitable fishway, constructed in such manner and of such materials, and located in such place as the fish commissioner of the state of Minnesota, for the district wherein said Fillmore and Houston counties are situated, may direct and require, to allow the free and practical passage from the waters below to the waters above such dam or obstruction, of any or all kinds of fish that inhabit the waters of said Root river or its branches.

SEC. 2. It shall be the duty of the fish commissioner of this state, for the district wherein said Fillmore and Houston counties are situated, to visit any such dam or obstruction and direct and require the owner or occupant of the same to provide and maintain a suitable fishway; and he shall direct the manner in which such fishway shall be constructed, the materials of which it shall be built, and locate the place in which it shall be built, and notify the owner or occupant of such dam or artificial obstruction of his action therein, which notice may be verbally or in writing.

SEC. 3. That in case any person or persons owning or occupying any such dam or artificial obstruction as aforesaid, neglect or fail to provide such fishway within sixty (60) days after having been notified as above provided, every such person shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction shall forfeit and pay not less than one (1) nor more than three (3) dollars for each and every day he shall be guilty of such neglect, to be recovered, with costs, and any amount so recovered, exclusive of the costs of such action, shall be paid to the fish commissioners of this state, to be expended by them in the propagation of fish.

SEC. 4. If, at the expiration of sixty (60) days, after having been notified, as hereinbefore provided, the owner or occupant of such dam or artificial obstruction, as aforesaid, shall have failed to comply with the order of said commissioner, it shall be the duty of said commissioner to notify the county attorney of the county in which such dam or obstruction is situated that said owner, owners or occupant have failed to comply with the requirements of the notice given for the construction of said fishway, as aforesaid.

SEC. 5. Upon receiving the notice provided for in the preceding section, it shall be the duty of such county attorney to forthwith commence legal proceedings in the name of the state of Minnesota against the person or persons so failing to comply with the order of the fish commissioner to construct said fishway, for the collection of the penalties provided in section three (3) of this act, for such neglect or refusal, and prosecute the same to final judgment.

SEC. 6. Chapter two hundred and seventy-six (276) of the special laws of eighteen hundred and eighty-five (1885) and chapter ninety-three (93) of the special laws of eighteen hundred and eighty-seven (1887) are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 20, 1889.