

# A BILL

## FOR AN ACT FOR THE BETTER PROTECTION OF GAME.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

SECTION 10. No person shall kill any pinnated grouse or prairie chicken between the first  
2 day of November and first day of September following, or woodcock, dove, or pigeon or squir-  
3 rel, between the first day of January and the first day of September next following; any ruffed  
4 grouse or pheasant, wild turkey, or quail, between the first day of January and the first day of  
5 November; any wild duck, goose or brant between the 15th day of April and the first day of  
6 September; or any wild deer, elk, or fawn between the first day of January and the first day  
7 of October.

SEC. 11. No person shall at any time, or at any place within this state shoot or kill for  
2 traffic any pinnated grouse or prairie chickens, woodcocks, quail, ruffed grouse, pheasant, dove,  
3 pigeon or squirrel; nor shall any one person shoot or kill during any one day more than  
4 twenty of either kind of said named birds or animals; nor shall any one person, firm or  
5 corporation have more than twenty of either kind of said named birds or animals in his or  
6 their possession at any one time, unless lawfully received for transportation; or catch or take,  
7 or attempt to catch or take, with any trap, snare, or net any of the birds or animals named in  
8 the preceding section, or in any manner wilfully destroy the eggs or nests of any of the birds  
9 hereby protected from destruction.

SEC. 12. It shall be unlawful for any person to kill, trap, or ensnare any beaver, mink,  
2 otter, or muskrat, between the first day of April and the first day of November, except where  
3 such killing, trapping, or snaring may be for the protection of private property.

SEC. 13. It shall be unlawful for any person, company, or corporation to buy or sell, or  
2 have in possession any of the birds or animals named in this chapter during the period when  
3 the killing of such bird or animal is prohibited, except during the first five days of such  
4 prohibited period; and the possession by any person, company or corporation of any such birds  
5 or animals during such prohibited period, except during the first five days thereof, shall be  
6 presumptive evidence of a violation of the provisions of the sections of this chapter relating  
7 to game.

SEC. 14. No person, company or corporation shall at any time ship, take, or carry out of  
2 this state any of the birds or animals named in this chapter; but it shall be lawful for any

3 person to ship to any person within this state any game birds named, not to exceed one  
4 dozen in number in any one day, during the period when the killing of such birds is  
5 not prohibited; but he shall first make an affidavit before some person authorized to  
6 administer oaths that said birds have not been unlawfully killed, bought, sold or had in  
7 possession or not being shipped for sale or profit, giving the name and postoffice address of the  
8 person to whom shipped and the number of birds to be so shipped. A copy of such affidavit,  
9 endorsed, "A true copy of the original," by the person administering the oath shall be furnished  
10 by him to the affiant who shall deliver the same to the railroad agent or common carrier  
11 receiving such birds for transportation, and the same shall operate as a release to such carrier  
12 or agent for any liability in the shipment or carrying of such birds. The original affidavit  
13 shall be retained by the officer taking same, and may be used as evidence in any prosecution  
14 for violation of the sections of this chapter in relation to game. Any person swearing  
15 falsely to any material fact of said affidavit shall be guilty of perjury.

SEC. 15. If any person, kill, trap, ensnare, buy, sell, ship, or have in his possession or ship,  
2 take, or carry out of the state contrary to the provisions of the five preceding sections any of  
3 the birds or animals referred to therein, or shall wilfully destroy any eggs or nests of birds  
4 named or referred to therein, he shall be punished by a fine of ten dollars for each bird,  
5 beaver, mink, otter or muskrat; twenty-five dollars for each wild deer, elk or fawn, and ten  
6 dollars for each nest or the eggs therein, so killed, trapped, ensnared, bought, sold, shipped,  
7 had in possession, destroyed, or shipped, taken or carried out of the state, and shall stand  
8 committed to the county jail for thirty days unless such fine and costs of prosecution are  
9 sooner paid.

SEC. 16. If any railway or express company, or other common carrier, or any of their  
2 agents or servants, knowingly receive any of the birds or animals mentioned or referred to in  
3 the six preceding sections, for transportation or other purpose, during the period hereinbefore  
4 limited and prohibited, or at any other time except in the manner provided in this chapter,  
5 he or it shall be punished by a fine of not less than one hundred or more than three hundred  
6 dollars, or by imprisonment in the county jail for thirty days, or by both such fine and  
7 imprisonment.

SEC. 17. It shall be unlawful to kill or destroy from any fixed or artificial ambush other  
2 than the natural covering of reeds, canes, flags, wild rice or other vegetation above the water,  
3 of any lake, river, bay, inlet or water course, within the jurisdiction of the state of Iowa, or  
4 with the aid or use of any sneak boat, sink box or other device, used for the purpose of con-  
5 cealment in the open waters of this state. Any person so offending shall for each and every  
6 offense be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not  
7 less than ten dollars, nor more than twenty-five dollars and costs of suit, and shall stand com-  
8 mitted to the county jail until such fine and cost is paid; *provided*, that such imprisonment  
9 shall not exceed thirty days.

SEC. 18. It shall be unlawful for any person to kill any wild deer, elk, fawn or wild  
2 turkey for a period of five years.

SEC. 19. If any person shoot or kill any wild duck, goose, or brant with any swivel gun,  
2 or any kind of gun except such as is commonly shot from the shoulder, or shall use medicated  
3 or poisoned food to capture or kill any of the birds named in the eighth preceding section, he  
4 shall be fined twenty-five dollars for each offense and shall stand committed to the county  
5 jail for thirty days, unless such fine and costs of prosecution are sooner paid.

SEC. 20. Prosecutions for violations of any provision of the ten preceding sections may  
2 be brought either in the county in which the offense was committed, or in any other county  
3 where the person, company or corporation complained of has had or has in his or their pos-  
4 session any birds or animals named in said sections, bought, sold, killed, trapped or ensnared  
5 in violation thereof. In all such prosecutions the fish commissioner and game warden shall  
6 appoint some attorney at law, for the purpose of managing the laws, who shall be entitled to  
7 a fee of \$10 in each and every case in which he is so appointed; and the person filing such  
8 information shall, in the case of conviction, be entitled to a fee equal to one-half of the  
9 amount of the fine imposed on each conviction, and both the fee of such attorney and the  
10 informant shall be taxed as costs in the case against the person convicted; but the county  
11 shall in no case be held liable for said attorney's fee or penalty.

SEC. 21. Any person who shall hunt with dog or gun upon the cultivated or enclosed  
2 lands of another, upon which notice forbidding the same has been posted in four conspicuous  
3 places, or one notice in the county court house describing said land, thirty days in advance of  
4 the opening season of each year, without first obtaining permission from the owner or occu-  
5 pant thereof, or his agent, shall, for each offense, be fined not more than ten dollars and costs  
6 of prosecution, and shall stand committed until such fine and costs are paid; but no prosecu-  
7 tion shall be commenced under this section except upon the information of the owner or occu-  
8 pant of such cultivated or enclosed lands or his agent.

SEC. 22. Where a trap for quail or chickens is discovered on land, it is prima facie  
2 evidence that the owner or occupant is the guilty party, or prove his innocence by implicating  
3 other party or parties.

SEC. 23. All acts or parts of acts in conflict herewith are hereby repealed.