

Passed on file
Substitute for House File No. 54

January 21, 1924
By Committee on Fish and Game

A BILL FOR

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 of the supplement to said code, relating to propaganda 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

INTRODUCTION AND CONSIDERATION OF BILL

House File No. 54-A, by Knutson of Cerro Gordo, a bill for 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."

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Clark of Linn, from the committee on judiciary, submitted the following report:

MR. SPEAKER: Your committee on judiciary to whom was referred Senate File No. 311, a bill for an act legalizing the transfer by concurrent

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So the bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF SENATE AMENDMENTS

On request of Lake of Woodbury, House File No. 84, a bill for an act to amend, revise, and codify title nine (9) of the compiled code of Iowa and of the supplement to said code, relating to charitable, correctional, and penal institutions, and the juvenile court, with Senate amendments, found in the House Journal of April 10th, was taken up and the amendments read and considered.

17 by purchase from without the state, or from a licensed breeder within
18 the state.

S.C.C. 1137.

Sec. 4. Private fishing preserve.

1 Persons who raise or propagates fish upon their own premises, or
2 who own premises on which there are waters having no natural inlet
3 or outlet through which such waters may become stocked or re-
4 plenished with fish, are the owners of the fish therein and may take
5 them therefrom or permit the same to be done. Any person taking
6 said fish without the consent of such owner shall be liable to such
7 owner for three times the value thereof.

C.C. 1113.

Sec. 5. State game warden—appointment.

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

S.C.C. 1106.

Sec. 6. Fish hatcheries—game farms—distribution of fish and game.

1 The state game warden shall have the right to establish and con-
2 trol the state hatcheries and game farms, which shall be used for the
3 purpose of stocking the waters of the state with fish and the natural
4 covers with game birds to the extent of the means provided for that

5 purpose; and impartially and equitably distribute all birds, eggs and
6 fry raised by or furnished to the state, or for it through other sources,
7 in the streams, lakes and natural covers of the state.

S.C.C. 1106.

Sec. 7. Reports and accounting.

1 At the time provided by law, the state game warden shall make
2 a report to the Governor of his doings for the preceding biennial period,
3 including therein a detailed statement of all receipts and disburse-
4 ments; also all contracts for the taking of soft fish from the waters
5 of this state, with the profits accruing from such contracts; also
6 such other information upon the subject of the culture of fish and
7 the protection of game as may be of value. All funds derived under
8 said contracts shall be paid into the state fish and game protection
9 fund.

Sec. 7-a.

1 The state game warden shall monthly forward to the state board
2 of audit, under oath, itemized statements of all monies received and
3 the source thereof, and all the moneys expended, and for what pur-
4 pose, with the balance on hand in each separate fund. Such monthly
5 statement shall also show the number and varieties of fish distributed
6 and in what waters.

S.C.C. 1114.

Sec. 8. Assistant and deputy wardens.

1 The state game warden may appoint three (3) assistant game
2 wardens and such number of deputies as he may deem necessary.
3 Such assistant and deputy wardens shall act under the advice and
4 direction of the state game warden, and perform such duties in rela-

5 tion to their offices as may be required of them.

S.C.C. 1136.

Sec. 9. Arrests—assistance of peace officers.

1 Assistant and deputy game wardens may arrest without warrant
2 any person violating the provisions of this chapter. They may serve
3 and execute all warrants and process issued by any court in enforc-
4 ing said provisions, in the same manner as any peace officer might
5 serve and execute the same, and they shall receive the same fee there-
6 for. They may call to their aid any peace officer or other person, whose
7 duty shall then be to enforce or aid in enforcing the provisions of
8 this chapter.

S.C.C. 1136.

Sec. 10. Seizure of unlawful game.

1 It shall be the duty of the state game warden, his assistants and
2 deputies, and police officers of the state, to seize with or without war-
3 rant and take possession of any fish, mussels, clams, frogs, birds, or
4 animals which have been caught, taken or killed at a time, in a man-
5 ner, or for a purpose, or had in possession or under control, or of-
6 fered for shipment, contrary to the provisions of this chapter.

C.C. 1157.

S.C.C. 1106.

Sec. 11. Seizure of unlawful devices.

1 Any nets, seines, traps, contrivances, materials, and substances
2 whatever, while in use or in possession or kept or maintained for the
3 purpose of catching, taking, killing, trapping, or deceiving any fish,
4 birds or animals contrary to any of the provisions of this chapter, are
5 hereby declared to be a public nuisance; and it shall be the duty of the
6 state game warden, his assistants and deputies, sheriffs, constables,

7 and police officers of the state, without warrant or process, to take or
8 seize any and all of the same, and confiscate and sell or destroy any
9 and all of the same without warrant or process, and no liability shall
10 be incurred to the owner or any other person for such seizure and de-
11 struction, and said warden or his assistants or deputies, or other peace
12 officers, shall be released from all liability to any person for any act
13 done or committed, or property seized or destroyed, under or by virtue
14 of this section.

C.C. 1107.

S.C.C. 1106.

Sec. 12. Search warrant.

1 Any court having jurisdiction of the offense, upon receiving proof
2 of probable cause for believing that any fish, mussels, clams, frogs,
3 birds or animals caught, taken, killed, had in possession, under con-
4 trol, or shipped, contrary to any of the provisions of this chapter, or
5 hidden or concealed in any place, shall issue a search warrant and
6 cause a search to be made in any place therefor. The property so
7 seized under such warrant shall be safely kept under the direction of
8 the court so long as necessary for the purpose of being used as evi-
9 dence in any trial, and if such trial results in a conviction the property
10 seized shall be confiscated by the state game warden, his assistants or
11 deputies.

S.C.C. 1106.

Sec. 13. State fish and game protection fund.

1 The assistant and deputy game wardens shall pay to the state
2 game warden, on or before the fifteenth day of each month, all license
3 fees, and other moneys collected by them in the discharge of their

4 duties. All such sums and all license fees, penalties and forfeitures
5 from other sources, including all funds realized from any fish, game,
6 animals or other property confiscated and sold under the provisions
7 of this chapter, shall constitute the state fish and game protection
8 fund, which shall be kept separate by the state treasurer, and out of
9 which shall be paid the compensation, traveling, contingent and office
10 expenses of the state game warden, his assistants and deputies, in-
11 cluding the expenses of the propagation of fish and game, gathering
12 and distributing fish in the waters of the state, and all expenditures
13 necessary for the enforcement of the provisions of this chapter; and
14 all which expenses shall not exceed in any one year the amount col-
15 lected and placed to the credit of said fund. The balance remaining
16 in the fund provided by section 1117, C. C., at the time this act be-
17 comes effective shall be transferred to the state fish and game pro-
18 tection fund at that time.

C.C. 1117.

C.C. 1145.

C.C. 1160.

Sec. 14. License to fish and hunt.

1 No person shall fish in the waters of this state, or hunt, pursue,
2 kill or take any wild animal, bird or game in this state in any manner,
3 or trap fur-bearing animals or game without first procuring a license.
4 Persons under eighteen (18) years of age may fish in the waters of
5 this state, and owners of farm lands, their children and tenants and
6 employees thereon shall have the right to hunt and kill wild animals,
7 birds or game, or trap fur-bearing animals, upon the lands owned or
8 occupied by them, without procuring a license.

C.C. 1140.

C.C. 1147.

Sec. 15. Age limit—consent of parent or guardian.

1 No license shall be granted any person under eighteen (18) years
2 of age unless the written consent of parents or guardian is attached
3 to the application.

C.C. 1141.

Sec. 16. Application blanks—inclosed or cultivated lands.

1 The state game warden shall furnish county auditors with appli-
2 cation blanks for a license and license blanks. These blanks shall pro-
3 vide for the insertion of the name, age, sex, and place of residence of
4 the applicant and of the licensee. The license shall authorize its
5 holder to fish and hunt in accordance with the provisions of this chap-
6 ter in any county of the state, but not on private waters, or on in-
7 closed or cultivated lands without permission of the owner or the ten-
8 ant, nor upon any public highway or railroad right-of-way; and shall
9 bear a facsimile signature of the state game warden, and the seal and
10 signature of the auditor of the county in which it is issued.

C.C. 1142.

Sec. 17. License fees—resident—nonresident—resident alien.

1 An applicant for a license to fish and hunt shall fill out on author-
2 ized application blank, subscribe and swear to it before the county
3 auditor, a notary or a justice of the peace. Such application blanks
4 shall be furnished by the county auditor to any person requesting
5 same. The application shall then be presented to the county auditor
6 who shall issue all hunting and fishing licenses, the issuance of which
7 is not otherwise provided in this chapter. Before any license is issued
8 to any applicant the following license fees shall be paid to the county

9 auditor:

10 1. For a resident of the state for fishing with hook and line and
11 trot-line and hunting, one dollar (\$1.00).

12 2. For nonresident or resident alien, for fishing with hook and
13 line and trot-line, three dollars (\$3.00).

14 3. For nonresident or resident alien, for hunting, ten dollars
15 (\$10.00). These fees the county auditor shall pay at the end of each
16 month to the state treasurer who shall place them to the credit of the
17 fish and game protection fund.

C.C. 1143.

C.C. 1156.

Sec. 18. License record.

1 The county auditor shall keep a record of the licenses he issues
2 which shall show the date of issue, the name, and address of the per-
3 son to whom issued, and the date of revocation, if revoked.

C.C. 1146.

Sec. 19. Terms of license.

1 Each license shall be signed in ink by the licensee. Such license,
2 if issued to a resident of the state and not a resident alien, shall en-
3 title such person to whom issued, to fish with hook and line and trot-
4 line and to hunt, pursue and kill wild animals, birds or game within
5 the state at any time when same shall be lawful. A license issued to
6 a nonresident or resident alien shall entitle such person to either fish
7 with hook and line and trot-line, or, to hunt, pursue and kill wild ani-
8 mals, birds or game, within the state at any time when same shall be
9 lawful and such license shall not entitle the person to whom issued to
10 fish, nor to hunt, pursue or kill wild animals, birds or game, in this

11 state without having such license upon his person at the time of so
12 doing and exhibiting it for inspection and permitting it, on demand,
13 to be examined by any person. All resident combination fishing and
14 hunting licenses and all hunting licenses shall be void on and after the
15 first day of July next succeeding the issuance thereof. All nonresi-
16 dent or resident alien fishing licenses shall be void after the last day
17 of December of the year in which the same are issued.

C.C. 1147.

Sec. 20. Nonresident—restrictions.

1 A nonresident holding a valid license may take from the state not
2 to exceed twenty-five (25) game birds or animals, provided they are
3 so carried as to be readily inspected and his license is shown on re-
4 quest.

C.C. 1144.

Sec. 21. Revocation.

1 A license in the possession of any person other than to whom first
2 issued, and, on complaint, the license of any person hunting on in-
3 closed or cultivated lands without permission of the owner or tenant
4 may be revoked by the county auditor.

C.C. 1148.

Sec. 22 Closed seasons on fish.

1 It shall be unlawful for any person to take from the waters of the
2 state any salmon or trout from September first to April fourteenth,
3 both dates inclusive, or any black bass from December first to June
4 fourteenth, both dates inclusive, or any pike, crappie, pickerel, cat-
5 fish, perch or any other game fish from December first to May four-
6 teenth, both dates inclusive.

C.C. 1107.

Sec. 23. Catch limits.

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

C.C. 1107.

Sec. 24. Size limits.

1 No person shall at any time kill, destroy, have in possession or
2 under control, for any purpose whatever, any pike, pickerel, bass or
3 catfish less than twelve (12) inches in length, or any trout or crappie
4 less than eight (8) inches in length, or any perch less than seven (7)
5 inches in length, or any sunfish less than six (6) inches in length,
6 except as otherwise provided in this chapter when using licensed nets
7 or seines. Any such fish taken shall be immediately returned to the
8 water with as little injury to the fish as possible.

C.C. 1107.

Sec. 25. Tackle restrictions—~~trot~~-lines.

1 No person shall at any time take from the waters of the state any
2 fish, except as in this chapter otherwise provided, except with hook,
3 line and bait; nor shall any person use more than (2) lines, with one
4 (1) hook upon each line, in still fishing or otherwise, except when
5 using a ~~trot~~-line in the manner provided in this chapter, or in trolling
6 or casting a spoonhook. Any person may, from May fifteenth to No-
7 vember thirtieth, both dates inclusive, use not more than one (1) ~~trot~~-
8 line in streams only, and extending not more than half the distance
9 across such streams, except that at no time shall a ~~trot~~-line be used

10 within three hundred (300) feet of a fishway or dam.

C.C. 1107.

S.C.C. 1110.

Sec. 26. Possession of spear, trap, net or seine unlawful.

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

C.C. 1107.

Sec. 27. Minnows for bait.

1 In taking minnows for bait one quarter ($\frac{1}{4}$) inch mesh seine not
2 exceeding five (5) yards in length may be used, and longer seines not
3 exceeding thirty (30) feet in length may be used if approved in writ-
4 ing by the state game warden in inland lakes or boundary waters of
5 the state. If any game fish shall be taken, they shall at once be re-
6 stored unharmed to the water whence taken. "Minnows" as used in
7 this section shall not include young bass, pike, crappie, trout, salmon
8 or fry of any game fish, native or otherwise.

C.C. 1109.

Sec. 28. Trolling from launches and steamboats prohibited.

1 No fish may be taken by trolling from any gasoline, oil or electric
2 launch or steamboat propelled by such power, from any of the inland
3 waters of the state. The foregoing clause relative to launches and
4 steamboats shall not apply to or be effective on the Mississippi or Mis-
5 souri rivers.

C.C. 1110.

Sec. 29. Explosive—drugs.

1 It shall be unlawful for anyone to place in the waters of the state
2 any lime, ashes, or drugs of any kind, or other substance, explode
3 dynamite, gun cotton, giant powder, or other compound or prepara-

4 tion, or use electricity in any way, with the intent to kill or so to affect
5 any fish that it may be taken.

C.C. 1108.

Sec. 30. Fishing through ice.

1 It shall be unlawful for any one to have, erect or use, while fish-
2 ing on or through the ice, any house, shed or other protection against
3 the weather, or have or use any stove or other means for creating
4 artificial heat.

C.C. 1107.

Sec. 31. Stocked waters.

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

C.C. 1107.

Sec. 32. Dams—fishways.

1 It shall be unlawful for any person, firm or corporation to place,
2 erect or cause to be placed or erected, any dam or other device or
3 contrivance in such manner as to hinder or obstruct the free passage
4 of fish up, down or through such waters, except as otherwise pro-
5 vided in this chapter. Dams for manufacturing or other lawful pur-
6 poses may be erected across the waters of the state. No dam or ob-
7 struction across such waters shall be erected or maintained which
8 is not provided with a fishway, nor shall any pumping station or plant
9 except sand pumping and dredging machines, in or connected with
10 such waters be constructed or operated which is not provided with

11 screens to prevent fish from entering the pumping station or plant.
12 Such fishways and screens shall be constructed and used according to
13 the plans and specifications prepared and furnished by the state
14 game warden. Any dam, obstruction, or pumping plant which is not
15 so constructed is a public nuisance and may be abated accordingly.

C.C. 1121.

C.C. 1115.

C.C. 1107.

Sec. 33. Fish dams—Condemning property for.

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

C.C. 1122.

Sec. 34. Taking by warden for stocking and exchange.

1 The state game warden may take from any of the public waters
2 of the state, at any time and in any manner, any fish for the pur-

3 pose of propagating or restocking other waters, or exchanging with
4 fish commissioners or wardens of other states or the federal gov-
5 ernment.

C.C. 1114

Sec. 35. Seining undesirable fish.

1 The warden may enter into written contracts for the taking by
2 seine or net from the public waters of this state, buffalo, carp, quill-
3 back, redhorse, suckers, dogfish, and gar, but no other fish. Such
4 contracts shall not be for more than one year, and shall specify:

5 1. That no fish shall be taken between March first and June four-
6 teenth, both dates inclusive, of any year.

7 2. The particular waters from which such fish may be taken.

8 3. The compensation to be paid the state, and the times and terms
9 of payment.

10 4. That no fish shall be taken except in the presence of and
11 under the supervision of the warden or one of his regular deputies.

12 5. That all expenses including the fees, salaries, and expenses of
13 the warden and his deputies, shall be paid by the holders of the con-
14 tracts.

15 6. That the contract may be forfeited and cancelled, without no-
16 tice by the warden in the event of a breach thereof.

17 7. Such other provisions for the protection of the state as the
18 warden may require.

S.C.C. 1114.

Sec. 36. Bond.

1 The holder of such contract shall, prior to the taking of any
2 fish thereunder, file with the warden a bond with sufficient security

3 to be approved by the warden, in an amount to be fixed by the war-
4 den, and in no event less than five hundred dollars (\$500.00). Such
5 bonds shall be conditioned for the faithful performance of the con-
6 tract, the payment of all damages resulting from a breach thereof, and
7 such other conditions as to the warden may seem right and proper.

S.C.C. 1114.

Sec. 37. Net and seine license for certain streams—bond.

1 It shall be unlawful for any person to take from the Mississippi
2 or Missouri rivers within the jurisdiction of this state any fish with
3 nets or seines upon procuring from the state game warden an annual
4 license for the use of such nets and seines. Before any such license
5 shall be issued to a nonresident of the state, the applicant shall
6 execute and deliver to the state game warden a bond running to the
7 state of Iowa in the penal sum of two hundred dollars (\$200.00),
8 with two (2) sureties, to be approved by the state game warden, con-
9 ditioned that the licenses shall faithfully comply with all the laws
10 of this state regulating the use of nets and seines for fishing.

C.C. 1116.

Sec. 38. License fees for nets and seines.

1 No license shall be issued for the use of any seine or net having
2 less than two and one-half (2½) inch mesh, bar measure, provided,
3 however, that any seine or net of two and one-half (2½) inch mesh,
4 stretch measure, which was possessed and licensed prior to July 4,
5 1924, may be licensed and used lawfully for two (2) years after that
6 date. Fee for licenses shall be as follows:

7 1. For each five hundred (500) lineal feet of seine, or fraction
8 thereof, fifteen dollars (\$15.00).

9 2. For each pound net having one hundred (100) feet or more
10 lead on each side, six dollars (\$6.00).

11 3. For each pound net having less than one hundred (100) feet
12 lead on each side, three dollars (\$3.00).

13 4. For each bait net, dip net, hoop net and fyke net, one dollar
14 (\$1.00). All seine and net licenses shall expire on the first day of
15 March following their issuance.

C.C. 1116.

Sec. 39. License tags for nets and seines.

1 The state game warden shall furnish to each such licensee, at
2 an expense not to exceed ten cents (10c).each, a metal tag, numbered
3 and stamped so as to show year of issuance and for what issued, for
4 each net, and each five hundred (500) feet of seine; and it shall be
5 unlawful to use any seine or net without having a tag thus attached
6 thereto.

C.C. 116.

Sec. 40. Size limits when using net or seine.

1 It shall be unlawful for any person to take with any seines, or nets,
2 when permitted to use same in the Mississippi or Missouri rivers, any
3 black bass, pike or crappie, or any of the following fish in lengths less
4 than as follows, to wit:

5 Carp, fifteen (15) inches; buffalo, fifteen (15) inches; pickerel,
6 eighteen (18) inches; catfish, thirteen (13) inches; and the follow-
7 ing fish weighing less than as follows, to wit: Sand sturgeon, one (1)
8 pound, or rock sturgeon, three (3) pounds.

C.C. 1118.

Sec. 41. Wholesale fish market license.

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

Sec. 42. Reports required.

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

Sec. 43. Possession and sale of black bass prohibited.

1 It shall be unlawful for any commercial institution, commission
2 house, restaurant or cafe keeper, or fish dealer, to have in possession,
3 buy, sell or barter, or offer to buy, sell or barter, any black bass,
4 whether caught or taken within or without the state, or lawfully or
5 unlawfully taken.

.S.C.C. 1120-a 2.

S.C.C. 1120-a 3.

Sec. 44. Taking of mussels licensed.

1 It shall be unlawful to take, catch, or kill mussels for commer-
2 cial purposes without a license issued by the state game warden.

Sec. 45. Mussel license.

1 The state game warden shall upon application issue a license to
2 take, catch, or kill mussels. On making application for such license,
3 residents of this state shall pay to the state game warden a fee of
4 two dollars (\$2.00), and nonresidents a fee of twenty-five dollars
5 (\$25.00); and for authority to use a dredge, an additional fee of
6 twenty dollars (\$20.00) in either case. All such licenses shall expire
7 on December thirty-first following their issuance and shall be num-
8 bered consecutively as issued and a record thereof kept in the office
9 of the state game warden. Each license shall show the name and
10 address of the licensee and the amount paid for such license, whether
11 or not the use of a dredge is authorized, whether the licensee is a
12 resident or nonresident, and what waters of the state are closed
13 against the taking of mussels under such license.

C.C. 1151.

Sec 46. Reports required of licensees.

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

C.C. 1155.

Sec. 47. Manner of taking regulated.

1 Any person, firm, or corporation to whom a license under the
2 provisions of the preceding section has been issued:

3 1. May operate not more than one (1) boat for each license, or
4 one (1) rig in taking, catching, or killing mussels for commercial pur-
5 poses. Any such person, firm, or corporation may use one (1) ad-
6 ditional boat for purposes of towing only when no apparatus for taking,
7 catching, or killing is used or kept thereon.

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

C.C. 1152.

Sec. 48. Legal size of mussels.

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

C.C. 1153.

Sec. 49. Restricted areas prescribed.

1 The state game warden may from time to time, as may be re-
2 quired for the conservation of the mussel resources of the state, pre-
3 scribe by written or printed order, areas in any part of the state
4 from which mussels shall not be taken for such a period as may be
5 specified by the warden, but no such period shall exceed five (5) years,
6 nor shall more than one-half ($\frac{1}{2}$) of the mussel producing waters of
7 the state be closed at the same time

C.C. 1154.

Sec. 50. Publication of orders.

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

C.C. 1154.

Sec. 51. Territorial jurisdiction—reciprocity of states.

1 Any person licensed by the authorities of Illinois or Wisconsin
2 to take mussels from or in the waters forming the boundary be-
3 tween such states and Iowa may take them from that portion of said
4 waters lying within the territorial jurisdiction of this state without
5 having procured a license therefor from the state game warden of
6 this state, in the same manner that persons holding Iowa licenses

7 may do so, if the laws of Illinois or Wisconsin, respectively, extend a
8 similar privilege to persons so licensed under the laws of Iowa.
C.C. 1159.

Sec. 52. Terms defined.

1 As used in this chapter the words:

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

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

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

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

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

C.C. 1158.

Sec. 53. Protection of deer, elk and goat.

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

C.C. 1135.

Sec. 54. Deer—killing or capture.

1 When it shall become necessary in the opinion of the state game

2 warden or his deputies to kill or capture any deer now running at
3 large within this state, it shall be done under the authority and di-
4 rection of the state game warden, who shall distribute such deer so
5 killed or captured within this state and the expense of said killing
6 or capture and distribution shall be paid by the person receiving
7 such deer.

C.C. 1139.

Sec. 55. Fur-bearing animals—trapping regulations.

1 It shall be unlawful for any person to kill, trap, or ensnare any
2 beaver, mink, otter, or muskrat, from March sixteenth to November
3 fourteenth, both dates inclusive, or any raccoon or skunk from Feb-
4 ruary first to October thirty-first, both dates inclusive, except where
5 such killing, trapping, or ensnaring may be for the protection of pub-
6 lic or private property; or to injure any muskrat house or destroy any
7 skunk den; or to have in possession during the closed season provided
8 for in this section, except during the first ten (10) days thereof, any
9 of the animals or carcasses or parts thereof described in this section,
10 whether lawfully or unlawfully taken within or without this state;
11 but nothing herein contained shall be deemed to apply to green hides
12 in process of manufacture

S.C.C. 1128.

Sec. 56. Closed seasons for game birds and animals.

1 Every person is prohibited from trapping, shooting, killing or
2 taking any of the following named birds or animals during the fol-
3 lowing named closed seasons:

4 1. Wild duck, goose or brant, rail, plover, sandpiper, marsh or

5 beach birds, Wilson or jacksnipe, from January first to September
6 fifteenth, both dates inclusive.

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

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

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

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

18 6. Mongolian, ring-neck, English or Chinese pheasants, Hungarian
19 partridge, or other imported game birds in this state, at all time,
20 except that the males of such birds may be taken from November
21 first to November fifth, both dates inclusive, of each year.

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

S.C.C. 1124.

Sec. 57. Bag limits and possession.

1 No person shall shoot or kill to exceed the following numbers of
2 game birds or animals in any one (1) day, respectively:

3 Five (5) prairie chickens, eight (8) quails, fifteen (15) ducks,
4 two (2) male imported pheasants, and fifteen (15) of the other game
5 birds or animals. Nor shall any one (1) person, firm, or corporation

6 have in his or its possession at any one (1) time to exceed ten (10)
7 prairie chickens, fifty (50) water fowl, fifteen (15) quail, eight (8)
8 male imported pheasants, and fifteen (15) of either of the other kinds
9 of game birds or animals named in this chapter, unless by a common
10 carrier for the purpose of lawfully shipping as provided in this chap-
11 ter. Nothing in this section shall apply to such animals as are con-
12 sidered fur-bearing animals named in this chapter in possession dur-
13 ing the periods when the killing thereof is prohibited, except during
14 the first ten (10) days of the closed season for them, respectively.

C.C. 1127.

Sec. 58. Buying or selling game prohibited.

1 It shall be unlawful for any person, firm or corporation to buy
2 or sell, dead or alive, any game birds or animals named in this chapter,
3 but nothing in this section shall apply to such animals as are considered
4 fur-bearing animals in this chapter.

C.C. 1129.

Sec. 59. Regulations on killing game birds.

1 No person shall kill or attempt to kill any bird named in this chap-
2 ter with the aid or use of any sneak boat or sink box, or from any sail-
3 boat, gasoline or electric launch or steamboat, or any other water
4 conveyance except as propelled by car or paddle, or any other device
5 used for concealment in the open water; nor pursue, for the purpose
6 of killing or capture, any such bird by motor vehicle or aircraft; nor
7 use any artificial light, battery, or deception, contrivance or device
8 with intent to attract or deceive such bird, except that in hunting
9 wild ducks and geese, decoys may be used and artificial ambushes

10 erected and used on land. No person shall at any time hunt or shoot
11 any game between sunset and sunrise of the following morning.

S.C.C. 1124.

Sec. 60. Swivel gun and poison prohibited.

1 It shall be unlawful for any person to use a swivel gun, or any
2 other firearm, except such as is commonly shot from the shoulder,
3 or any poison or medicated or poisoned food, for the purpose of cap-
4 turing or killing any of the birds or animals protected by this chapter.

C.C. 1133.

Sec. 61. Carrying firearms in motor vehicles.

1 No person shall carry a gun or other firearm, except a pistol or
2 revolver, in a motor vehicle unless the same be unloaded in both bar-
3 rels and magazine and taken apart or contained in a case.

Sec. 62. Traps, nets and snares prohibited.

1 No person shall capture or take or attempt to capture or take,
2 with any trap, snare or net, any of the game birds named in this chap-
3 ter.

C.C. 1127.

**Sec. 63. Protection of nongame birds—sale of plumage prohibited—game
birds defined.**

1 No person shall, within the state, kill or catch or have in his or
2 her possession, living or dead, any wild bird other than a game bird,
3 or purchase, offer or expose for sale, transport or ship within or with-
4 out the state, any such wild bird after it has been killed or caught,
5 except as permitted by this chapter. No part of the plumage, skin or
6 body of any bird protected by this section shall be sold or had in pos-
7 session for sale, irrespective of whether said bird was captured or

8 killed within or without the state. All species of wild birds, either
9 resident or migratory, except as specified in this section shall be con-
10 sidered nongame birds. The following are declared to be game birds:

11 1. The Anatidae, commonly known as swans, geese, brant, and
12 river and sea ducks.

13 2. The Ballidae, commonly known as rails, coots, mud-hens, and
14 gallinules.

15 3. The Limicolae, commonly known as shore birds, plovers, surf
16 birds, snipe, woodcock, sandpipers, tattlers, and curlews.

17 4. The Gallinae, commonly known as wild turkeys, grouse,
18 prairie chickens, pheasants, partridges, and quail.

C.C. 1166.

Sec. 64. Protection of nests and eggs.

1 No person shall destroy, have in possession or under control, for
2 any purpose whatever, except specimens for scientific use as provided
3 in this chapter, the nests or eggs of any nongame bird, but nothing
4 herein shall be construed to prevent the removal of nests from build-
5 ings.

C.C. 1135.

C.C. 1167.

Sec. 65. Certain birds and fowls not protected.

1 It shall not be a violation of the provisions of this chapter to take,
2 shoot, or kill the following birds or fowls:

3 1. The English starling, the English or European house spar-
4 row, blackbird, crow, sharp-shinned hawk, Cooper's hawk, and great
5 horned owl.

6 2. Grebe, loon, gull or tern, merganser, bittern, known as blue

7 crane, poorjoe or cranky, little blue heron and black crowned night
8 heron, on the grounds and waters of any public or private fish hatch-
9 ery withi nthe state by the owner, superintendent or employee thereof.
C.C. 1172.

Sec. 66. Parrots and canaries.

1 This chapter shall not be construed to forbid the selling or ship-
2 ping of parrots, canaries or any other cage birds which are imported
3 from other countries or not native to any part of the United States.
C.C. 1173.

Sec. 67. Using birds as targets.

1 No person shall keep or use any live pigeon or other bird as a
2 target, to be shot at for amusement or as a test of skill in marksman-
3 ship, or shoot at a bird kept or used for such purpose, or be a party
4 to such shooting, or lease any building, room, field, or premises, or
5 knowingly permit the use thereof, for the purpose of such shooting.
C.C. 1164.

Sec. 68. Certificates of permission for scientific purposes.

1 Certificates may be granted by the state game warden to any
2 properly accredited person of the age of eighteen (18) years or over,
3 permitting the holder thereof to collect fish, game, wild animals and
4 birds, their nests or eggs, for scientific purposes only. The applicant
5 for the same must present to said officer written testimonials from
6 two (2) well known zoologists who must be residents of Iowa, certifi-
7 ing to the good character and fitness of said applicant to be intrusted
8 with such privilege, and must pay said officer two dollars (\$2.00) to
9 defray the necessary expenses attending the granting of such certifi-
10 cate. On proof that the holder of such certificate has taken or killed

11 any fish, game, animal or bird, whether game or nongame, or taken
12 the nest of eggs of any such bird, for other than strictly scientific pur-
13 poses, his certificate shall become void. The certificates shall expire
14 on December thirty-first of the year issued and shall not be transfer-
15 able.

C.C. 1170.

C.C. 1169.

Sec. 69. Transportation for sale prohibited.

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

C.C. 1107.

C.C. 1130.

Sec. 70. Transportation regulations and restrictions.

1 Any person, firm, or corporation desiring the shipment or trans-
2 portation of any game, fish, animals, or birds, shall deliver to the com-

3 mon carrier to which the shipment is offered, a statement under oath,
4 in duplicate, showing the name and address of the shipper, the date
5 and number of his license, where and by what officer issued, the name
6 and residence of the consignee to whom the shipment is made, the
7 kind and number of fish, animals, or birds in the shipment, that the
8 same have not been unlawfully killed, bought, sold, or had in posses-
9 sion, and are not being shipped for the purpose of market or sale, and
10 that such shipment does not contain a greater number of fish, animals
11 or birds than may be lawfully shipped in one (1) day. One (1) copy
12 of such affidavit shall be retained by the common carrier receiving
13 such shipment, for the period of twelve (12) months thereafter, and
14 the other copy shall be attached in a secure manner to the package or
15 container of such fish, animals, or birds.

C.C. 1107.

C.C. 1130.

Sec. 71. Authority to administer oath.

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

C.C. 1107.

Sec. 72. Limit of shipment for one day.

1 No person except as otherwise provided shall ship, carry or trans-
2 port in any one (1) day, game, fish, birds or animals, except fur-bear-
3 ing animals, in excess of the following numbers, respectively: Ten
4 (10) prairie chickens, fifty (50) water fowl, fifteen (15) quail, eight
5 (8) male imported pheasant, and fifteen (15) of either of the other

6 game, birds or animals, and forty (40) fish including all varieties
7 shipped, except as otherwise provided under license to fish with seine
8 or net or under permit from the state game warden.

C.C. 1130.

Sec. 73. Shipping restrictions.

1 It shall be unlawful for any common carrier to receive for trans-
2 portation any game, fish, animals or birds in greater numbers or in
3 any other way or manner than in this chapter provided.

C.C. 1107.

C.C. 1130.

Sec. 74. Transportation regulations not applicable.

1 The foregoing provisions regarding the possession and transpor-
2 tation of fish shall not apply to such fishing as is done under written
3 permits from the state game warden or to such fishing as is permitted
4 with nets or seines in certain boundary waters of the state or fishing
5 done on private fishing preserves.

Sec. 75. Game brought into the state.

1 It shall be lawful for any person, firm or corporation to have in
2 possession any fish or game lawfully taken outside the state and law-
3 fully brought into the state, but the burden of proof shall be upon the
4 person in such possession to show that such fish or game was lawfully
5 killed and lawfully brought into the state; provided, however, that it
6 shall be unlawful for any commercial institution, commission house,
7 restaurant, or cafe keeper, or fish dealer to have in possession any
8 black bass, whether caught or taken within or without the state or
9 lawfully or unlawfully taken.

C.C. 1130.

Sec. 76. **Violation—penalty.**

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

C.C. 1108.
C.C. 1111.
C.C. 1112.
C.C. 1120.
C.C. 1126.
C.C. 1127.
C.C. 1130.
C.C. 1131.
C.C. 1133.
C.C. 1135.
C.C. 1147.
C.C. 1151.
C.C. 1152.
C.C. 1153.
C.C. 1154.
C.C. 1163.
C.C. 1164.
C.C. 1170.
C.C. 1174.
C.C. 1176.
S.C.C. 1120-a4.
S.C.C. 1124.

Sec. 77. Violations relating to dams—penalty.

1 Whoever shall erect any dam or other obstruction prohibited by
2 this chapter or at a place or in a manner prohibited, or shall injure
3 destroy any dam lawfully erected, shall be fined not less than one hun-
4 dred dollars (\$100.00) nor more than five hundred dollars (\$500.00),
5 or be imprisoned in the county jail not more than one hundred (100)
6 days.

C.C. 1121.

C.C. 1123.

Sec. 78. Violations by common carrier—penalty.

1 Any common carrier which shall violate any of the provisions of
2 this chapter relating to receiving, having in possession, shipping or
3 delivering any fish, fowls, birds, birds' nests, eggs or plumage, game
4 or animals, in violation of the provisions of this chapter or contrary
5 to the regulations and restrictions therein provided, and any agent,
6 employee or servant of such corporation violating such provisions,
7 shall be fined not less than one hundred dollars (\$100.00) not more
8 than three hundred dollars (\$300.00), and any such agent, employee,
9 or servant may be imprisoned not exceeding thirty (30) days.

C.C. 1132.

Sec. 79. Duty of attorney general and county attorneys.

1 It shall be the duty of the attorney general, when requested by the
2 state game warden to give his opinion in writing upon any question
3 of law arising under this chapter; and it shall be the duty of all county
4 attorneys in this state when requested by the state game warden or
5 any deputy, to prosecute all criminal actions brought in their respec-
6 tive counties for violations of the provisions of this chapter. Nothing

7 in this chapter shall be construed as prohibiting any person from in-
8 stituting legal proceedings for the enforcement of any of the provi-
9 sions thereof.

C.C. 1134.

Sec. 80. Informations—jurisdictions.

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

C.C. 1134.

Sec. 81. Presumptive evidence of violations.

1 It shall be presumptive evidence of a violation of the provisions
2 of this chapter for any person :

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

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

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

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

16 5. To have in his possession any implements, devices, equip-
17 ment, or means whatever of taking fish, birds, or animals protected
18 by this chapter at any place where the possession or use thereof is
19 prohibited.

C.C. 1129.

C.C. 1149.

C.C. 1151.

A BILL FOR

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 of the supplement to said code, relating to propaganda 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.

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

C.C. 1138.
C.C. 1165.
S.C.C. 1137.

Sec. 2. Conclusive presumption of consent to title.

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

C.C. 1138.

S.C.C. 1137.

Sec. 3. Private preserves for certain game birds and animals.

1 Any person desiring to engage in the business of raising and
2 selling game birds or animals in a wholly inclosed preserve or in-
3 closure, of which he is the owner or lessee, may make application in
4 writing to the state game warden for a license so to do. The state
5 game warden, when it shall appear that such application is made in
6 good faith shall, upon the payment of an annual fee of two dollars
7 (\$2.00), issue to such applicant a breeder's license permitting him
8 to breed and raise any of such game birds or animals on such preserve
9 or inclosure, and to sell the same for breeding or stocking purposes
10 on or within such preserve or inclosure, and kill, use, or sell the same
11 for food. Such license must be renewed annually upon payment of
12 the fee as above provided, and the possession of such license shall
13 exempt the licensee from the penalties of this chapter for killing,
14 having in possession, or selling such game birds or animals, or any
15 of them; provided such licensee shall raise or breed such birds or
16 animals upon or within such preserve or inclosure, or secure the same