

river or streams running into said river, up which fish are accustomed to run and spawn, shall make and keep in repair properly constructed fish ladders or fish ways to be placed on said dams so as to afford to the fish in the said river or streams, free course up and down said river or streams; said ladders or fish ways to be approved by the fish commissioners; and if any owner of such dams shall fail to comply with this provision, within six months after notice has been served, as hereinafter provided, he shall be guilty of a misdemeanor, and upon conviction thereof in the circuit court for the county where he resides, shall be fined not less than three hundred dollars nor more than five hundred dollars, and such dam shall be deemed a nuisance and liable to be abated as other nuisances under the laws of the State.

1882, ch. 440.

43. The county commissioners of the county along which a dam or dams is or are now erected or may hereafter be erected in or across the Potomac river or streams running into the said river, when satisfied that said dam or dams is or are so constructed as to cut off the fish from free course up and down said river or stream, shall give notice to the owner or owners to construct and keep in repair proper fish ways or ladders as hereinbefore provided.

Ibid.

44. Nothing in the four preceding sections shall be so construed as to prevent the catching of minnows or small fish for angling or scientific purposes; nor to prevent the commissioners of fisheries of this State, or any person in their employ, from catching fish with nets or otherwise, at any time, for the purpose of propagation or stocking other waters; nor to prevent any person from taking fish in any way, at any time, from his private dam or pond which he may have stocked with fish.

Ibid.

45. Any person violating the provisions of section 40 or 41, shall pay a fine of not less than ten nor more than twenty dollars for each offence, upon conviction before any justice having jurisdiction in this State; and upon failure to pay such fine and costs, shall be imprisoned in the county jail for not less than ten