
HOUSE CONCURRENT RESOLUTION NO. 8.

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the report of the Territorial Road Commission of Alaska be printed;

That under joint direction of the Finance Committee of the Senate and the Printing and Purchasing Committee of the House bids be called for the printing of three hundred (300) copies of the report of the Territorial Road Commission of Alaska and that the award of contract for such printing be to the lowest bidder.

Passed by the House, March 28, 1923.

Passed by the Senate, April 3, 1923.

HOUSE CONCURRENT RESOLUTION NO. 11.

WHEREAS, the American home is the greatest source of the country's strength and security and the fountain-head of Americanism and good citizenship; and

WHEREAS, the brightest and most promising omen for Alaska is found in the fact that it has become a country of homes; and

WHEREAS, Nation, State and Territory should ever be mindful of the service to humanity and country of the American Mother; therefore, be it

RESOLVED, that it is the sense of the Alaska Territorial Legislature, in sixth biennial session assembled, that the Second Sunday in May, known as Mother's Day, should annually be observed in Alaska by the display of the American Flag on all Territorial and school buildings and such fitting celebrations as will strengthen home ties, promote a closer union between the Territory and its homes and their sons and daughters, and thus give reverent recognition and expression to the service of the American Mother in all affairs of life.

Passed by the House, April 10, 1923.

Passed by the Senate, April 11, 1923.

HOUSE CONCURRENT RESOLUTION NO. 12.

BE IT RESOLVED by the House of Representatives of the Alaska Legislative Assembly, the Senate concurring, that the Congress of the United States be urged to speedily enact the

herewith attached bill for the protection, regulation and conservation of the fisheries of Alaska, and more particularly of the salmon of Alaska, to the end that these great National and Territorial resources may be preserved from the now threatened annihilation. In urging the enactment of the fisheries bill herewith the Senate and the House of Representatives of the Alaska Legislative Assembly present the following facts for the understanding of the existing emergency.

(1) For the ten years period ended with 1919, the value of the salmon pack alone is \$246,499,221.

(2) For the year 1917 the salmon cannery paid Federal income tax of between \$4,000,000 and \$6,000,000. In 1918 the income tax decreased to about \$3,000,000. In 1920 the income tax paid was practically nil.

(3) In 1919 the amount of the pack of canned salmon was about two thirds of that of 1918, the value of which was over \$47,000,000. In 1920 a still further decrease was shown, there being an almost complete failure in certain localities.

(4) The curtailment of the pack is due almost entirely to a depletion of the supply caused by overfishing. There are less fish to be caught than in previous years although more fishing gear is yearly being employed. Hence the proportion of salmon escaping to the spawning grounds is becoming less and less.

(5) The laws covering the Alaska fisheries are inadequate and antiquated. The regulations which are issued from the Bureau of Fisheries of the Department of Commerce even when well conceived, are practically unenforced. Those in charge of the fisheries are seldom in Alaska. In this connection it is noted that the Commissioner of Fisheries has made only one trip to Alaska.

(6) Although the Territorial Fish Commission has repeatedly urged greater protection of the fisheries and has pointed out the futility of present efforts, the Bureau of Fisheries has taken practically no steps to stop the uncontrolled stream fishing or other violations of their own regulations. A member of the Bureau has estimated that at least \$300,000 per annum is necessary to patrol and protect Alaska fisheries, and yet allotments for this work from the inadequate estimates and appropriations are pitiful in the extreme.

(7) Regulation of the fisheries of Alaska, even with the best of intentions, can never be administered from Washington by officials personally unfamiliar with local conditions. In enact-

ing and carrying out its own laws and regulations the Federal Government has failed as it always must, when authority is vested in a bureau four thousand miles away, which does not even maintain a local agent with discretionary powers.

NOW, THEREFORE, the Legislature of the Territory of Alaska has prepared a bill which it considers will meet with all requirements of the situation and which is equitable to all as far as possible, and in the preparation of which the opinion of all classes interested in the fisheries has been consulted. The Legislature of the Territory of Alaska recognizes the fact that the Territory will never receive proper protection for her fisheries from the Federal Government and only asks the Congress of the United States for permission to prevent the extinction of her, at present, principal industry, which means so much to both the Territory and the nation as a valuable food supply.

Passed the House, April 27, 1923.

Passed the Senate, May 1, 1923.

A BILL

For an Act entitled: "For the protection, regulation and conservation of the Fisheries of Alaska for other purposes."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. ALASKA FISH COMMISSION. That for the purpose of carrying into effect the provisions of this Act, there shall be and is hereby created a Board of Commissioners that shall be known as the "Alaska Fish Commission," which shall consist of three members to be appointed by the Governor of Alaska, with the Senate of the Territory of Alaska approving. They shall be selected from the qualified electors of the Territory of Alaska.

The members of the Commission shall be persons who have a thorough knowledge of the fisheries of Alaska and practical experience that shall qualify them in the administration of the provisions of this Act.

The Commission shall elect one of its members chairman.

The said Commissioners shall be appointed for a term of four years, unless sooner removed by the Governor for cause or disability; and they shall be appointed in the following manner: At the first appointment one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years, and after these respective terms expire

all appointments shall be for a period of four years each and until their successors are appointed and qualified. The Governor shall fill by appointment any vacancies in the Commission that might occur. All appointments, whether to fill regular terms of office or to fill vacancies, shall be subject to the approval of the Territorial Senate at the first meeting of the Legislature.

The members of the Commission and all of its officers shall take and subscribe an oath for the faithful performance of their duties. The members of said Commission shall receive an annual compensation of \$1200.00, and shall be allowed their actual and necessary traveling expenses to be paid out of the Alaska Fisheries Fund, hereinafter provided.

Section 2. HEADQUARTERS OF COMMISSION. That the official headquarters of the Commission shall be at such place in Alaska as the Commission may designate. The Commission shall represent the Territory in person or through the Director of Fisheries at all hearings connected with fisheries.

Section 3. DIRECTOR OF FISHERIES, CHIEF WARDEN, HATCHERY SUPERINTENDENT AND OTHER EMPLOYEES. The Governor shall appoint a Director of Fisheries, the Senate approving, for a term of four years and until its successor is appointed and qualified, who shall devote his entire time to the duties of his office; he shall have a thorough knowledge of fishing conditions in Alaska and of the fishing industry and shall have no financial interest in any business connected with fisheries; he shall receive a salary of five thousand (\$5,000.00) dollars per annum together with necessary contingent office expenses, and all expenses for transportation and subsistence or per diem in lieu of subsistence, except when subsistence is included in transportation charges; he shall be the executive officer and secretary of the Commission and shall carry out its directions and he shall be bonded to the Territory in a sum to be fixed by the Commission. The Director of Fisheries may be removed from office by the Governor for cause or disability. A vacancy in the office of Director of Fisheries occurring shall be filled by the Governor by appointment, which appointment shall be submitted to the Senate for approval at the next session of the Legislature.

Section 4. The Director of Fisheries at such times as shall be specified by the Commission shall submit to the Commission for their approval, rejection or amendment.

- (a) A proposed program of operations for each year;
- (b) An estimate covering annual expenditures;

(c) Proposed regulations coming within the powers of the Commission;

(d) A detailed report of all operations under his direction.

The Director of Fisheries shall not incur any liability in excess of the amount allotted for any specific purpose without first receiving therefor the consent of the Commission.

The Director of Fisheries shall appoint and remove at will, with the approval of the Commission, a chief warden and a chief superintendent of hatcheries, who shall each receive a salary not to exceed three thousand (\$3,000.00) dollars per annum, and all expenses for transportation and subsistence or per diem in lieu of subsistence, except when subsistence is included in transportation charges, while on official business; he shall employ, with the approval of the Commission, or authorize the employment of all other assistants of the Commission and fix the rate of their compensation; he shall make all necessary contracts in the name of the Commission and where the work in hand may be expedited thereby, he may make advances of lump sums to responsible parties for the payment of wages and necessary expenses on approved projects for which, however, a full subsequent accounting must be made; he shall approve all vouchers submitted to the Treasurer for payment; he shall be the custodian of all property of the Commission and shall submit to the Commission a yearly inventory thereof with full explanations for the expenditure of all property; he shall make a full report to the Commission for each calendar year, not later than March 1st of the year following; the commission in turn shall submit a copy of such report to the Governor, with such additions and suggestions as to Federal or Territorial legislation as they may make. It shall be the duty of the Governor to have such reports printed for the information of the Legislature and other interested parties, the expenses of the printing thereof shall be paid from the Alaska Fisheries Fund.

Section 5. AUTHORITY TO EXPEND MONIES AND ACQUIRE PROPERTIES. That the Commission is hereby authorized to expend for the protection, preservation and propagation of fish, shellfish, and aquatic mammals, monies in such amounts as may be allowed by the Alaska Territorial Legislature and covered into the Treasury of the Territory of Alaska acquired from licenses, taxes, or otherwise; and is authorized to purchase vessels, water rights, fish traps, easements, locations, operation and repair of fish hatcheries, and for all other purposes in connection with the protection, preservation and propagation of such fish, shellfish and aquatic mammals.

The properties above described may be acquired by the Commission through the exercise of the power of eminent domain or condemnation for the Territory of Alaska.

Condemnation proceedings for the purpose of acquisition of such properties shall be initiated in the name of the Territory of Alaska by a United States Attorney of Alaska upon request of the Commission. The compensation awarded for such property shall be paid by the Commission out of the Alaska Fisheries Fund.

Section 6. POWERS AND DUTIES OF THE COMMISSION. That the Commission is hereby granted full power and authority, and it shall be its duty, to enforce the provisions of this Act and all other laws, rules, and regulations and orders respecting the catching, killing and utilization, and the protection, preservation and propagation of fish, shellfish and aquatic mammals, and it is hereby authorized to make and establish such rules and regulations, not inconsistent with law, as may be necessary to carry into effect the provisions of this Act. This shall include full power and authority to fix the time in the various localities when the taking of the several classes of, and all, food fishes is prohibited, and to regulate all forms of fishing gear in a manner not inconsistent with this Act.

Section 7. That it shall be unlawful to drive, construct, set or fish with any fixed or floating trap, weir or pound net in any bay, inlet or estuary in Alaska, the width of which at its entrance is three miles or less, or within any channel or passage connecting larger bodies of water where the width of such channel or passage is three miles or less, or within one mile of the entrance to any bay, inlet or estuary, which is two miles or less in width at its entrance, or within one mile of the mouth of any stream into which salmon are accustomed to run.

Section 8. That no exclusive or several right of fishery shall be recognized or granted in the territorial waters of Alaska by the Alaska Territorial Legislature or by the Alaska Fish Commission or by any other constituted authority except the United States Congress. PROVIDED, that this provision shall not affect any fishery right exercised by descendants of the aboriginal people of Alaska or those of the half blood who are descendants of the aboriginees, which were exercised and claimed up to the passage of this Act. That any areas of water closed to fishing shall be closed to all persons alike, and the right of fishing in areas where fishing is permitted shall not be denied to any citizen of the United States. That no exclusive right of preparing, preserving or manufacturing fish or fish products shall be granted by any constituted authority except by the Congress of the United States.

That it shall be the duty of the Alaska Fish Commission to cause to be removed or abated any fixed or portable fishing appliances which in its use operates as an exclusive right within the area of its operation or which as such operates as an interference with the public right of fisheries within such areas; and that upon the petition of at least two hundred (200) qualified electors of the Territory of Alaska the Alaska Fish Commission shall, and in other cases may, hold hearings to determine whether any particular fishing appliance at any particular place operates in practice as such exclusive right or as such interferes with the public right of fisheries.

From any decision by the Alaska Fish Commission deciding the question of whether or not any particular fishing appliance at any particular place constitutes such exclusive right or such interference with public right of fishery, an appeal may be taken to the district court of the Territory of Alaska, either by the owner or owners of such fishing appliance involved or by any qualified elector of Alaska who signed the petition for such hearing.

Section 9. ENFORCEMENT OF LAWS. That the members of the Commission, the director of fisheries, and such other employees as may be designated by the Commission, are hereby vested with all the necessary authority and powers, without warrant, to arrest any person in the act of violating any of the fishing laws, and are hereby granted the powers and rights of Peace Officers in serving warrants, subpoenas, or other legal processes in the enforcement of the laws for the protection of the fish, shellfish and aquatic mammals of the Territory.

Section 10. CONTROL OF WATERS. HEARINGS. That the Commission may in its discretion set aside any streams, lakes, or any of the waters of the Territory of Alaska over which the United States has jurisdiction, in which fishing may be limited or entirely prohibited, when in its judgment the protection, preservation and propagation of fish, shellfish, and aquatic mammals shall demand such action; Provided, however, that such power shall be exercised only after all persons interested shall be given a hearing, of which thirty days notice must be given by publication in a newspaper of general circulation, and where the interested parties are known to the Commission, they may be personally notified by mail, telephone or telegraph.

No order made under this section shall be effective before the next calendar year after the same is made.

Section 11. SEIZURE AND DISPOSAL OF APPARATUS AND PRODUCTS. That any fishing appliance used in violation

of law, and any fishery products taken in violation of law, are hereby declared to be a public nuisance and may be subject to abatement as a public nuisance. It shall be the duty of the Commission to enforce the provisions of this section, and any such fishing appliance or fishery products may be seized by the Commission, or its duly authorized agents or employees, and such fishing appliances or fishery products may be subject to execution for the payment of any fines imposed on the owner or operator thereof; and such fishing appliances and fishery products may be condemned and forfeited, and the courts of Alaska shall have exclusive jurisdiction in all such cases. Such seized fishing appliances or fishery products, if declared forfeited, shall be sold and the proceeds of the sale deposited with the Territorial Treasurer as provided in this Act: except that any perishable fishery products seized may be sold or otherwise disposed of at the discretion of the Commission, and in case of sale the proceeds thereof shall be deposited as hereinafter provided.

Section 12. POWER OF INSPECTION. That the Commission and duly authorized agents are hereby authorized to inspect all premises, fishing appliances, and all property used in catching, packing, curing, preparing or storing food fish, shellfish and aquatic mammals or in the fertilizer or whaling industries, and may enter upon any such property at any time for such purpose.

Section 13. DETERMINING MOUTHS OF STREAMS. That the Commission is hereby authorized and instructed to fix and determine the mouth of any creek, stream, river or other Territorial waters referred to in this Act and to indicate the same by suitable permanent markers. It shall be unlawful to efface, destroy, remove or in any manner interfere with any monument, marker, or notice provided for in this Act. For the purpose of determining the mouths of streams and shore lines, the plans of reference shall be mean low water.

Section 14. SALMON SPAWNING STREAMS. That the Commission is hereby authorized and instructed to determine and designate what waters of the Territory are salmon spawning streams within the meaning of this Act.

Section 15. EXTERMINATION OF PREDATORY ENEMIES. That the Commission is hereby authorized to exterminate by any means it may devise such predatory fish, birds, or mammals, except fur seals and sea otter, as in its judgment should be exterminated, for the protection, preservation and maintenance of the fisheries of Alaska.

Section 16. ANNUAL REPORTS. That the Commission shall annually make report of its operations and transactions to the Governor of Alaska.

Section 17. LICENSES. That it shall be unlawful for any person to engage in the business of canning, curing, preserving, packing, or otherwise dealing in food fish, shellfish or aquatic mammals, or in the products thereof or in the manufacture of fishery products, in the Territory of Alaska or in any of the waters of Alaska, without first obtaining a license for each establishment or works used in such business.

It shall be unlawful for any person engaged in the business of taking, catching or fishing for food fish, shellfish or aquatic mammals, in any of the waters of Alaska, to use for such purpose any fishing appliances without first obtaining a license for such appliance.

This section shall not require a license for the taking of food fish, shellfish or aquatic mammals, for personal, domestic or family use and not for sale or barter, by such methods or means as the Commission may approve, when not otherwise unlawful to take the same.

Licenses, when issued, shall be valid anywhere within the Territory of Alaska. Licenses may be issued upon the application of any person or corporation qualified to receive the same. Informal application may be made to the Commission at its head office, either by letter, by telegram or by telephone. Whenever a person applying for a license and qualified to receive the same shall execute the application provided for that purpose and shall pay the license fee required for the issuance of such licenses to the Commission or its agent, the right to a license shall immediately accrue, and the Commission may, upon request, telegraph or telephone to any person who has paid his license fee the number of such license so issued to him.

Section 18. LICENSE FEES. That the licenses required by this Act shall be issued by the Commission or its duly authorized agents to any person not disqualified by law, on application and payment of the annual fees, and the license fees and taxes shall be fixed by the Legislature of the Territory of Alaska.

Section 19. LICENSE FEES AND TAXES. HOW COLLECTED. That all license fees and taxes under this Act shall be payable to and collected by the Alaska Fish Commission or by its duly authorized agents, and shall be deposited monthly with the Territorial Treasurer. All license fees and taxes under this Act, if not paid when due, shall thereupon become delinquent, and shall draw interest thereafter at the rate of one

per centum per month until paid. All such delinquent license fees and taxes and the interest thereon shall be a lien in favor of the Territory of Alaska upon all property and rights to property wherever situated belonging to the person liable for such delinquent taxes, and shall be collected by the courts of jurisdiction by distraint or otherwise in the same manner as other taxes are authorized to be collected by the Treasurer of the Territory of Alaska, and when so collected shall be deposited by said courts with the Territorial Treasurer.

Section 20. DISPOSITION OF LICENSE FEES AND TAXES. That all license fees and taxes collected under the supervision of this Act, except as herein otherwise provided, and all proceeds from the sale of confiscated or condemned property, and all fines assessed for violation of any of the provisions of the fishing laws, shall be deposited with the Territorial Treasurer to be distributed as hereinafter provided.

Section 21. ALASKA FISHERIES FUND. That all moneys collected under the provisions of this Act by the Alaska Fish Commission or its duly authorized agents, or by the courts, shall be transmitted to the Treasurer of the Territory of Alaska.

Section 22. ACCOUNTS AND VOUCHERS. That all expenditures made by the Commission shall be vouchered by the persons to whom the amounts are due and payable, which vouchers shall be certified by the head of the division under whose supervision the expenses are incurred. They shall be approved by the Chairman of the Commission or officer of the Commission designated by the Commission for that purpose, and shall be paid upon warrants drawn upon the Alaska Fisheries Fund in the Territorial Treasury.

The Commission shall retain copies of all vouchers and keep an accurate account of all expenditures, which shall be open to public inspection at all reasonable times, and they shall annually make full report to the Governor of Alaska, accounting in detail for all moneys spent.

Section 23. LICENSE FORM AND RENEWAL. That all licenses are [or] renewals thereof shall be designated by consecutive numbers and shall indicate the kind of the particular appliance or the nature of the business for which the license is issued and the name of the person owning the same. All licenses shall expire on the 31st day of December of the calendar year for which issued.

Section 24. WHO MAY ADMINISTER OATHS. That the Commissioners and their authorized employees may administer oaths in any matters connected with the duties of the Commis-

sion, and the Commission may require any report, statement or application to be made under oath.

Section 25. BOATS AND FISHING APPLIANCES. HOW MARKED. That the licensee of any fixed fishing appliance shall keep conspicuously affixed thereto during the fishing season a tag, brand, or notice showing in black figures at least six inches in height on a white ground, the license number for such appliance. The licensee of each movable fishing appliance shall keep conspicuously affixed thereto, in the manner to be prescribed by the Commission, the license number of such net or appliance, and shall also keep conspicuously affixed upon both sides of the bow of each boat or vessel used in operating any movable appliance, a tag, brand or notice showing a figure at least six inches in height, either dark upon a light ground or light upon a dark ground, the license numbers of such appliance or nets.

Section 26. PURSE SEINES, SEINES, AND GILL NETS, DIMENSION OF. That no purse seine shall be of greater length than 200 fathoms including attachments, measured on cork lines when wet, and no lead or supplementary piece of net shall be used in connection therewith.

No beach seine shall exceed 300 fathoms in length. No seine less than ninety fathoms in length shall be used in any of the waters of Alaska and the presence of same upon any boat or in possession of any person shall be deemed as prima facie evidence of illegal fishing and punishable according to the provisions of this Act.

No gill nets shall exceed 300 fathoms in length and no gill net of less than five and three fourths inches stretched mesh shall be used in the salmon fisheries of any of the districts of Alaska.

Section 27. CLOSED SEASONS MAY BE CHANGED. The Commission shall have full power and authority to alter, modify, or change the dates of, and to control, increase, decrease, or annul closed periods, and to prohibit the taking, fishing for, or killing of any salmon in any of the Territorial waters after due notice and hearing as provided in this Act.

Section 28. REPORTS TO THE COMMISSION. That every person licensed under this Act shall make such detailed reports to the Commission at such time or times as it shall prescribe on blanks furnished by the Commission, covering all such facts as may be required with respect to the business for which license is issued. Such report shall be made and sworn to by the licensee or his authorized agent, or in the case of a corpora-

tion, by the president, secretary, or authorized agent thereof, a separate blank being used for each establishment owned and operated by such licensee.

Section 29. POSSESSION OF FISH TAKEN DURING CLOSED SEASON, UNLAWFUL. That it shall be unlawful for any person to receive, or have in his possession, or sell or offer for sale or transportation or to transport, during the closed season or season named in this Act, any salmon caught or taken during any of the closed seasons named in this Act; and in all prosecutions under this section, the possession of any salmon by any person during any closed season named in this Act, except during the first forty-eight hours thereof, shall be construed as prima facie evidence that the same were unlawfully caught during the closed season, unless the same have been artificially chilled.

Section 30. ARTIFICIAL LIGHTS AND CERTAIN GEAR PROHIBITED. That it shall be unlawful to use any artificial light for the purpose of attracting fish towards or into any fishing appliance or to use any electrical current or device for taking, catching or killing fish in the Territorial waters of Alaska.

Section 31. PLANTING FISH UNLAWFUL. That it shall be unlawful to liberate, release or place any fish of any kind or description in any of the waters of Alaska without first obtaining the written consent of the Commission.

Section 32. UNLAWFUL TO WASTE FOOD FISH OR SHELLFISH. That it shall be unlawful for any person to waste any food fish, shellfish, or aquatic mammals, taken or caught in any of the waters of Alaska; Provided that waste shall not be deemed a violation of this section when resulting from unavoidable causes. The Commission is hereby authorized and directed to issue instructions and to promulgate regulations having for their object the prevention of the waste of food fish, shellfish or aquatic mammals.

Section 33. USE OF FOOD FISH FOR FERTILIZER, ETC. That after this Act takes effect, it shall constitute unlawful waste to utilize any food fish, shellfish or aquatic mammals, or any part other than the offal or waste thereof, in the manufacture of fertilizer, fish meal, fish oil or other products not used for human food; Provided, however, that the Commission shall be authorized to issue a permit to any person to utilize for the manufacture of fertilizer, fish meal, fish oil or other products not used for human food, any fish, shellfish or aquatic mammal for which there is no market for food or bait.

Section 34. USE OF SPEARS AND GAFFS UNLAWFUL. It shall be unlawful to take any salmon or food fish, by means of spear or gaff—except for personal use—except under such regulations as the Commission shall issue.

Section 35 [34½]. POLLUTION OF WATER. That it shall be unlawful except by consent of the Commission, to place or cause to be placed in any of the waters of Alaska any explosives, poisonous, or deleterious substance whatsoever for the purpose of catching, taking, killing, or injuring fish, or to place or deposit in, or discharge or pass into, or cause to be placed where it may pass into, any waters of Alaska, any lime or other caustics, tar, petroleum, asphalt, bitumen, or other carbonaceous materials, oils, acids, or sulphates, or compounds thereof, sawdust, shavings, slabs, edgings, mill or factory refuse, slag, sluicings, tailings, or any other substance injurious to fish, fish fry, or the food of fish, or to the spawn or spawning beds of fishes; and in the case of the substances above expressly enumerated, it shall not be necessary to prove that the pollution of the waters by these substances in the particular case in question has actually caused, injury to or the death or destruction of any fish, fish fry, spawn, spawning bed, or fish food; Provided, that nothing in this section shall be construed to prohibit the proper use of explosives in connection with the construction of buildings or improvements; Provided, further that the placing of fish offal or fish waste in the waters shall not be deemed a violation of this section.

Section 35. DAMS TO BE PROVIDED WITH FISHWAYS. That every dam or other obstruction hereafter erected or placed in any stream shall be provided with a durable and efficient fish way, unless the Commission finds that the maintenance of such fish way is not essential to the conservation of the fisheries of Alaska. The Commission may also require that any dam or other obstruction now existing in any stream shall be provided with such fishway if it finds it essential to the conservation of the fisheries, in which event such fishway shall be constructed within sixty days after written notice thereof has been served on the owner, his agent, or the person in charge, unless the time for such construction shall be extended by the Commission.

Every fishway provided by this Act shall be maintained in a practical and effective condition according to plans and specifications to be furnished by the Commission upon application, and shall be kept open, unobstructed, and supplied with a sufficient quantity of water to freely admit the passage of the fish through the same.

If any person shall fail to construct and maintain any such fishway or to remove such dam or obstruction in a manner satisfactory to the Commission, within sixty days after written notice thereof shall have been served on the owner, his agent, or the person in charge, such dam or obstruction shall become a public nuisance and the Commission shall take possession of it in the name of the Territory of Alaska and destroy it, and no liability shall attach for such destruction; or the Commission may construct a suitable fishway, the actual cost of the construction of which shall constitute a lien upon the dam or obstruction, and the owner thereof shall be liable in a civil action to the Territory of Alaska for such cost. No dam or obstruction shall be erected or placed in any stream to a height that in the judgment of the Commission shall make a fishway thereover impracticable, except as hereinafter provided.

In the event that any person desires to construct a dam or obstruction in any stream to a height that in the judgment of the Commission shall make a fishway thereover impracticable, and a fishway should be required by this Act, such person should make application to the Commission for relief from the requirement of such fishway, and the Commission is hereby authorized to grant such relief in its discretion, upon the condition that the person so applying shall convey to the Territory of Alaska a site of the size and dimensions satisfactory to the Commission, at such place as may be selected by the Commission, and the applicant shall erect thereon at his expense a hatchery and hatchery residence, according to the plans and specifications to be furnished by the Commission, and shall enter into an agreement with the Commission, secured by a good and sufficient bond, to furnish all water and lights without expense to operate the proposed hatchery; and no such relief shall be granted by the Commission until the person applying for such relief shall have actually conveyed such land to the Territory of Alaska or made satisfactory provision therefor, and erected the hatchery and hatchery residence in accordance with such plans and specifications. The provisions of this section shall not apply to cases where dams and obstructions have been heretofore constructed or placed in streams to a height where the construction of a fishway is impracticable.

Section 36. BARRICADES AND OTHER OBSTRUCTIONS. That it shall be unlawful to erect or maintain any barricades, fence, or other fixed or stationary obstruction, except for purposes of fish culture, in any of the waters of Alaska, having the purpose or effect of preventing or impeding the ascent of the fish to their spawning grounds, and the Commission is hereby authorized and directed to have any and all such unlawful ob-

structions removed or destroyed at the expense of the party erecting or constructing the same.

Section 37. ALIEN FISHERMEN PROHIBITED. That it shall be unlawful for any person not a citizen of the United States and who has not declared his intention to become a citizen of the United States, or for any person who has pleaded his exemption from war service on account of alien birth, or for any person who has allowed his declaration of citizenship to lapse, to take, fish for or kill any fish, shellfish or aquatic mammals, or to engage in any operation of commercial fishing in any capacity whatsoever in any of the Territorial waters of Alaska. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and for each offense shall be punished by a fine of not less than \$250.00 nor more than one thousand (\$1000.00) dollars, or imprisonment of not less than 60 days, nor more than one year, or by both such fine and imprisonment.

Section 38. PIRACY. That it shall be unlawful for any such person, other than the owner thereof, or his agents or employees, to trail, take or remove any fish, shellfish or aquatic mammal from any pound net, fish trap or other fishing appliance, or to take or remove any fish, shellfish or aquatic mammal from any vessel, float or premises whatsoever. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and for such offense shall be punished by a fine of not less than \$250.00 nor more than one thousand (\$1000.00) or imprisonment of not less than 60 days, nor more than one year, or by both such fine and imprisonment.

Section 39. VIOLATIONS, HOW PROSECUTED. That any violation of this Act may be prosecuted in any court of competent jurisdiction in Alaska or in any Federal Court of the United States.

Section 40. FINES AND PENALTIES. That any person violating any of the provisions of this Act, or any regulation established by the Commission in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, except as otherwise provided, by a fine of not less than \$50.00 nor more than \$1,000.00 or by imprisonment of not less than ten days, nor more than one year, or by both such fine and imprisonment. Any vessel or other apparatus of equipment used or employed in violation of any of the provisions of this Act, or of any regulation made thereunder by the Commission, shall be subject to such fine or be declared forfeited to the Territory of Alaska, and may be seized by the Commission or any of its duly authorized officers or employees

and turned over to the United States Marshal, and shall be subject to execution for the payment of such fine or fines; Provided, any operator of fishing gear furnished to him by another person for the purpose of catching fish shall be prosecuted for such violation and punished therefor as provided herein and the owner of such fishing appliance shall not be deemed guilty of such violation of the law by the operator, if the court shall find that the owner of such fish gear shall have taken proper precautions against such violation. A further penalty of not more than \$250.00 per diem may, at the discretion of the court, be imposed for each day any obstruction unlawful under Section 36 of this Act is maintained after written notice to remove same has been served by the Commission upon the owner thereof, his agent, or the person in charge.

Section 41. HATCHERIES. That the Commission is hereby authorized to purchase, or to acquire by condemnation for the Territory of Alaska in the manner in which lands are condemned or appropriated for public use, any and all of the existing operating private salmon hatcheries in Alaska which have been heretofore approved under the Act entitled "An Act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, and the same may be paid for by certificate in such denominations as may be desired by the owners, and such certificates may be used at any time by the owners, their executors, administrators, or assigns, for the payment protanto of any license fees or license taxes under this Act.

The exemption from license fees and taxes in favor of the owners of private salmon hatcheries in Alaska, as provided by Section 2 of the Act approved June 6, 1906, for the release of red and king salmon fry, shall apply to existing hatcheries until the date of their acquisition by the Commission.

Section 42. FISHING FOR SCIENTIFIC OR PROPAGATION PURPOSES. That nothing in this Act shall be construed so as to prevent the taking of salmon or other food fishes by the Commission or its employees, or by the proper officers of the United States, for propagation purposes.

The Commission is hereby authorized to grant permits for the taking of fish, shellfish or mammals for scientific purposes, at any time or place or in any manner, under such restrictions as they may impose.

Section 43. RESTRICTIONS AS TO PACKING AND TRANSPORTING FISH. That it shall be unlawful to can, cure, pack, or preserve for food purposes any salmon, which have been transported in bulk more than 100 miles without boxing, or

icing, except in the craft or vessel in which said fish were first placed. Also it shall be unlawful to can or preserve for food any salmon that have been removed from the water for a longer period than forty-eight hours, unless artificially chilled.

Section 44. JURISDICTION OF WAR DEPARTMENT OVER NAVIGABLE WATERS NOT AFFECTED. That insofar as this Act applies to navigable waters, it shall not be construed as modifying or repealing any existing Federal law giving to the Secretary of War authority or jurisdiction over such waters for the purpose of navigation.

Section 45. EXECUTIVE ORDERS. That the Executive Orders of the President, dated March 3, 1913, relating to the Aleutian Reservation, and the Executive Order dated April 28th, 1916, relating to the Annette Island Fisheries Reservation, shall remain in full force, and the enforcement of the provisions thereof is hereby transferred to and vested in the Commission, which shall have full power and authority over all matters pertaining to the fisheries therein.

Section 46. LICENSE FEES MAY BE ALTERED BY LEGISLATURE. All fees, licenses and taxes established by this Act may be altered, amended or repealed by the Legislature of the Territory of Alaska.

Section 47. REPEALING CLAUSE. That from and after the time this Act takes effect, the Act of Congress entitled "An Act for the protection and regulation of the fisheries of Alaska," approved June, 1906, and all acts or parts of acts of Congress or of the Territorial Legislature of Alaska inconsistent with the provisions of this Act be, and the same are hereby repealed, except as otherwise provided in this Act.

HOUSE CONCURRENT RESOLUTION NO. 13.

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Report of Audit for the years 1916 to 1922 of the Territorial Treasurer be printed.

That under joint direction of the Finance Committee of the Senate and the Printing and Purchasing Committee of the House, bids be called for the printing of five hundred (500) copies of the Report of the Auditors of the Territory of Alaska for the years 1916 to 1922, and that the award of contract for such printing be to the lowest bidder.