

# A BILL

FOR THE PROTECTION, PRESERVATION, PROPAGATION, TAKING, USE AND TRANSPORTATION OF FISH AND GAME, AND GAME AND CERTAIN HARMLESS BIRDS AND ANIMALS, AND TO REPEAL ALL ACTS OR PARTS OF ACTS HERETOFORE PASSED INCONSISTENT WITH OR CONTRARY TO THE PROVISIONS HEREOF.

*Be it Enacted by the General Assembly of the State of Iowa:*

*State Fish and Game Warden.*

SECTION 1. The office of State Fish and Game Warden is hereby created. Such warden shall  
2 be appointed by the Governor, and shall hold his office for a period of three years from the first  
3 day of April of the year of his appointment. The present warden shall retain his office until  
4 the expiration of his present term. The warden shall receive a salary of eighteen hundred  
5 dollars annually, and such traveling and other expenses incurred in the performance of his  
6 duties as may be necessary. He shall appoint two chief deputy fish and game wardens as here-  
7 in after provided, who, together with the warden, shall constitute a Fish and Game Commission.  
8 The warden shall have general charge and management of the propagation and preservation  
9 of such varieties of game, fish and birds as the Fish and Game Commission shall deem to be of  
10 public value; the collection and dissemination of such statistics and information as shall be  
11 germane to the purposes of this act; the construction, control and management of all State  
12 fish hatcheries and game preserves, including the control of grounds owned or leased for such  
13 purposes, same to be used for the purpose of stocking the waters of the State with native and  
14 new varieties of fish and the distribution of game and game birds, and shall, in such distribution  
15 of game, game and other birds and animals, and fish, spawn or fry, impartially and equitably  
16 serve the best interests of the State; he shall also receive from whatever source all fish and  
17 game for the purpose of distribution or propagation sent into the State for the use of the State;  
18 he shall also have charge of the taking of fish from the public waters of the State for the pro-  
19 pagation and stocking of other waters therein. He shall faithfully and impartially enforce  
20 obedience to the provisions of this act. He shall make an annual report to the Governor of his  
21 doings, the condition of affairs of his office, and such information upon the subject of the cul-  
22 ture, propagation and protection of fish, game and birds as he may deem proper. He shall  
23 monthly make an itemized statement to the Executive Council under oath of all monies ex-

24 pended and for what purposes, and shall semi-annually report to the State Executive Council  
25 the names and varieties of fish, birds and game received and distributed, in what waters and  
26 counties, the manner and the purposes thereof.

*Chief Deputy State Fish and Game Warden.*

SEC. 2. Two Chief Deputy State Fish and Game Wardens shall be appointed by the warden, they shall hold their offices during the incumbency of the warden unless removed by him for good cause shown, and shall each receive a salary of one thousand dollars per annum. They shall assist the warden in the management of the fish hatcheries and game preserves, in the distribution of fish and game and in the enforcement of all the provisions of this act. They shall be reimbursed for all necessary traveling expenses and other expenditures made in the performance of their duties and shall monthly submit under oath to the warden itemized statements of such expenditures.

*District Wardens.*

SEC. 3. The warden and chief deputies shall constitute the Fish and Game Commission, and such commission shall have power to apportion the State into districts, and for each district appoint a district fish and game warden to serve at their pleasure, who shall receive a compensation of two dollars and fifty cents (\$2.50) per diem, and expense, for time and money actually employed and expended by them in the enforcement of the provisions of this act. Such district warden shall act under the advice and direction of the Fish and Game Commission, and perform such duties in relation to their offices as may be required of them by the commission, and submit, under oath, statements of their per diem and expenses as aforesaid.

SEC. 4. The salaries of the warden and chief deputy warden and not exceeding one thousand dollars (\$1,000) per annum for printing and other office expenses of the warden shall be paid out of the State treasury; district wardens shall be compensated and reimbursed out of the fish and game protection fund; all other necessary expenses as hereinafter provided shall be paid out of the fish and game protection fund. Should this fund become exhausted during any year, the commission shall have the power and authority to suspend any number of district wardens until such fund is replenished.

*Powers and Duties of all Wardens.*

SEC. 5. The warden, chief deputy wardens, and district wardens shall have full power and authority to serve and execute all warrants and process of law issued by any court in enforcing the provisions of this act, or any other law of this State relating to the propagation, preservation and protection of fish, game, and birds, in the same manner as any constable or sheriff may serve and execute the same, and receive the same fees therefor, and for the purpose of enforcing the provisions of this act, they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables and police officers and other persons, when called upon to enforce

9 and aid in enforcing the provisions of this act. All wardens shall have power to arrest with-  
10 out a warrant any person or persons found in the act of violating any law enacted for the pur-  
11 pose of propagation and protecting fish, game and birds.

SEC. 6. All wardens shall give bonds, conditioned for the faithful performance of their du-  
2 ties, in such amounts as may be fixed by the State Executive Council.

SEC. 7. The Fish and Game Commission and all game wardens shall inspect from time to  
2 time, hotels, restaurants, cold storage houses or plants and ice houses commonly used in stor-  
3 ing meats, game and fish for private parties, including all buildings used for a like purpose,  
4 for the purpose of determining whether game or fish are kept therein in violation of the provi-  
5 sions of this act. Any person, in possession or control, or in charge of any hotel, restaurant,  
6 storage plant or building referred to, or any part thereof, who refuses or fails to permit any  
7 member of the Fish and Game Commission or any warden appointed by said commission, to  
8 enter any such building or any part thereof, or any receptacle therein, for the purpose of mak-  
9 ing such inspection, is guilty of a misdemeanor, and upon conviction thereof shall be punished by  
10 a fine of not less than fifty (\$50) or over one hundred (\$100) dollars, including costs of prose-  
11 cution or imprisonment in the county jail for a term of not less than thirty (30) or over ninety  
12 (90) days for the first offense, or both such fine and imprisonment, and upon conviction for a  
13 second offense, shall be punished by imprisonment in the county jail for a period of not less  
14 than sixty (60) days or over ninety (90) days, or both such fine and imprisonment.

SEC. 8. Any bird, animal, fish, or any part thereof caught, killed, shipped or had in posses-  
2 sion or under control contrary to any of the provisions of this act, is hereby declared to be  
3 contraband. The Fish and Game Commission, all game wardens, sheriffs and their deputies,  
4 constables and police officers, shall seize and take possession of any and all birds, animals or fish  
5 or any part thereof which have been caught, taken, killed, or had in possession or under control  
6 or shipped contrary to any of the provisions of this act, with or without a warrant therefor,  
7 and no liability shall be incurred therefor to any person. Any court having jurisdiction may  
8 upon complaint showing probable cause for believing that any bird, animal, fish or any part  
9 thereof caught, taken, killed or had in possession or under control by any persons, or shipped  
10 or transported contrary to the provisions of this chapter, is concealed, or illegally kept in any  
11 building, car or receptacle, shall issue a search warrant and cause a search to be made in any  
12 such place for any such birds, animals, fish or any part thereof, and may cause any building,  
13 inclosure, or car to be entered, and any apartment, chest box, locker, crate, basket, package, or  
14 any other receptacles whatever to be broken, opened, and the contents thereof examined. All such  
15 officers taking or seizing any such birds, animals or fish, or any part thereof, shall at once  
16 report all facts attending the same to the commission.

SEC. 9. All nets, seines, spears, lanterns, firearms, snares, devices, contrivances, and ma-  
2 terials, while in use, or had, or maintained, for the purpose of catching, taking or killing or

3 attracting or deceiving any bird, animal or fish contrary to any provision of this act, within  
 4 this State, or upon or in the boundary waters thereof, including fish houses, inclosures, or  
 5 other sheltering structures or appliances erected or maintained upon the ice or in any waters,  
 6 or on the shore of any lake, pond or stream is hereby declared to be and is a public nuisance.  
 7 The commission, all game wardens, sheriffs and their deputies, constables and police officers  
 8 shall with or without warrant or process, take and seize any and all of the same while being  
 9 used, had or maintained for such purpose and no liability shall be incurred therefor to any  
 10 person, and upon proper order of any court having jurisdiction may destroy same, and at once  
 11 report all the facts in relation thereto to the commission.

SEC. 10. In any prosecution under the provisions of this act, a participant in the violation  
 2 thereof may testify as a witness against any other person violating the same, without incriminating  
 3 himself in so doing. The evidence so given shall not be used against such witness in  
 4 any criminal proceedings for such violation.

SEC. 11. Upon confiscation being made as herein provided, the warden so confiscating same,  
 2 shall attach confiscation cards on all articles and contrivances, fish, game or birds seized to  
 3 await disposition by the court, and removal by any person of such card shall be deemed a mis-  
 4 demeanor. Removal or destruction of such articles and contrivances, fish, game and birds,  
 5 without the sanction and authority of the court, by any person not a warden or other police  
 6 officer, shall be deemed larceny, and any person found guilty of such violation shall be pun-  
 7 ished accordingly. Any fish, birds, or animals so confiscated may be ordered sold at public  
 8 auction by the court to any public institution or private individual for the purpose of paying  
 9 the costs in the case, and the amount in excess of such costs, if any, shall be paid to the  
 10 county treasurer, who in turn shall forward same to the State Treasurer, to be paid into the  
 11 fish and game protection fund. Provided, however, that the possession by any such purchaser  
 12 shall be deemed lawful for a period of ten days after such purchase. No action in replevin  
 13 may be maintained for any such articles and contrivances, fish, birds or animals, so confis-  
 14 cated, until the same has been released by the court.

SEC. 12. All district fish and game wardens shall before exercising any of the power and  
 2 authority of a warden, be provided with a commission issued by the State Fish and Game Com-  
 3 mission under seal and approval by the Governor, such commission shall contain the date on  
 4 which the term for which said district deputy and game warden is appointed, shall expire, and  
 5 shall be substantially as follows:

6 STATE OF IOWA.

7 DEPARTMENT FOR THE PROTECTION OF FISH AND GAME.

8 To all to Whom these presents shall come, greeting:  
 9 Know ye, that reposing special trust and confidence in the integrity and ability of.....  
 10 of the county of....., he is hereby with the consent and approval of the Governor, ap-

11 pointed and constituted a district deputy fish and game warden for the State of Iowa, and  
12 is authorized and empowered to execute and fulfill the duties of that office in the district.....  
13 .....according to law until.....19..,unless this commission is sooner revoked.

14 In testimony whereof, we have hereunto set our hands and affixed the seal of this department  
15 at.....,Iowa, this.....day of.....

16 Approved:

17 .....

18 Governor.

19 .....

20 State Fish and Game Commission.

21 The warden shall furnish each and every district deputy fish and game warden at the time  
22 of his appointment a proper identification card with the seal of the Fish and Game Commission  
23 which identification card shall state that the holder thereof has the power of making arrests  
24 in all cases of violation of the fish and game laws with or without warrant and shall be notice  
25 to all parties of such power of the right to make arrest. Such appointee when exercising the  
26 authority conferred upon him shall on demand of any person to whom he may represent him-  
27 self as a district deputy game warden, exhibit such identification card. When on official duty,  
28 such appointee shall at all times carry such identification card on his person.

SEC. 13. If any person impersonate, resist or oppose a warden in the discharge of his duties  
2 as such with or without any process or warrant or other paper, writ or order of court, he  
3 shall be imprisoned in the county jail not exceeding one year, or be fined not exceeding one  
4 thousand nor less than fifty dollars, or be both fined and imprisoned, at the discretion of the  
5 court.

*Fish and Game Protection Fund.*

SEC. 14. For the purpose of defraying salaries and expenditures in the enforcement of the  
2 provisions of this act, except as otherwise provided, there is hereby created a fish and game  
3 protection fund, whose source of income shall be the fines and fees provided for herein, and as  
4 may otherwise be provided, which fund shall be under the control of the State Executive Coun-  
5 cil, and no warrants shall be ordered drawn thereon, except upon the request of the warden  
6 duly certified by the council. Should at any time a surplus accumulate in such fund, the  
7 warden shall have power and authority to use such surplus for the purchase and propaga-  
8 tion and protection of such birds, fish and game, and the establishment of such fish hatcheries  
9 and game preserves as may be determined upon by the Fish and Game Commission, subject  
10 to the approval of the State Executive Council.

*Fish.*

SEC. 15. Betewen the first days of November and March, no one shall catch, kill or take  
2 from the waters of the State any salmon or trout, nor between the fifteenth day of November

3 and the fifteenth day of May any bass, pike, crappies, pickerel, catfish or other game fish ex-  
4 cept bullheads, nor shall any person catch, kill or take of said fish from the waters of the State  
5 in any one day more than twenty-five (25) of any or all of said kinds of fish, nor shall any one  
6 fish for or by and means catch, kill or take any fish in any stream, which has been stocked with  
7 breeding trout, one or two years old, within one year from the date of the stocking thereof,  
8 if notice of such fact is by authority of the warden posted where a public road crosses such  
9 stream, and where no public road crosses such stream, then in other prominent places on the  
10 banks thereof; nor shall any one at any time catch, kill or take from the waters of the State  
11 any fish, except minnows for bait, unless by hook and line, except as otherwise provided; but  
12 any person may, between the fifteenth day of May and the fifteenth day of November, use not  
13 more than one trot line in streams only (not including bayous, bays or backwater), and ex-  
14 tending not more than half way across; nor shall any one place, erect or cause to be placed or  
15 erected, any trot line, seine, net, trap, dam or other device or contrivance in the water in such  
16 manner as to hinder or obstruct the free passage of fish, up, down or through the same for the  
17 purpose of catching them, except as provided in the next section and section twenty-one here-  
18 of; not have, erect or use, while fishing on or through the ice, any house, shed or other pro-  
19 tection against the weather, or have or use any stove or other means for creating artificial heat,  
20 provided, however, license holders may protect themselves from the elements when lawfully  
21 engaged in seining operations. The possession of a spear, net, seine, trap or other unlawful  
22 device, in or upon any of the public waters of the State, or upon the ice of the same, or on the  
23 shore within a limit of ten rods, except as provided in section twenty-one hereof, or the tak-  
24 ing or killing of any fish by any means within two hundred (200) feet of a fishway shall be un-  
25 lawful, and attempting to take fish in any manner within two hundred feet of a fishway shall  
26 be prima facie evidence of a violation of law. No person shall at any time kill, destroy, have  
27 in possession or under control for any purpose whatever any bass less than nine inches in  
28 length, any crappies less than eight inches in length, any salmon, trout or catfish (except bull-  
29 heads, provided it shall be unlawful to use them for bait) less than six inches in length, except  
30 for the purpose of returning same to the water from which they were taken, as soon as they  
31 are taken therefrom, with as little injury to the fish as possible.

SEC. 16. In taking minnows for bait, a net or seine not exceeding a three-eighths inch mesh  
2 or five yards in length may be used, and if any of the fish enumerated in the preceding section  
3 shall be taken, not including bullheads, they shall at once be restored unharmed to the water  
4 whence taken, and the word "minnows" as used in this act does not include young bass, pike,  
5 pickerel, crappies, trout, catfish, bullheads, salmon or fry of any game fish, native or other-  
6 wise.

SEC. 17. No person shall use more than two lines with one hook upon each line, in still

2 fishing, or otherwise, except a trot line as above provided, or in trolling a spoonhook or arti-  
3 ficial minnows or bait may be used.

SEC. 18. No person shall buy, offer to buy, sell, offer for sale, have in his possession for  
2 sale or transportation or for any other use or purpose, any fish unlawfully taken under the  
3 provisions of this act, provided, however, that any fish and game warden may offer to buy  
4 fish unlawfully taken or had in possession, and such offer shall be prima facie evidence that  
5 it was made in the performance of his duties as such warden.

SEC. 19. Any one who shall violate any provisions of the four preceding sections shall,  
2 upon conviction, pay a fine of not less than five nor more than fifty dollars and costs of prose-  
3 cution for each offense, or be imprisoned in the county jail for not less than one day nor more  
4 than thirty days, unless such fine and costs are sooner paid, and the catching, buying, offering  
5 to buy, selling, offering for sale, having in possession, or killing of each fish in violation of  
6 law shall be a separate offense.

SEC. 20. Whoever uses any lime, ashes, drug of any kind, dynamite, guncotton, giant pow-  
2 der or other similar compound or preparation, or electricity, in or on any of the waters of the  
3 State except for mining or mechanical purposes, by special permission of the Fish and Game  
4 Commission, or shall allow any dye-stuff, coal-tar, saw-dust, tan-bark, lime, refuse from gas-  
5 houses, or other deleterious or poisonous substance or substances to be turned into or allowed  
6 to run into any of the waters of the State in quantities destructive of life or disturbing the  
7 habits of the fish inhabiting the same, shall on conviction be fined not less than two hundred  
8 and fifty dollars nor more than one thousand dollars, to which may be added imprisonment  
9 in the county jail not less than thirty days nor more than one year and for a subsequent of-  
10 fense, he may, in addition to the fine prescribed therefor, be imprisoned in the penitentiary  
11 not more than three years nor less than one year.

*Fish License.*

SEC. 21. It shall be unlawful for any person to catch, kill or take from the waters of the  
2 Mississippi or Missouri rivers within the jurisdiction of this State, or from that part of the  
3 Des Moines river forming a part of the boundary between this State and Missouri, and so  
4 much of the public waters of the State as may form and be lakes, bayous, sloughs, back water,  
5 and bays formed of and by said rivers, any fish with nets, or seines, without first procuring  
6 from the Fish and Game Commission a license for the use of such nets and seines as herein-  
7 after provided, except as provided in section sixteen hereof.

8 The Fish and Game Commission shall upon application therefor issue to any person a li-  
9 cense to set, use or operate seines, pound nets of not less than one and one-half inch bar in  
10 pot and fyke or hoop nets not less than one and one-half inch bar back of the tail hoop, and  
11 gill nets of not less than three and one-half inch bar, bait nets without leads, with four foot  
12 hoop in front, twenty-one inch tail hoop, nor more than fifteen feet in length, two inch bar in

13 front, one and one-half inch bar between throats, in the waters above described for the purpose  
14 of catching and taking all fish, except pike of any variety, bass and crappies, between and in-  
15 cluding June 1st, and March 31st of each year.

16 Such nets shall not be set, used or operated except in the manner hereinafter provided, and  
17 then only in compliance with such rules and regulations as are or may hereafter be prescribed  
18 by law.

19 Every licensee shall immediately return to the water from which the same have been taken  
20 all pike of any variety, bass and crappies, when taken in any net used by him or under his  
21 supervision and control, and the possession of such fish by such licensee shall be deemed to be  
22 prima facie evidence of a violation hereof.

23 It shall be unlawful for any person to catch, kill or take from the waters described in this  
24 section any food fishes and cause or permit the same to perish or be destroyed, or to remove  
25 such fish from such water so as to cause same to be destroyed or to perish, and any person  
26 taking any food fishes from such waters who does not make use of same shall immediately re-  
27 turn same to such waters.

28 Licenses issued under the provisions of this act shall expire on the first day of April next  
29 succeeding the date of their issuance, and shall not be transferable. Any person who shall  
30 desire to set, use or operate a net or nets under the provisions of this act shall make applica-  
31 tion to the Fish and Game Commission therefor upon blanks to be furnished by the Fish and  
32 Game Commission, and shall accompany such application with fees as follows: For each 500  
33 lineal feet of seine or fraction thereof, \$10.00, for each pound net having more than 100 feet  
34 lead on each side, \$4.00, and having less than 100 feet lead on each side, \$1.00. For each fyke  
35 net, hoop and gill net, bait net, \$1.00.

36 The Fish and Game Commission shall furnish to each licensee at an expense not to exceed 10  
37 cents each a metal tag numbered and stamped so as to show year of issuance and for what  
38 issued, for each net, and each 500 lineal feet or fraction thereof of seine; and it shall be un-  
39 lawful to use or have in possession any seine or net in or on the waters specified in this section  
40 without having a tag thus procured attached thereto.

41 Before any such license shall be issued the applicant shall execute and deliver to the Fish  
42 and Game Commission a bond running to the State of Iowa in the penal sum of \$200 with  
43 two sureties who shall each justify in the sum of \$200 in property in this State over and above  
44 all debts and liabilities, and property exempt by law from sale on execution. In lieu of such  
45 bond such licensee may make a cash deposit of \$200 or provide bond of any surety company  
46 authorized to do business in this State. Such bond shall be conditioned that if the applicant  
47 shall well and faithfully observe and comply with all the requirements of this act and the  
48 rules and regulations which are or may be hereafter prescribed by law, such application to be  
49 null and void, otherwise to remain in full force and effect.

50 The Fish and Game Commission shall keep a complete record of all licenses issued under this  
51 act, and all moneys received for the same and sale of tags shall be paid to the State Treasurer  
52 and become part of the fish and game protection fund, and so far as same are available shall  
53 be expended in the preservation of food fishes in the waters described in this section by re-  
54 moving young fishes from dead or cut-off waters to the live waters adjacent thereto.

55 Licensees operating nets under the provisions of this act are hereby permitted to construct  
56 temporary fish ponds for the purpose of keeping fish therein until the same can be marketed,  
57 provided that fish so taken may be shipped to points within or without the State at any time  
58 and in any quantity.

59 No licensee shall in any manner by the use of any seine or otherwise obstruct the free pas-  
60 sage of fish to and from any tributary of the waters described in this section. The possession  
61 or the use of the trammel net at all times and any manner is expressly prohibited.

62 Any person who shall violate any of the provisions of this section shall be deemed guilty of  
63 a misdemeanor and shall upon conviction thereof forfeit his bond and be punished by a fine of  
64 not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or  
65 by imprisonment in the county jail not less than sixty days nor more than ninety days or both  
66 such fine and imprisonment in the discretion of the court. The license of any person convicted  
67 of any violation of the provisions of this section shall be forfeited and such convicted person  
68 shall not be entitled to another license for a period of one year from and after the date of such  
69 conviction.

SEC. 22. Persons who raise or propagate fish upon their own premises, or who own prem-  
2 ises on which there are waters having no natural inlet or outlet through which such waters may  
3 become stocked or replenished with fish, are the owners of the fish therein, and may take them as  
4 they see fit, or permit the same to be done. Any person taking said fish without the consent of  
5 the owner shall be guilty of a misdemeanor, and be prosecuted and punished as provided in sec-  
6 tion nineteen hereof, and such owner may recover three times the value thereof from the person  
7 so taking them.

SEC. 23. The warden and Fish and Game Commission may take or cause to be taken from  
2 any of the public or boundary waters of the state, at any time and in any manner, any fish  
3 for the purpose of propagating or restocking other waters or exchanging with fish commis-  
4 sioners or wardens of other states or of the United States.

SEC. 24. The warden may upon proper application in writing, made upon blanks furnished  
2 by said warden, issue to whomsoever he may see fit, written permits, upon blank forms to be  
3 furnished by said wardens, suspending for a specified period portions of this act relating to  
4 fishing and authorizing the person to whom said permit is issued to take from any of the  
5 waters of the state, fish for scientific purposes and in limited quantities as may be specified  
6 in such permit, and to take from certain lakes of the state, having an area of not less than two

7 (2) square miles, and other waters of the state designated by the warden, buffalo, carp, quill-  
8 backs, red-horse, suckers and gar, as in said permit named, in any quantities and for all pur-  
9 poses unless limited in such permit; provided, however, that no such permit holder shall be au-  
10 thorized to exercise the rights granted in said permit except in the presence and under the  
11 supervision of the warden or one or more chief deputy or district deputy wardens, without ex-  
12 pense to the state, and provided that seining shall not be permitted between the first day of  
13 December and the fifteenth day of June; the fee charged for such permit shall be ten (\$10.00)  
14 dollars; such chief or district deputy warden so accompanying a permit holder shall report  
15 to the commission the size and kind of seines used, by whom owned, number of pounds of fish  
16 taken and other details in relation thereto as may be required. Any chief or district deputy  
17 warden failing to make such report shall be guilty of a misdemeanor and punished accordingly,  
18 and his appointment revoked.

SEC. 25. Nothing herein contained shall be held to apply to fishing in the Mississippi or  
2 Missouri rivers, nor in so much of the Des Moines river as forms the boundary line between this  
3 State of Missouri, except as otherwise specifically provided, and provided, however, that all  
4 lakes, bayous, sloughs, back water, bays, inlets and other branches, tributaries, or dependen-  
5 cies of, or formed by, the above named rivers shall not be deemed a part thereof for the pur-  
6 poses of this act, but shall be deemed public waters of the State. Nothing herein contained shall  
7 be held to forbid the erection of dams across the waters of the State for manufacturing, or  
8 other lawful purposes, subject to the provisions of the following section.

SEC. 26. No dam or obstruction across any river, stream or other waters in the State, shall  
2 be erected or maintained which is not provided with a fishway of suitable capacity and facili-  
3 ties to afford a free passage for fish up and down the same, while the water is running over such  
4 dam or obstruction. Any dam or obstruction, which is not so constructed is a public nuisance,  
5 and may be abated accordingly. A violation of this section is a misdemeanor, and in addition to  
6 the remedy in this section provided, the offender or offenders may be punished by a fine of not  
7 less than one hundred dollars or imprisonment in the county jail not less than fifteen days nor  
8 more than thirty days; the warden or any of his chief deputy or district deputy wardens may  
9 serve or cause to be served a thirty day's notice in writing upon the corporation, person or  
10 persons erecting or maintaining such dam or obstruction without the required fishway, and  
11 the expiration of the thirty days therein specified for each day such offender or offenders may  
12 fail to heed the terms of said notice, they shall be guilty of a separate offense, and for each  
13 separate offense shall be punished by a fine of not less than one hundred dollars, and costs  
14 of prosecution, or imprisonment in the county jail not less than fifteen days nor more than  
15 thirty days; it shall further be the duty of any corporation, person or persons erecting or main-  
16 taining such dam or obstruction to keep required fishway in good repair, a failure to do so be-  
17 ing a misdemeanor and punishable as is provided for failure to construct the required fishway,

18 where no notice is given, and also where the thirty day notice as above provided for is given.

SEC. 27. Any city or town, bounded in whole or in part by any meandered lake or chain of  
2 lakes, or the board of supervisors of the county in which such waters are situated, may con-  
3 struct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish,  
4 the same to be of earth masonry, or other material to the natural and ordinary level of the  
5 lake, above and across the entire width to be an open network of bars or wire with the neces-  
6 sary supports, so arranged as to prevent as far as may be the escape of fish. For this purpose,  
7 upon a petition of a majority of the resident tax payers of any city or town, so much land  
8 as is situated within the corporate limits as may be necessary may be purchased or condemned  
9 in the same manner provided for the appropriation of private property for streets and other  
10 municipal uses, and paid for, out of the general fund.

SEC. 28. Whosoever shall wilfully injure or destroy such dam so erected or maintained  
2 shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than one  
3 hundred nor more than five hundred dollars, or be imprisoned in the county jail not less  
4 than thirty nor more than one hundred days, and pay the costs of prosecution.

SEC. 29. No person, company or corporation shall at any time ship or consign for shipment,  
2 any of the fish named in this act, without first labeling the box, barrel or other package con-  
3 taining same with a sticker or other label or mark showing the number and kinds of fish  
4 therein contained: and no person, company or corporation shall receive for shipment, carry or  
5 transport, any box, barrel or other package containing fish, unless the same is labeled as  
6 above directed; a failure to observe any of the provisions of this section shall be deemed  
7 a misdemeanor, and be punished as such.

*Game,*

SEC. 30. It is hereby declared to be unlawful to hunt, shoot, kill or destroy, or attempt to  
2 hunt, shoot, kill or destroy any pinnated grouse or prairie chicken and doves between the  
3 first day of December and the first day of September next following; any ruffed grouse or  
4 pheasant, wild turkey or quail between the twentieth day of December and the tenth day of  
5 November next following; any wild duck, goose or brant between the fifteenth day of April  
6 and the first day of September next following; any rail, plover, jacksnipe, sandpiper and  
7 marsh or beach bird between the first day of May and the first day of September next follow-  
8 ing; or any gray or fox squirrel or timber squirrel between the fifteenth day of November  
9 and the first day of September next following. It is further hereby declared to be unlawful  
10 to at any time or in any manner net, entrap, or ensnare, or attempt to net, entrap, or ensnare,  
11 any of the birds or animals named in this section by means of any contrivance or device what-  
12 soever. Shooting or killing quail on the public highway, and attempting to do so, shall be in  
13 violation of law. It shall be further unlawful at any time to hunt, shoot, kill, net, entrap,  
14 ensnare or destroy or attempt to hunt, shoot, kill, net, entrap, ensnare or destroy any of the

15 birds mentioned in this section on the waters of the state from any fixed or artificial ambush  
16 of any kind, or with the aid or use of, or from any sneak boat, sink box or other device used  
17 for concealment in the open water, or with a swivel gun, or from any sail boat, gasoline or  
18 electric launch or steam-boat or any other water conveyance except such as are propelled from  
19 the sides thereof by oars or paddles, and to use any artificial light, battery or any other  
20 deception, contrivance, or device whatever with the intent so to attract or deceive any of the  
21 birds mentioned in this chapter, except that decoys may be used in hunting wild geese and  
22 ducks; it shall further be unlawful at any time to hunt or shoot within this state between  
23 sunset and sunrise, any of the birds or animals named in this section. A violation of any of  
24 the provisions of this section shall be deemed a misdemeanor and for each bird or animal  
25 shot, killed or destroyed and taken contrary hereto, the offender shall be deemed guilty of a  
26 separate violation and offense, and the penalty for each violation and offense hereunder shall  
27 be not less than one dollar nor more than ten dollars (\$10.00) and costs of prosecution, and  
28 imprisonment in the county jail for not less than one day nor more than thirty days unless  
29 such fine and costs are sooner paid, provided, however, the penalty for using a swivel gun in  
30 shooting or killing any duck, goose or brant, shall be as provided in section 40 of this act.

SEC. 31. It is hereby declared to be unlawful for any person other than the owner, or per-  
2 son authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer,  
3 elk or goat except when distrained as provided by law. Any person violating any of the pro-  
4 visions of this section shall be deemed guilty of a misdemeanor and be punished by imprison-  
5 ment in the county jail for a period of not exceeding thirty (30) days or by a fine not exceeding  
6 one hundred dollars (\$100.00) or both such fine and imprisonment.

SEC. 32. No person shall at any time, or at any place within this state, hunt, shoot, kill, net,  
2 entrap, ensnare or destroy, or attempt to hunt, shoot, kill, net, entrap, ensnare, or destroy for  
3 traffic, or buy, sell, expose for sale, or offer to buy or sell, or have in his possession for the pur-  
4 pose of selling or exposing for sale, any pinnated grouse or prairie chicken, woodcock, quail,  
5 ruffed grouse, or pheasant, or wild turkey, or any species of snipe or doves, ducks, geese and  
6 bant; nor shall any person shoot, kill or destroy during any one day more than fifteen of either  
7 kind of said named birds, or of duck, goose or brant, nor shall any one person, firm or corpora-  
8 tion have more than twenty-five of either kind of the birds named in this section in his or their  
9 possession at any one time during the open season for same, unless lawfully received for trans-  
10 portation, provided, however, the limit as applied to the possession of ducks is hereby made  
11 fifty. A violation of any of the provisions of this section shall be deemed a misdemeanor, and  
12 for each bird, shot, killed, bought, sold, had in possession, or in any way taken contrary hereto,  
13 the offender shall be deemed guilty of a separate violation and offense and the penalty for  
13 each offense and violation hereunder shall not be less than one dollar nor more than ten dollars

14 (\$10.00) and cost of prosecution, and imprisonment in the county jail for not less than one day  
15 nor more than thirty days unless such fine and costs are sooner paid.

SEC. 33. No person shall destroy or remove from the nests of any of the game birds men-  
2 tioned in this act any egg or eggs of such birds, nor buy, sell, offer to buy or sell, or have in pos-  
3 session for traffic any such eggs, nor shall they wilfully destroy the nests of any such birds.  
4 Any person so offending shall, on conviction, be fined not less than one dollar nor more than  
5 five dollars and costs of prosecution for each offense and be imprisoned in the county jail not  
6 exceeding fifteen days unless such fine and costs are sooner paid. The destroying of each nest  
7 or the eggs therein shall be deemed a separate offense.

SEC. 34. No person shall kill, trap or ensnare any beaver, mink, otter or muskrat between  
2 the first day of April and the first day of November, except where such killing, trapping or  
3 ensnaring may be for protection of private or public property. The killing, trapping or en-  
4 snaring of each animal named in this section shall be deemed a separate violation, and for  
5 each violation the offender shall be fined not less than one dollar nor more than ten dollars  
6 (\$10.00) and the costs of the prosecution, and be imprisoned in the county jail not less than  
7 one day nor more than thirty days unless such fine and costs are sooner paid.

SEC. 35. It shall be unlawful for any person, company or corporation to buy, sell, expose  
2 for sale, or offer to buy or sell, except for breeding or scientific purposes as in this act pro-  
3 vided, any of the birds or animals named in this act other than those named in section thirty-  
4 two hereof, during the period when the killing of such birds or animals is prohibited, except  
5 during the first five days of such prohibited period. It shall also be unlawful to have in pos-  
6 session for any purpose except for breeding or scientific purposes as in this act provided,  
7 any of the birds or animals named in this act, during the period when the killing of such birds  
8 or animals is prohibited, except during the first five days of such prohibited period, provided,  
9 however, pinnated grouse or prairie chicken, woodcock, quail, ruffed grouse, or pheasant,  
10 wild turkey, doves, ducks, geese and brant, and all species of snipe may not be had in pos-  
11 session at any time for the purpose of buying, selling, exposing for sale, or offering to buy or  
12 sell, as provided in said section thirty-two; and the possession of any person, company or cor-  
13 poration of any such birds or animals during such prohibited period, except during the first  
14 five days thereof, shall be presumptive evidence of a violation of the provisions of this act  
15 relating to game, and the buying, selling, exposing for sale, offering to buy or sell, or having  
16 in possession of each and every animal or bird forbidden herein contrary hereto shall be deem-  
17 ed a separate violation and offense, and for each such violation, the offender shall be fined  
18 not less than one dollar nor more than ten dollars and cost of prosecution, and be imprisoned  
19 in the county jail not less than one day and not exceeding thirty days unless such fine and  
20 costs are sooner paid; provided, however, any warden may offer to buy birds and game, and

21 such offer shall be presumptive evidence that same was made in the discharge of his duties  
22 as such warden and not in violation of law.

SEC. 36. None of the provisions of this act shall apply when any of the birds or animals  
2 named herein are procured for breeding or scientific purposes, but same shall be by the consent  
3 of and in accordance with such rules and regulations which may be adopted by the Fish and  
4 Game Commission.

SEC. 37. It shall be unlawful to hunt, take or pursue, rabbits, or other game, with a ferret  
2 or ferrets, or to have a ferret or ferrets in possession while hunting, and the taking of each  
3 rabbit or other game animal by the use of a ferret or ferrets shall be deemed a separate offense.  
4 Any person convicted of a violation of this section shall be fined in the sum of not less than  
5 five nor more than fifteen dollars, and the costs of prosecution, for each offense, and on failure  
6 to pay such fine and costs shall stand committed to the county jail for thirty days unless sooner  
7 paid.

SEC. 38. 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 act, but it shall be lawful for any person  
3 to ship to any person within this State and game birds or animals named, not to exceed one  
4 dozen in any one day, during the period when the killing of such birds and animals is not pro-  
5 hibited, provided, however, he shall first make affidavit before some person authorized to ad-  
6 minister oaths that said birds or animals have not been unlawfully killed, bought, sold or  
7 had in possession, are not being shipped for sale or profit, giving the name and postoffice  
8 address of the person to whom shipped and the number of birds or animals to be so shipped,  
9 and provided also, he shall first label the box, barrel or package containing same with a sticker  
10 or other label or mark, showing the number and kinds of birds and animals therein contained. A  
11 copy of such affidavit, endorsed "a true copy of the original" by the person administering  
12 the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad  
13 agent or common carrier receiving such birds or animals for transportation, and the same  
14 shall operate as a release to such carrier or agent from any liability in the shipment or  
15 carrying of such birds or animals. The original affidavit shall be retained by the officer tak-  
16 ing the same, and may be used as evidence in any prosecution for violation of the sections  
17 of this act relating to game. Any person knowingly and wilfully swearing falsely to any  
18 material fact of said affidavit shall be guilty of perjury. Any package in the care, cus-  
19 tody or control of any railway or express company or any common carrier, billed for points  
20 outside this State, found to contain game birds or animals shall be prima facie evidence of  
21 a violation of this section. All rabbits shipped must be shipped in open crates. The ship-  
22 ping, taking or carrying out of this state, or shipping within the state, of each bird or an-  
23 imal contrary to the provisions of this section shall be deemed a separate offense, and for  
24 each such separate offense the offender shall be punished by a fine of not less than one

25 dollar nor more than ten dollars, and costs of prosecution, and be imprisoned in the coun-  
26 ty jail for not less than one day nor more than thirty days unless such fine and costs are  
27 sooner paid, provided, however, that railway or express companies or other common car-  
28 riers, or any of their agents or servants shall be punished as is provided in the following  
29 section. Provided, however, that nothing in this act contained shall be deemed or con-  
30 strued to prevent any person holding a hunter's license as hereinafter provided from per-  
31 sonally carrying with him, as baggage, on any train or conveyance, any game birds or ani-  
32 mals which may be legally in his possession, and any common carrier is hereby permitted  
33 to carry any such game birds or animals as baggage, when the same is so accompanied and  
34 carried on the same train or conveyance by the person who is legally in possession of the  
35 same.

SEC. 39. If any railway or express company or other common carrier, or any of their  
2 agents or servants, receive any of the fish, birds, or animals mentioned or referred to in this  
3 act, for transportation or other purposes, during the periods herein limited and prohibited,  
4 or at any other time except in the manner provided in this act, he or it shall be punished by  
5 a fine of not less than one hundred dollars, nor more than three hundred dollars and  
6 costs of prosecution, or by imprisonment in the county jail for thirty days, or by both  
7 such fine and imprisonment.

SEC. 40. 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 medi-  
3 cated or poisoned food to capture or kill any of the birds or animals named in this chapter,  
4 he shall be fined Twenty-five Dollars for each offense and costs of prosecution, and shall  
5 stand committed to the county jail for thirty days, unless such fine and costs of prosecution  
6 are sooner paid, and the shooting and killing of each bird or animal contrary to the pro-  
7 visions of this section shall be deemed a separate offense.

SEC. 41. In all prosecutions under this chapter, any number of violations may be included  
2 in the information but each one shall be set out in a separate count, and upon conviction  
3 there shall be taxed as part of the costs in the case a fee of ten dollars to the attorney pros-  
4 ecuting the case, upon each count upon which there is a plea or verdict of guilty, and judg-  
5 ment of conviction; but in no event shall this fee be paid out of the county treasury. Pros-  
6 ecutions for violations of any provisions of this act may be brought either in the county in  
7 which the offense was committed, or in any other county where the person, company, or cor-  
8 poration complained of has had or has in his or their possession any fish, birds or animals  
9 named herein, and bought, sold, caught, taken, killed, trapped or ensnared in violation thereof.  
10 When requested by the Warden the attorney general shall give his opinion, in writing, upon  
11 all questions of law pertaining to the office of such Warden. Nothing in this act shall be con-

12 strued as prohibiting any person from instituting legal proceedings for the enforcement of  
13 any provisions hereof.

SEC. 42. No person shall hunt with dog or gun upon the cultivated or enclosed lands of  
2 another without first obtaining permission of the owner, occupant or agent thereof. All  
3 islands in navigable streams bordering on the state shall be deemed enclosed lands without  
4 fences where the owners or lessees thereof post in plain view notices warning others not to  
5 trespass thereon. Any person violating the provisions of this action shall be punished by a  
6 fine of not more than ten dollars and costs of prosecution, and shall stand committed to  
7 the county jail until such fine and costs are paid, for each and every offense, but no prosecu-  
8 tion shall be commenced under this section except upon the information of the owner, occu-  
9 pant or agent of such cultivated or enclosed lands.

SEC. 43. All wild birds, both resident and migratory, in this state, shall be, and are here-  
2 by declared, to be the property of the state. No person shall, within the state of Iowa,  
3 kill or catch, or have in his or her possession, living or dead, any wild bird other than a game  
4 bird, or purchase, offer or expose for sale, transport or ship within or without the state, any  
5 such wild bird after it has been killed or caught. No part of the plumage, skin or body of  
6 any bird protected by this section shall be sold or had in possession for sale, irrespective of  
7 whether said bird was captured or killed within or without the state. For the purpose of this  
8 act the following only shall be considered as game birds: The Anatidae, commonly known as  
9 swans, geese, brant, river and sea ducks. The Rallidae, commonly known as rails, coots,  
10 mud-hens and gallinules. The Limicolae, commonly known as shore birds, plovers, surf  
11 birds, snipe, woodcock, sandpipers, tattlers and curlews. The Gallinae, commonly known  
12 as wild turkeys, grouse, prairie chickens, pheasants, partridges, quails and doves. All other  
13 species of wild birds, either resident or migratory, shall be considered non-game birds. No  
14 person shall, within the state of Iowa, take or needlessly destroy, or attempt to take or de-  
15 stroy, the nest or the eggs of any wild birds, or have such nest in his or her possession, but  
16 nothing herein shall be construed to prevent the removal of nests from buildings. No per-  
17 son or persons, or any corporation acting as a common carrier, its officers, agents or servants,  
18 shall ship, carry, take, or transport, either within or beyond the confines of the state, any resi-  
19 dent or migratory wild non-game bird. The English, or European house sparrow, bluejay,  
20 great horned owl, sharp shinned hawk, Cooper's hawk and blackbirds, and crows are not in-  
21 cluded among the birds protected by this act. Nothing in this act shall prevent a citizen of  
22 Iowa from taking or keeping any wild non-game bird in a cage as a domestic pet, provided  
23 that such bird shall not be sold, exchanged, or offered for sale or exchange, or transported out  
24 of the state, and provided further, that this act shall not be construed to forbid the selling or  
25 shipping of parrots, canaries or any other cage birds, which are imported from other coun-  
26 tries, or not native to any other part of the United States. Any person who violates any of

27 the provisions of this act shall be guilty of a misdemeanor, and shall be fined five dollars  
28 (\$5.00) and costs of prosecution for each offense, and be imprisoned in the county jail for  
29 fifteen days unless such fine and costs are sooner paid, and for each bird, living or dead, or  
30 part of bird, or nest, or set of eggs or part thereof, taken, killed, offered or exposed for  
31 sale, transported, shipped or had in possession in violation of this act, he shall be deemed  
32 guilty of a separate violation and offense.

SEC. 44. The foregoing section shall not apply to the taking of birds' eggs, and nests for  
2 breeding or scientific purposes, but same shall be by the consent of and in accordance with  
3 such rules and regulations as may be adopted by the Fish and Game Commission.

SEC. 45. No person shall trap, shoot, kill or take in any manner, any Mongolian, Ring Neck,  
2 English or Chinese Pheasants, or gray or Hungarian partridge, woodcock or swan, in this  
3 state prior to the first day of October, A. D. 1915. Any person violating the provisions of this  
4 section shall, upon conviction thereof, be fined not to exceed one hundred dollars or impris-  
5 onment in the county jail not to exceed thirty days, and the trapping, shooting, killing or tak-  
6 ing of each bird contrary hereto shall be deemed a separate violation and offense.

SEC. 46. Any person who keeps or uses a live pigeon, fowl, or other bird for the purpose  
2 of a target or to be shot at, either for amusement or as a test of skill in marksmanship, or  
3 shoots at a bird kept or used as aforesaid, or is a party to such shooting, or leases any build-  
4 ing, room, field or premises, or knowingly permits the use thereof, for the purposes of shoot-  
5 ing, as herein prohibited, shall upon conviction thereof be fined not less than ten dollars nor  
6 more than one hundred dollars or be imprisoned in the county jail not exceeding thirty days.

#### NON-RESIDENT HUNTER'S LICENSE.

SEC. 47. Every person who is a non-resident of this state or has resided therein less than  
2 six months, or who is an unnaturalized foreign born resident of this state, who shall desire to  
3 hunt, take and kill wild animals, birds and game in any manner in any part of this state dur-  
4 ing the time when such animals, birds and game may be legally taken and killed under the re-  
5 striction of and for the purposes allowed by law, must first obtain a license from the Fish and  
6 Game Commission or the county clerk of the county in which said birds and game are first  
7 pursued, hunted or killed. No person under the age of eighteen years shall be entitled to re-  
8 ceive such license. It shall be the duty of the Commission or county clerks to issue a license  
9 attested under seal in accordance herewith when the applicant has shown himself to be a care-  
10 ful and prudent person and accustomed to the use of fire-arms, and when such applicant shall  
11 have filed his application properly sworn to, stating his name, age, occupation and place of resi-  
12 dence, and has paid a license fee of ten dollars (\$10.00) and 50 cents additional to the clerk or  
13 Commission for issuing same. License blanks shall be furnished by the State Fish and Game  
14 Warden, and such license shall authorize the holder thereof to hunt in accordance with the  
15 provisions of this act in any county in the state, but not on the enclosed or cultivated lands of

16 another without permission from the owner, which license shall certify to the facts contained  
17 in the application therefor, shall not be transferable, and shall expire on the first day of  
18 August succeeding the date of issuance. Such non-resident is authorized to take from the  
19 state not to exceed twenty-five (25) game birds or animals killed by himself or herself. Any  
20 such non-resident person holding a license under the provisions hereof, shall carry the same  
21 with him while hunting, and on demand by any warden, police officer or other person, shall  
22 permit such license to be examined by the officer or person demanding the same. The officers  
23 issuing such license shall keep a record thereof and the names and addresses of the persons  
24 to whom issued and the date thereof. They shall forward all the fees collected by them to the  
25 State Treasurer during the first week of each month with a statement thereof, who shall set  
26 the same apart to the Fish and Game Protection Fund, and subject to distribution only upon  
27 written vouchers signed by the Warden, to be approved by the State Executive Council. Pos-  
28 session of a gun, in the fields or forests, or on the waters of this state, and a failure to display  
29 the license herein required upon demand made therefor, by any person authorized to make  
30 such demand as aforesaid, shall be prima facie evidence of a violation of the provisions of this  
31 section.

32 No person shall at any time alter or change in any material manner or loan or transfer to  
33 another any license issued as aforesaid, and same may be revoked at any time by the Com-  
34 mission for good cause shown. If any person shall violate any of the provisions of this  
35 section, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than  
36 twenty-five dollars (\$25.00) nor more than one hundred (\$100.00) dollars and costs of pros-  
37 ecution for each and every offense, and shall stand committed to the county jail for thirty  
38 days unless such fine and costs are sooner paid.

#### RESIDENT HUNTER'S LICENSE.

SEC. 48. Every person who has been a bona fide resident of this state for six months, ex-  
2 cept any unnaturalized foreign born resident of this state, who shall desire to hunt, take and  
3 kill, wild animals, birds and game in any manner in any part of this state during the time  
4 when such wild animals, birds and game may be legally killed, under the restrictions of and  
5 for the purposes allowed by law, must first obtain a license from the Fish and Game Commis-  
6 sion, or county or town clerk of the county or town in which he resides, under seal, as herein  
7 after provided. No person under the age of eighteen years shall be entitled to receive such  
8 license unless he shall attach to his application therefore the written consent of his parents or  
9 if there be none, his guardian.

10 The application for such license by any person shall show that the applicant has been a  
11 bona fide resident of this state for at least six months prior thereto, giving his residence and  
12 postoffice address, together with a description of his person and such other additional in-  
13 formation as may be required by said Commission or said clerk, of the bona fides of the appli-

14 cation, and give the name and address of one other resident of the same county or town  
15 who shall be acquainted with the facts set out in the application.

16 Upon the filing of an application as above specified and the payment of a license fee of  
17 \$1.00 and 10 cents additional to the clerk for issuing same, said clerk shall issue to the appli-  
18 cant therefor on blanks furnished by the State Fish and Game Warden, attested under seal  
19 by the clerk issuing same, a license authorizing him to hunt in accordance with the provisions  
20 of this act in any county in this state, which license shall certify that the licensee is a bona  
21 fide resident of this state, and give a description of his person, which license shall not be  
22 transferable, and shall expire on the first day of August succeeding the date of issuance.

23 Every person holding a license under the provisions of this act, shall carry the same with him  
24 while hunting, and on demand by any warden, police officer or other person shall permit such  
25 license to be examined by the officer or person demanding the same.

26 The provisions of this section shall not affect the right of the owner or occupant of any  
27 land to hunt or shoot on his own premises, including any member of his family.

28 The officers issuing such licenses shall keep a record thereof and the names and addresses  
29 of the persons to whom same is issued and the date thereof. They shall forward all fees col-  
30 lected by them to the State Treasurer during the first week of each month with a statement  
31 thereof, who shall set the same apart to the Fish and Game Protection Fund, and subject to  
32 distribution only upon written vouchers signed by the Warden to be approved by the State  
33 Executive Council.

34 Possession of a gun, in the fields or forests or on the waters of this state, except on a  
35 person's own premises and a failure to display the license herein required upon demand made  
36 therefor, by any person authorized to make such demand as aforesaid, shall be prima facie evi-  
37 dence of a violation of the provisions of this section.

38 No person shall at any time alter or change in any material manner or loan or transfer to  
39 another any license issued as aforesaid.

40 Any person found guilty of violating any of the provisions of this section shall be deemed  
41 guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than  
42 \$50 nor less than \$25 and costs, and shall stand committed to the county jail for a period of  
43 thirty days unless such fine and costs are sooner paid.

SEC. 49. Prosecutions for any violation of any provisions of this act may be brought by  
2 any person in the name of the State of Iowa, before any court of competent jurisdiction, and  
3 it is hereby made the duty of all county attorneys to see that the provisions of this act are  
4 enforced in their respective counties, and they shall prosecute all offenders on receiving in-  
5 formation of the violation of any of the provisions of this act; and it is also made the duty of  
6 all sheriffs, constables and police officers and all wardens to inform against and prosecute  
7 all persons whom there is reasonable cause to believe are guilty of violating any of the pro-

8 visions of this act. If any county attorney shall fail or neglect to prosecute such action to the  
9 satisfaction of the Warden, the Warden may employ special counsel and pay him reasonable  
10 compensation for services-rendered.

SEC. 50. All fines and fees provided for herein shall be paid into the State Treasury and  
2 credited to and become a part of the Fish and Game Protection Fund.

SEC. 51. All license money paid to the County Treasurers and credited to a fund known  
2 as the game protection fund prior to the taking effect of this act, shall at once be paid into  
3 the State Treasury and credited to and become a part of the Fish and Game Protection Fund,  
4 except such sums as may have been legally ordered paid by the board of supervisors of any  
5 county prior to the taking effect of this act.

SEC. 52. All acts or parts of acts heretofore passed inconsistent with or contrary to the  
2 provisions of this act are hereby repealed, but such repeal shall not affect or abate any pres-  
3 ecution now pending or hereafter brought for any offense committed prior to the taking effect  
4 of this act, but the same may be prosecuted and punished as in said acts provided.