

Sec. 31. Annual report--publication--distribution. The state fire marshal shall file with the governor annually, at the time provided by law, a detailed report of his official acts and of the affairs of his office which report shall be published and distributed as the reports of other state officers.

Sec. 32. Fee for fires reported--payment. There shall be paid to the chief of the fire department, and to mayors of incorporated towns, and to the township clerk of every township, who are by this chapter required to report fires to the state fire marshal, the sum of fifty cents (50c) for each fire so reported to the satisfaction of the state fire marshal and in addition thereto there shall be paid to township clerk mileage at the rate of ten cents (10c) per mile for each mile traveled to and from the place of fire. Said allowances shall be paid by the state fire marshal out of any funds appropriated for the use of the office of said state fire marshal.

Sec. 33. Annual appropriation for expenses and fees. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seven thousand five hundred dollars (\$7,500.00) annually, or so much thereof as may be necessary for the purpose of paying the expenses and fees authorized by this chapter. The said fire marshal shall keep on file in the office an itemized statement of all expenses incurred by his department.

Approved February 15, 1924.

CHAPTER 38

FISH AND GAME

H. F. 54

AN ACT to amend, revise, and codify chapters fifteen (15) and sixteen (16) of title five (5) of the compiled code of Iowa, and of the supplement to said code, relating to propagation and protection of fish, game, wild birds, and animals.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters fifteen (15) and sixteen (16) of title five (5) of the compiled Code of Iowa, and of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER 15

PROPAGATION AND PROTECTION OF FISH, GAME, WILD BIRDS, AND ANIMALS

Section 1. State ownership and title - Exceptions. The title and ownership of all fish, mussels, clams and frogs in any of the public waters of the state, and in all ponds, sloughs, bayous, or other waters adjacent to any public waters stocked with fish by overflow of public waters, and of all wild game, animals, and birds, including their nests and eggs, found in the state, whether game or non-game, native or migratory, except deer in parks and in public and private preserves, the ownership of which was acquired prior to April nineteenth, nineteen hundred eleven (1911), are hereby declared to be in the state, except as otherwise in this chapter provided.

Sec. 2. Conclusive presumption of consent to title. Any person catching, taking, killing or having in possession any of such fish, mussels, clams, frogs, game, animals, or birds, their nests or eggs, in violation of the provisions of this chapter, shall be held to consent that the title to the same shall be and remain in the state for the purpose of regulating and controlling the catching, taking or having in possession the same, and disposing thereof after such catching, taking, or killing.

Sec. 3. Private preserves for certain game birds and animals. Any person desiring to engage in the business of raising and selling game birds or animals in a wholly inclosed preserve or inclosure, of which he is the owner or lessee, may make application in writing to the state game warden for a license so to do. The state game warden, when it shall appear that such application is made in good faith, shall upon the payment of an annual fee of two dollars (\$2.00) issue to such applicant a breeder's license permitting him to breed and raise any of such game birds or animals on such preserve or inclosure, and to sell the same for breeding or stocking purposes on or within such preserve or inclosure and kill, use, or sell the same for food. Such license must be renewed annually upon the payment of the fee as above provided, and the possession of such license shall exempt the licensee from the penalties of this chapter for killing, having in possession, or selling such game birds or animals, or any of them; provided such licensee shall raise or breed such birds or animals upon or within such preserve or inclosure, or secure the same by purchase from without the state, or from a licensed breeder within this state.

Sec. 4. Private fishing preserve. Persons who raise or propagate fish upon their own premises, or who own premises on which there are waters having no natural inlet or outlet through which such waters may become stocked or replenished with fish, are the owners of the fish therein and may take therefrom or permit the same to be done. Any person taking said fish without the consent of such owner shall be liable to such owner for three times the value thereof.

Sec. 5. State game warden - Appointment. Within two (2) months prior to March first, nineteen hundred twenty-five (1925) and each four (4) years thereafter, the governor shall appoint a state game warden who shall hold office for a period of four (4) years from March first of the year of the appointment, subject to the approval of the Senate. Said state game warden shall enforce the provisions of this chapter and shall have his office at the seat of government and devote his entire time to the discharge of his duties.

Sec. 6. Fish Hatcheries - Game Farms - Distribution of Fish and Game. The state game warden shall have the right to establish and control the state hatcheries and game farms, which shall be used for the purpose of stocking the waters of the state with fish and the natural covers with game birds to the extent of the means provided for that purpose; and impartially and equitably distribute all birds, eggs, and fry raised by or furnished to the state, or for it through other sources, in the streams, lakes and natural covers of the state.

Sec. 7. Reports and Accounting. At the time provided by law, the state game warden shall make a report to the Governor of his doings for the preceding biennial period, including therein an itemized statement of all receipts and disbursements; also all contracts for the taking of soft fish from the waters of this state, with the profits accruing from such contracts; also such other information upon the subject of the culture of fish and the protection of game as may be of value. All funds derived under said contracts shall be paid into the state fish and game protection fund.

Sec. 7-a. The state game warden shall monthly forward to the state board of audit, under oath, itemized statements of all monies received and the source thereof, and all the monies expended, and for what purpose, with the balance on

hand in each separate fund. Such monthly statement shall also show the number and varieties of fish distributed and in what waters.

Sec. 8. Assistant and deputy wardens. The state game warden may appoint three (3) assistant game wardens and such number of deputies as he may deem necessary. Such assistant and deputy wardens shall act under the advice and direction of the state game warden, and perform such duties in relation to their offices as may be required of them.

Sec. 9. Arrests - Assistance of peace officers. Assistant and deputy game wardens may arrest without warrant any person violating the provisions of this chapter. They may serve and execute all warrants and process issued by any court in enforcing said provisions, in the same manner as any peace officer might serve and execute the same, and they shall receive the same fee therefor. They may call to their aid any peace officer or other person, whose duty shall then be to enforce or aid in enforcing the provisions of this chapter.

Sec. 10. Seizure of unlawful game. It shall be the duty of the state game warden, his assistants and deputies, and police officers of the state, to seize with or without warrant and take possession of any fish, birds, or animals or mussels, clams, and frogs, except for bait, which have been caught, taken or killed at a time, in a manner, or for a purpose, or had in possession or under control, or offered for shipment, contrary to the provisions of this chapter.

Sec. 11. Seizure of unlawful devices. Any nets, seines, traps, spears, contrivances, materials, and substances whatever, while in use or in possession or kept or maintained for the purpose of catching, taking, killing, trapping, or deceiving any fish, birds or animals contrary to any of the provisions of this chapter, are hereby declared to be a public nuisance; and it shall be the duty of the state game warden, his assistants and deputies, sheriffs, constables, and police officers of the state, without warrant or process, to take or seize any and all of the same, and confiscate and sell or destroy any and all of the same without warrant or process, and no liability shall be incurred to the owner or any other person for such seizure and destruction, and said warden or his assistants or deputies, or other peace officers, shall be released from all liability to any person for any act done or committed, or property seized or destroyed, under or by virtue of this section.

Sec. 12. Search warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that any fish, mussels, clams, frogs, birds or animals caught, taken, killed, had in possession, under control, or shipped, contrary to any of the provisions of this chapter, or hidden or concealed in any place, shall issue a search warrant and cause a search to be made in any place therefor. The property so seized under such warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in any trial, and if such trial results in a conviction the property seized shall be confiscated by the state game warden, his assistants or deputies.

Sec. 13. State fish and game protection fund. The assistant and deputy game wardens shall pay to the state game warden, on or before the fifteenth day of each month, all license fees, and other moneys collected by them in the discharge of their duties. All such sums and all license fees, penalties and forfeitures from other sources, including all funds realized from any fish, game, animals, or other property and confiscated and sold under the provisions of this chapter, shall constitute the state fish and game protection fund, which shall be kept separate by the state treasurer, and out of which shall be paid the compensation, traveling, contingent and office expenses of the state game warden, and his assistants and deputies, including the expenses of the propagation of fish and game, gathering and distributing fish in the waters of the state, and

all expenditures necessary for the enforcement of the provisions of this chapter; and all which expenses shall not exceed in any one year the amount collected and placed to the credit of said fund. The balance remaining in the fund provided by section 1117, C. C., at the time this act becomes effective shall be transferred to the state fish and game protection fund at that time. The fish and game protection fund shall be paid out only on verified vouchers approved by the state board of audit.

Sec. 14. License to fish and hunt. No person shall hunt, pursue, kill or take any wild animal, bird, or game in this state in any manner, or trap fur-bearing animals or game without first procuring a license.

No male person over the age of eighteen (18) years shall fish in the stocked meandered lakes of the state without first procuring a fishing license; provided however, no license shall be required from owners or tenants of farm lands, their wives, children or employees for hunting, trapping or fishing upon lands owned or occupied by them.

Sec. 15. Age limit - Consent of parent or guardian. No license shall be granted any person under eighteen (18) years of age unless the written consent of parents or guardian is attached to the application.

Sec. 16. Application blanks - Inclosed or cultivated lands. The state game warden shall furnish county recorders with application blanks for a license and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license shall authorize its holder to fish and hunt in accordance with the provisions of this chapter in any county of the state, but not on private waters, or on inclosed or cultivated lands without permission of the owner or the tenant, nor hunt upon any public highway or railroad right-of-way; and shall bear a facsimile signature of the state game warden, and the seal and signature of the recorder of the county in which it is issued.

Sec. 17. License fees - Resident - Nonresident - Resident alien. An applicant for a license to fish and hunt shall fill out an authorized application blank, subscribe and swear to it before the county recorder, a notary or a justice of the peace. Such application blanks shall be furnished by the county recorder to any person requesting same. The application shall then be presented to the county recorder who shall issue all hunting and fishing licenses, the issuance of which is not otherwise provided in this chapter. Before any license is issued to any applicant the following license fees shall be paid to the county recorder:

1. For resident of the state for fishing with hook and line in stocked meandered lakes and hunting, one dollar (\$1.00).
 2. For nonresident or resident alien, for fishing with hook and line and trot-line in any state waters, three dollars (\$3.00).
 3. For nonresident or resident alien, for hunting, ten dollars (\$10.00).
- These fees the county recorder shall pay at the end of each month to the state treasurer who shall place them to the credit of the fish and game protection fund.

Sec. 18. License record. The county recorder shall keep a record of the license he issues which shall show the date of issue, the name, and address of the person to whom issued, the date of revocation, if revoked.

Sec. 19. Terms of license. Each license shall be signed in ink by the licensee. Such license, if issued to a resident of the state and not a resident alien, shall entitle such person to whom issued, to fish with hook and line in stocked meandered lakes and to hunt, pursue and kill wild animals, birds or game within the state at any time when same shall be lawful. A license issued to a nonresident or resident alien shall entitle such person to either fish with hook line and trot-line, or, to hunt, pursue and kill wild animals, birds or game, within the state at any time when same shall be lawful. A license shall not entitle the

person to whom issued to fish, nor hunt, pursue or kill wild animals, birds or game, in this state without having such license upon his person at the time of so doing and exhibiting it for inspection and permitting it, on demand, to be examined by any person. All resident combination fishing and hunting licenses and all hunting licenses shall be void on and after the first day of July next succeeding the issuance thereof. All nonresident or resident alien fishing licenses shall be void after the last day of December of the year in which the same are issued.

Sec. 20. Nonresidents - Restrictions. A nonresident holding a valid license may take from the state not to exceed twenty-five (25) game birds or animals, provided they are so carried as to be readily inspected and his license is shown on request.

Sec. 21. Revocation. A license in the possession of any person other than to whom first issued, and, on complaint, the license of any person hunting on inclosed or cultivated lands without permission of the owner or tenant shall be revoked by the county recorder.

Sec. 21-a. For the purpose of the next succeeding section the state shall be divided into two zones as follows:

1. The northern zone shall embrace all counties of the state north of the township line which divides the townships of Range 81 N. from those of Range 82 N. except such portions of Cedar and Clinton counties as are north of such township line.

2. The southern zone shall embrace all counties south of the township line which divides the townships of Range 81 N. from those of Range 82 N. and those portions of Cedar and Clinton counties lying north of said township line.

Sec. 22. Closed seasons on fish. It shall be unlawful for any person to take from the waters of the state;

1. Any salmon or trout from September first to April fourteenth.

2. Any black bass in the northern zone from December first to June fourteenth or in the southern zone from November fifteenth to May thirty-first.

3. Any pike, crappie, pickerel, catfish, perch, or any other game fish, in the northern zone from December first to May fourteenth, or in the southern zone from November fifteenth to April thirtieth.

All dates in this section are inclusive.

Sec. 23. Catch limits. It shall be unlawful for any person at any time to take from the waters of the state in any one (1) day more than twenty-five (25) of said kinds of fish in the aggregate, of which total number not more than ten (10) may be pike or bass, except as otherwise provided in this chapter when using licensed nets or seines.

Sec. 24. Size limits. No person shall at any time kill, destroy, have in possession or under control, for any purpose whatever, any pike, pickerel or blue or channel catfish less than twelve (12) inches in length, any bass less than ten (10) inches in length, except rock or silver bass which shall not be less than seven (7) inches in length, or any trout or crappie less than eight (8) inches in length, or any perch less than seven (7) inches in length, or any sunfish less than six (6) inches in length, except as otherwise provided in this chapter when using licensed nets or seines. Any such fish taken shall be immediately returned to the water with as little injury to the fish as possible.

Sec. 25. Tackle restrictions - Trot lines. No person shall at any time take from the waters of the state any fish, except as in this chapter otherwise provided, except with hook, line and bait; nor shall any person use more than two (2) lines, with one (1) hook upon each line, in still fishing or otherwise, except when using a trot line in the manner provided in this chapter, or in trolling or casting a spoonhook. Any person may, from June fifteenth to November fourteenth, both dates inclusive, use not more than one (1) trot line in streams only, and extending not more than half the distance across such stream, except that at no time shall a trot line be used within three hundred (300) feet of a fishway or dam.

Sec. 26. Possession of spear, trap, net or seine unlawful. The possession of a spear, trap, net or seine, for fishing, shall be unlawful, except where the use of such is permitted by this chapter.

Sec. 27. Minnows for bait. In taking minnows for bait one quarter (1/4) inch mesh seine not exceeding five (5) yards in length may be used, and longer seines not exceeding thirty (30) feet in length may be used if approved in writing by the state game warden in inland lakes or boundary waters of the state. If any game fish shall be taken, they shall at once be restored unharmed to the water whence taken. "Minnows" as used in this section shall not include young bass, pike, crappie, trout, salmon or fry of any game fish, native or otherwise.

Sec. 28. Trolling from launches and steamboats prohibited. No fish may be taken by trolling from any gasoline, oil or electric launch or steamboat propelled by such power, from any of the inland waters of the state. The foregoing clause relative to launches and steamboats shall not apply to or be effective on the Mississippi or Missouri rivers.

Sec. 29. Explosive - Drugs. It shall be unlawful for anyone to place in the waters of the state any lime, ashes, or drugs of any kind, or other substance, explode dynamite, gun cotton, giant powder, or other compound or preparation, or use electricity in any way, with the intent to kill or so to affect any fish that it may be taken.

Sec. 30. Fishing through ice. It shall be unlawful for any one to have, erect or use, while fishing on or through the ice, any house, shed or other protection against the weather, or have or use any stove or other means for creating artificial heat.

Sec. 31. Stocked waters. No person shall fish for or by any means catch any fish in any waters of the state which have been stocked with brood fish one (1) or two (2) years old, within one (1) year from the date of stocking thereof, if notice of such fact is by the authority of the state game warden posted around such waters.

Sec. 32. Dams - Fishways. It shall be unlawful for any person, firm or corporation to place, erect or cause to be placed or erected, any dam or other device or contrivance in such manner as to hinder or obstruct the free passage of fish up, down or through such waters, except as otherwise provided in this chapter. Dams for manufacturing or other lawful purposes may be erected across the waters of the state. No dam or obstruction across such waters shall be erected or maintained which is not provided with a fishway, nor shall any pumping station or plant except sand pumping and dredging machines, in or connected with such waters be constructed or operated which is not provided with screens to prevent fish from entering the pumping station or plant. Such fishways and screens shall be constructed and used according to the plans and specifications prepared and furnished by the state game warden. Any dam, obstruction, or pumping plant which is not so constructed is a public nuisance and may be abated accordingly.

Sec. 32-al. It shall be unlawful for any owner or his agent to remove or destroy any existing dam, or alter it in a way so as to lower the water level, without giving written notice to the state game warden ten (10) days prior to such removal or change.

Sec. 33. Fish dams - Condemning property for. Any city or town, bounded in whole or in part by any meandered lake or chain of lakes, or the board of supervisors of the county in which such waters are situated, may construct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish, the same to be of earth, masonry, or other material to the natural and ordinary level of the lake, above and across the entire width to be an open network of bars or wire with the necessary supports, so arranged as to prevent as far as may be the escape of fish. For this purpose, upon the petition of a majority of the resident taxpayers of any city or town, so much land as is situated within the corporate limits as may be necessary may be purchased or condemned in the same manner provided for the appropriation of private property for streets and other municipal uses, and paid for out of the general fund.

Sec. 34. Taking by warden for stocking and exchange. The state game warden may take from any of the public waters of the state, at any time and in any manner, any fish for the purpose of propagating or restocking other waters, or exchanging with fish commissioners or wardens of other states or the federal government.

Sec. 35. Seining undesirable fish. The warden may enter into written contracts for the taking by seine or net from the public waters of this state, buffalo, carp, quillback, redhorse, suckers, dogfish, gizzard shad and gar, but no other fish. Such contracts shall not be for more than one year, and shall specify:

1. The particular waters from which such fish may be taken.
2. The compensation to be paid the state, and the times and terms of payment.
3. That no fish shall be taken except in the presence of and under the supervision of the warden or one of his regular deputies.
4. That all expenses including the fees, salaries, and expenses of the warden and his deputies, shall be paid by the holders of the contracts.
5. That the contract may be forfeited and cancelled, without notice, by the warden in the event of a breach thereof.
6. Such other provisions for the protection of the state as the warden may require.

Sec. 36. Bond. The holder of such contract shall, prior to the taking of any fish thereunder, file with the warden a bond with sufficient security to be approved by the warden, in an amount to be fixed by the warden, and in no event less than five hundred dollars (\$500.00). Such bonds shall be conditioned for the faithful performance of the contract, the payment of all damages resulting from a breach thereof, and such other conditions as to the warden may seem right and proper.

Sec. 37. Net and seine license for certain streams - Bond. It shall be lawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of this state any fish with nets or seines upon procuring from the state game warden an annual license for the use of such nets and seines. Before any such license shall be issued to a nonresident of the state, the applicant shall execute and deliver to the state game warden a bond running to the state of Iowa in the penal sum of two hundred dollars (\$200.00), with two (2) sureties, to be approved by the state game warden, conditioned that the licensee shall faithfully comply with all the laws of this state regulating the use of nets and seines for fishing.

Sec. 38. License fees for nets and seines. No license shall be issued for the use of any seine or net having less than two and one-half (2 1/2) inch mesh, bar measure, provided, however, that any seine or net which was possessed and licensed prior to March 1, 1924, may be licensed and used lawfully for two (2) years after that date. Fee for licenses shall be as follows:

1. For each five hundred (500) lineal feet of seine, or fraction thereof, fifteen dollars (\$15.00).
2. For each pound net having one hundred (100) feet or more lead on each side, six dollars (\$6.00).
3. For each pound net having less than one hundred (100) feet lead on each side, three dollars (\$3.00).
4. Foreach net, bait net, dip net, hoop net and fyke net, one dollar (\$1.00). All seine and net licenses shall expire on the first day of March following their issuance.

Sec. 38-al. Written reports shall be made to the state game warden, on forms prepared and furnished by him for that purpose, by each licensee at the expiration of such license, stating in detail the amount and kind of fish caught, the amount for which same were sold and the total value of each kind. The state game warden may refuse to issue subsequent licenses until such reports are filed.

Sec. 39. License tags for nets and seines. The state game warden shall furnish to each such licensee, at an expense not to exceed ten cents (10¢) each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred (500) feet of seine; and it shall be unlawful to use any seine or net without having a tag thus procured attached thereto.

Sec. 40. Size limits when using net or seine. It shall be unlawful for any person to take with any seines or nets, when permitted to use same in the Mississippi or Missouri rivers, any black bass, pike or crappie, or any of the following fish in lengths less than as follows, to wit: Carp, fifteen (15) inches; buffalo, fifteen (15) inches; pickereel, eighteen (18) inches; catfish, thirteen (13) inches; yellow perch, seven (7) inches; sunfish, six (6) inches; and the following fish weighing less than as follows, to wit: Sand sturgeon, one (1) pound, or rock sturgeon, three (3) pounds.

Sec. 41. Wholesale fish market license. It shall be unlawful for any person, firm or corporation to operate a wholesale fish market, jobbing house, or other place for wholesaling, marketing or distributing fish, without first procuring a license for such purpose from the state game warden. The license fee shall be ten dollars (\$10.00) per year, and the license shall expire on the thirty-first day of December following its issuance.

Sec. 42. Reports required. Each holder of a wholesale fish market license shall make to the state game warden, within thirty days after the expiration of the license, a report in writing, upon blanks furnished by the state game warden, of all fish caught or taken from waters under the jurisdiction of this state, which were handled by such licensee. Failure on the part of a holder of such license to make report as herein required shall prevent such licensee from securing a subsequent wholesale fish market license.

Sec. 43. Possession and sale of black bass prohibited. It shall be unlawful for any commercial institution, commission house, restaurant or cafe keeper, or fish dealer, to have in possession, buy, sell or barter, or offer to buy, sell or barter, any black bass, whether caught or taken within or without the state, or lawfully or unlawfully taken.

Sec. 44. Taking of mussels licensed. It shall be unlawful to take, catch, or kill mussels for commercial purposes without a license issued by the state game warden.

Sec. 45. Mussel license. The state game warden shall upon application issue a license to take, catch, or kill mussels. On making application for such license, residents of this state shall pay to the state game warden a fee of two dollars (\$2.00), and nonresidents a fee of twenty-five dollars (\$25.00); and for authority to use a dredge, an additional fee of twenty dollars (\$20.00) in either case. All such licenses shall expire on December thirty-first following their issuance and shall be numbered consecutively as issued and a record kept in the office of the state game warden. Each license shall show the name and address of the licensee and the amount paid for such license, whether or not the use of a dredge is authorized, whether the licensee is a resident or nonresident, and what waters of the state are closed against the taking of mussels under such license.

Sec. 46. Reports required of licensees. On or before December thirty-first of the year in which any license is issued, the holder thereof shall make a written report to the state game warden on blanks furnished by him, stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such a report, the state game warden shall not issue another license until such report shall be made.

Sec. 47. Manner of taking regulated. Any person, firm, or corporation to whom a license under the provisions of the preceding section has been issued:

1. May operate not more than one (1) boat for each license, or one (1) rig in taking, catching, or killing mussels for commercial purposes. Any such person, firm, or corporation may use one (1) additional boat for purposes of towing only when no apparatus for taking, catching, or killing is used or kept thereon.

2. It shall be unlawful to have in possession in the waters while engaged in taking, catching, or killing mussels for commercial purposes, more than four (4) crowfoot bars, or for more than two (2) of such bars to be in the water at the same time, or for any crowfoot bar to be of greater length than twenty (20) feet, or more than one (1) dredging equipment, or a dredge with openings of greater length than three (3) feet or with prongs or forks of greater length than four (4) inches, or any dredge without a license therefor. A pitchfork may be used for gathering mussel shells, without the payment of a license fee for dredging equipment.

Sec. 48. Legal sizes of mussels. It shall be unlawful to take, catch, or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than one and three-fourths (1 3/4) inches in greatest dimensions. Undersized mussels shall be immediately culled and returned to the water whence taken, without avoidable injury, excepting that the so-called pigtoes may be retained.

Sec. 49. Restricted areas prescribed. The state game warden may from time to time, as may be required for the conservation of the mussel resources of the state, prescribe by written or printed order, areas in any part of the state from which mussels shall not be taken for such period as may be specified by the warden, but no such period shall exceed five (5) years, nor shall more than one-half (1/2) of the mussel producing waters of the state be closed at the same time.

Sec. 50. Publication of orders. The state game warden shall cause the orders referred to in the preceding section to be published once in the newspapers of general circulation published within each county containing or having on its boundary, waters affected by such orders. Such orders shall take effect at the time fixed therein which shall not be less than thirty (30) days after the publication thereof in the first newspaper in which it is inserted in such county. The state game warden may extend the time at which such order shall take effect.

Sec. 51. Territorial jurisdiction - Reciprocity of states. Any person licensed by the authorities of Illinois or Wisconsin to take mussels from or in the waters forming the boundary between such states and Iowa may take them from that portion of said waters lying within the territorial jurisdiction of this state without having procured a license therefore from the state game warden of this state, in the same manner that persons holding Iowa license may do so, if the laws of Illinois or Wisconsin, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

Sec. 52. Terms defined. As used in this chapter the words:

1. "Mussels" shall mean and embrace the pearly, fresh water mussels or clams, or naiad, and the shell thereof.

2. "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of the mussels.

3. "Dredge" shall mean any mechanism of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crowfoot bar.

4. "Commercial purposes" shall mean and be presumed to be the taking, catching, killing, or having in possession mussels, unless the contrary is proven.

5. "Rig" shall mean one (1) boat equipped with not more than four (4) crowfoot bars, one (1) boat equipped with power and one (1) barge.

Sec. 53. Protection of deer, elk and goat. It shall be unlawful for any person other than the owner, or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, elk, or goat, except when distrained by law.

Sec. 54. Deer - Killing or capture. When it shall become necessary in the opinion of the state game warden or his deputies to kill or capture any deer now running at large within this state, it shall be done under the authority and direction of the state game warden, who shall distribute such deer so killed or captured within this state and the expense of said killing or capture and distribution shall be paid by the person receiving such deer.

Sec. 55. Fur-bearing animals - Trapping regulations. It shall be unlawful for any person to kill, trap, or ensnare any beaver, mink, otter, or muskrat, from March sixteenth to November fourteenth, both dates inclusive, or any raccoon or skunk from February first to October 31st, both dates inclusive, except where such killing, trapping, or ensnaring may be for the protection of public or private property; or to injure any muskrat house or destroy any skunk den, except for the protection of public or private property; or to have in possession during the closed season provided for in this section, except during the first ten (10) days thereof, any of the animals or carcasses or parts thereof described in this section, whether lawfully or unlawfully taken within or without this state; but nothing herein contained shall be deemed to apply to green hides in process of manufacture.

Sec. 56. Closed seasons for game birds and animals. Every person is prohibited from trapping, shooting, killing or taking any of the following named birds or animals during the following named closed seasons:

1. Wild duck, goose or brant, rail, plover, sandpiper, marsh or beach birds, Wilson or jacksnipe, from January first to September fifteenth, both dates inclusive.

2. Woodcock, from December first to September thirteenth, both dates inclusive.

3. Pinnated grouse or prairie chicken, from December first to September thirtieth, both dates inclusive; and at all time prior to October first, nineteen hundred twenty-seven (1927).

4. Ruffed grouse or pheasant or wild turkey, from December first to October thirty-first, both dates inclusive; and at all time prior to November first, nineteen hundred thirty-two (1932).

5. Quail, from November sixteenth to October thirty-first, both dates inclusive, and at all time prior to November first, nineteen hundred twenty-seven (1927).

6. Mongolian, ring-neck, English or Chinese pheasants, Hungarian partridge, or other imported birds in this state, at all times.

7. Gray, fox, or timber squirrel, from January first to August thirty-first, both dates inclusive.

Sec. 57. Bag limits and possession. No person shall shoot or kill to exceed the following numbers of game birds or animals in any one (1) day, respectively:

Five (5) prairie chickens, eight (8) quails, fifteen (15) ducks, two (2) male imported pheasants, and fifteen (15) of the other game birds or animals. Nor shall any one (1) person, firm, or corporation have in his or its possession at any one (1) time to exceed ten (10) prairie chickens, fifty (50) water fowl, fifteen (15) quail, eight (8) male imported pheasants, and fifteen (15) of either of the other kinds of game birds or animals named in this chapter, unless by a common carrier for the purpose of lawfully shipping as provided in this chapter. Nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter in possession during the periods when the killing thereof is prohibited, except during the first ten (10) days of the closed season for them, respectively.

Sec. 58. Buying or selling game prohibited. Except as otherwise provided in this chapter, it shall be unlawful for any person, firm or corporation to buy or sell, dead or alive, any game birds or animals named in this chapter, but nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter.

Sec. 59. Regulations on killing game birds. No person shall kill or attempt to kill any bird named in this chapter with the aid or use of any sneak boat or sink box, or from any sailboat, gasoline or electric launch or steamboat, or any other water conveyance except as propelled by oar or paddle, or any other device used for concealment in the open water; nor pursue, for the purpose of killing or capture, any such bird by motor vehicle or aircraft; nor use any artificial light, battery, or deception, contrivance or device with intent to attract or deceive such bird, except that in hunting wild ducks and geese, decoys and duck or goose calls may be used and artificial ambushes erected and used on land. No person shall at any time hunt or shoot any game bird between sunset and thirty (30) minutes before sunrise of the following morning.

Sec. 60. Swivel gun and poison prohibited. It shall be unlawful for any person to use a swivel gun, or any other firearm, except such as is commonly shot from the shoulder, or any poison or medicated or poisoned food, for the purpose of capturing or killing any of the birds or animals protected by this chapter.

Sec. 61. Carrying firearms in motor vehicles. No person shall carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case.

Sec. 62. Traps, nets and snares prohibited. No person shall capture or take or attempt to capture or take, with any trap, snare or net, any of the game birds named in this chapter.

Sec. 63. Protection of nongame birds - Sale of plumage prohibited - Game birds defined. No person shall, within the state, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this chapter. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the state. All species of wild birds, either resident or migratory, except as specified in this section shall be considered nongame birds. The following are declared to be game birds:

1. The Anatidae, commonly known as swans, geese, brant, and river and sea ducks.
2. The Rallidae, commonly known as rail, coots, mud-hens, and gallinules.
3. The Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews.
4. The Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail.

Sec. 64. Protection of nests and eggs. No person shall destroy, have in possession or under control, for any purpose whatever, except specimens for scientific use as provided in this chapter, the nests or eggs of any nongame bird, but nothing herein shall be construed to prevent the removal of nests from buildings.

Sec. 65. Certain birds and fowls not protected. It shall not be a violation of the provisions of this chapter to take, shoot, or kill the following birds or fowls:

1. The English starling, the English or European house sparrow, blackbird, blue-jay, crow, sharp-shinned hawk, Cooper's hawk, and great horned owl.
2. Grebe, loon, gull or tern, merganser, bittern, known as blue crane, poorjoe or cranky, little blue heron and black crowned night heron, on the grounds and waters of any public or private fish hatchery within the state by the owner, superintendent or employee thereof.

Sec. 66. Parrots and canaries. This chapter shall not be construed to forbid the selling or shipping of parrots, canaries or any other cage birds which are imported from other countries or not native to any part of the United States.

Sec. 67. Using birds as targets. No person shall keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting.

Sec. 68. Certificates of permission for scientific purposes. Certificates may be granted by the state game warden to any properly accredited person of the age of eighteen (18) years or over, permitting the holder thereof to collect fish, game, wild animals and birds, and their nests or eggs, for scientific purposes only. The applicant for the same must present to said officer written testimonials from two (2) well known zoologists who must be residents of Iowa, certifying to the good character and fitness of said applicant to be intrusted with such privilege, and must pay said officer two dollars (\$2.00) to defray the necessary expenses attending the granting of such certificate. On proof that the holder of such certificate has taken or killed any fish, game, animal or bird, whether game or nongame, or taken the nest or eggs of any such bird, for other than strictly scientific purposes, his certificate shall become void. The certificates shall expire on December thirty-first of the year issued and shall not be transferable.

Sec. 69. Transportation for sale prohibited. It shall be unlawful for any person, firm or corporation to offer for transportation or to transport by common carrier or vehicle of any kind, to any place within or without the state, for purposes of sale, any of the fish, game, animals, or birds taken, caught, or killed within the state, or to peddle any of such fish, game, animals, or birds; provided, however, that fish of one day's catch lawfully taken may be sold, in the immediate vicinity where taken, to an individual for his family consumption, by the party taking such fish. It shall be unlawful to take, ship, or carry out of the state for any purpose any such fish, game, animals or birds unless lawfully caught, taken, or killed by a nonresident licensee under the provisions of this chapter, who may take, carry, or ship to his place of residence as indicated by such license, such fish, game, animals, or birds, as are lawfully caught, taken, or killed thereunder. Nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter.

Sec. 70. Transportation regulations and restrictions. Any person, firm, or corporation desiring the shipment or transportation of any game, fish, animals, or birds, shall deliver to the common carrier to which the shipment is offered, a statement under oath, in duplicate, showing the name and address of the shipper, the date and number of his license, where and by what officer issued, the name and residence of the consignee to whom the shipment is made, the kind and number of fish, animals, or birds in the shipment, that the same have not been unlawfully killed, bought, sold, or had in possession, and are not being shipped for the purpose of market or sale, and that such shipment does not contain a greater number of fish, animals or birds than may be lawfully shipped in one (1) day. One (1) copy of such affidavit shall be retained by the common carrier receiving such shipment, for the period of twelve (12) months thereafter, and the other copy shall be attached in a secure manner to the package or container of such fish, animals, or birds.

Sec. 71. Authority to administer oath. In addition to all officers authorized by law to administer oaths, the agent of any common carrier receiving for transportation any fish, animals, or birds, as in this chapter provided, is hereby authorized to administer the required oath.

Sec. 72. Limit of shipment for one day. No person as otherwise provided shall ship, carry or transport in any one (1) day, game, fish, birds or animals, except fur-bearing animals, in excess of the following numbers, respectively: Ten (10) prairie chickens, fifty (50) water fowl, fifteen (15) quail, eight (8) male imported pheasant, and fifteen (15) of either of the other game, birds or animals, and forty (40) fish including all varieties shipped, except as otherwise provided under license to fish with seine or net or under permit from the state game warden.

Sec. 73. Shipping restrictions. It shall be unlawful for any common carrier to receive for transportation any game, fish, animals or birds in greater numbers or in any other way or manner than in this chapter provided.

Sec. 74. Transportation regulations on commercial shipments. The foregoing provisions regarding the possession and transportation of fish, shall not apply to such fishing as is done under written permits from the state game warden or to such fishing as is permitted with nets or seines in certain boundary waters of the state or fishing done on private fishing preserves. Provided, however, that it shall be unlawful for any person, firm or corporation to ship any fish taken with licensed nets or seines unless there is attached to each container a tag stating the name and address of the consignor and consignee, the amount of each kind contained therein, the waters from which taken, and that same were taken with licensed nets or seines.

Sec. 74-a1. In the shipping of fish, whenever a container includes one or more fish that are contraband, the entire contents of the container shall be deemed contraband, and shall be seized by the state game warden, his assistants or deputies.

Sec. 75. Game brought into the state. It shall be lawful for any person, firm or corporation to have in possession any fish or game lawfully taken outside the state and lawfully brought into the state, but the burden of proof shall be upon the person in such possession to show that such fish or game was lawfully killed and lawfully brought into the state.

Sec. 76. Violations - Penalty. Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell, ship or transport any fish, mussels, birds, their nests, eggs or plumage, fowls, game or animals in violation of the provisions of this chapter or whoever shall use any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same at a time, place or in a manner or for a purpose prohibited, or do any other act in violation of such provisions for which no other punishment is provided, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days. And each fish, fowl, bird, birds' nest, egg or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offense.

Sec. 77. Violations relating to dams - Penalty. Whoever shall erect any dam or other obstruction prohibited by this chapter or at a place or in a manner prohibited, or shall injure or destroy any dam lawfully erected, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not more than one hundred (100) days.

Sec. 78. Violations by common carrier - Penalty. Any common carrier which shall violate any of the provisions of this chapter relating to receiving, having in possession, shipping or delivering any fish, fowls, birds, birds' nests, eggs or plumage, game or animals, in violation of the provisions of this chapter or contrary to the regulations and restrictions therein provided, and any agent, employee or servant of such corporation violating such provisions, shall be fined not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), and any such agent, employee, or servant may be imprisoned not exceeding thirty (30) days.

Sec. 79. Duty of attorney general and county attorneys. It shall be the duty of the attorney general, when requested by the state game warden to give his opinion in writing upon any question of law arising under this chapter; and it shall be the duty of all county attorneys in this state when requested by the state game warden or any deputy, to prosecute all criminal actions brought in their respective counties for violations of the provisions of this chapter. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any of the provisions thereof.

Sec. 80. Informations - Jurisdictions. In all prosecutions under this chapter, any number of violations may be charged in one (1) information, but each charge shall be set out in a separate count if more than one (1) charge is included in one (1) information. Prosecutions for violations may be brought in the county in which any fish, fowl, bird, birds' nest, eggs, or plumage, or animals protected by this chapter were unlawfully caught, taken, killed, trapped, ensnared, bought, sold or shipped unlawfully, or in any county into or through which they were received, transported, or found in possession of any person.

Sec. 81. Presumptive evidence of violations. It shall be presumptive evidence of a violation of the provisions of this chapter for any person:

1. At any time to have in his possession a gun in any field, forest, or on any waters of the state, without a license, except as provided in section 14 of this chapter.

2. To fail to have a license upon his person at any time required by law, or then refuse to exhibit the same on request of any person desiring to examine it.

3. To have in his possession any fish, game, birds, birds' nests, eggs, or plumage, or animals, which have been unlawfully caught, taken, or killed.

4. To be in possession of such fish, game, birds, or animals at a time when or place where it shall be unlawful to take, catch, or kill the same, except game, birds or animals, during the first ten (10) days of the closed season.

5. To have in his possession any implements, devices, equipment, or means whatever of taking fish, birds, or animals protected by this chapter at any place where the possession or use thereof is prohibited.

Approved April 3, 1924.

CHAPTER 39

FISH AND GAME

H. F. 54-A

AN ACT to amend substitute for House File no. 54, acts of the fortieth general assembly in special session, relating to fish and game.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That Substitute for House File No. 54, acts of the Fortieth General Assembly in special session, be amended as follows:

Amend section fifty-seven (57) by striking out the last sentence thereof and inserting in lieu thereof the following: "Nothing in this section shall apply to such animals as are considered fur-bearing animals. It shall be unlawful to have any game birds or animals named in this chapter in possession during the periods when the killing thereof is prohibited, except during the first ten (10) days of the closed season for them, respectively."

Approved April 16, 1924.