

CHAPTER XLV.

An Act for the Protection of Trout Fish.

SECTION 1. Forbids the taking of Trout Fish, by sein, net, basket or trap.
 2. Penalty for violation of this Act.

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

SECTION 1. That all persons are hereby forbidden to take trout from any waters of this State, by means of any sein, ^{Prohibition} net, basket, or trap.

SEC. 2. That any and all persons upon being convicted of a violation of the provisions of this Act, shall pay a fine of ^{Penalty} not more than twenty-five, nor less than five dollars, which fine shall be paid into the school fund in the county where the offence was committed, and the conviction had.

SEC. 3. This Act shall take effect and be in force from and after the first day of August, 1858.

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—July the thirtieth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
 July 30, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLVI.

An Act to secure the free passage of Logs and Lumber down the several rivers of this State.

SECTION 1. Rivers within the State declared public highways, for passage of logs and lumber.
 2. Dams or booms, without sluices or locks, prohibited.
 3. Booms or weirs without sluices, on any river, to be declared public nuisances, and abated—penalty for failure.
 4. Takes effect on passage.

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

SECTION 1. That all rivers within the State of Minnesota,

Rivers public
highways

of sufficient size for floating or driving logs, timber or lumber, and which may be used for that purpose, are hereby declared to be public highways, so far as to prevent obstructions to the free passage of logs, timber or lumber down said streams, or either of them.

Sluices on dams

SEC. 2. That no dam or boom shall hereafter be constructed or permitted on any river, as specified in this Act, unless said dam or boom shall have connected therewith a sluiceway, lock or other fixture, sufficient and so arranged, as to permit logs, timber and lumber to pass around, through or over said dam or boom, without unreasonable delay or hindrance.

Booms without
provision for free
passage of logs
&c to be abated—
penalty

SEC. 3. Any boom or wear now in or on any river, as aforesaid, that is so constructed as to prevent the free passage of logs or lumber, is hereby declared a public nuisance, which shall be abated unless a suitable sluiceway, lock or passage, as above provided, be made thereon as aforesaid, within thirty days after written notice given by any person interested; and any person or persons so owning, holding or occupying said boom or wear, shall be liable to pay five dollars for every day the same shall be permitted to remain in or on said river, after having had thirty days notice to remove said nuisance, which may be recovered before any Justice of the Peace having jurisdiction of the case, and the amount so recovered shall be collected by said Justice, and paid into the township treasury, of the proper township, for the use of common schools; and shall also be liable for any damages sustained by individuals by reason of said nuisance; *Provided*, That nothing in this Act shall be so construed as to interfere with the vested right of any chartered company now in existence.

SEC. 4. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—July the twenty-eighth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 28, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.