

CHAPTER 69.

IN RELATION TO GAME.

AN ACT to Repeal Section 4048, Title 24, Chapter 11, of the Code, and to Enact a Substitute in Lieu thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 4048, title 24, chapter 11, of the code be repealed, and the following enacted in lieu thereof:

Code: § 4048
repealed.

New section.
Killing of
game at cer-
tain seasons
prohibited.

Prairie
chickens.
Woodcock.
Ruffed grouse
or pheasant.
Wild turkey.

Quail.

Buying, sell-
ing, or ship-
ping.

Penalty.

Deer and elk.

Beaver, &c.

Buying or sell-
ing same.

Fine.

What lawful.

Sec. 4048. If any person, elsewhere than on his own premises, shoot or kill any prairie hen or chicken, between the first day of December and the fifteenth of August next following, for the purpose of shipping the same to any point within or without the state for the purpose of selling the same for profit; or if any person ensnare, trap, or kill any woodcock between the first day of January and July in any year, or ruffed grouse or pheasant, between the 15th day of December and the 12th day of September, or any wild turkey, between the first day of February and the first day of September in any year; or if any person, anywhere or at any time of the year, shoot, kill, ensnare, or trap any quail, except that it shall be lawful for any person to shoot quails upon any inclosed or improved premises, with the consent of the owner or occupant thereof, between the first day of October and the first day of January; or if any person buy, sell, or ship any of the above birds of game, which have been trapped, ensnared, or killed, contrary to the provisions of this section, he shall be punished by a fine of \$5.00 for each bird of any kind of game above mentioned thus killed, trapped, ensnared, bought, sold, or held in possession; or if any person kill, ensnare, or entrap any wild deer, elk, or fawn, between the first day of January and the first day of September in any year; or if any person kill, ensnare, or trap any beaver, mink, otter, or muskrat, between the first day of April and the first day of November of any year; or if any person buy or sell any of the above animals ensnared, killed, or trapped contrary to the provisions of this section, he shall be punished by a fine of ten dollars for each kind of animals above mentioned thus killed, trapped, ensnared, bought, sold, or held in possession: but it shall be lawful for any person living within this State to ship to any person living within or without this State prairie hens or chickens, or other game-birds described in this act, not to exceed one dozen in any one day, provided he shall first make an affidavit before some person authorized to administer oaths that he is a resident of the State of Iowa; that said game-birds are not being shipped for sale or profit; giving the name of any person to whom shipped and his postoffice address; the number of birds shipped, and a true copy of such affidavit to be signed by the person taking the affidavit, on which shall be indorsed the words "A true copy of the original," which copy shall be given to the common carrier or railroad agent, which copy shall be prima facie evidence to the agent or carrier of its genuineness, and shall

release such carrier or agent from any liability in said shipment or carrying of said game, and the original affidavit shall be retained by the person taking the same, and shall be used as evidence in any trial to which said affidavit belongs; and if any person ensnare or trap any prairie hen or chicken, quail, or any other game-birds mentioned in this act at any season of the year, or if any person shoot or in any manner kill or capture any of the above mentioned birds or animals contrary to the provisions of this section, he shall be liable to the penalties provided in section 4050 of the code of 1873.

Trapping game birds.
Killing or capturing same.
Punishment.

Approved March 23d, 1874.

CHAPTER 70.

THE HERD LAW AMENDED.

AN ACT to Amend Chapter 3, Title XI. of the Code in relation to Domestic and other Animals.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That sections 1446, 1448, 1450, 1451, 1452, 1453, 1457, 1458, 1459, 1460, 1461, 1462, and 1463 of the code be and the same are hereby repealed, and the following enacted in lieu thereof, to-wit:

Code; title xi., ch. 3.

SEC. 2. Section 1446. Every owner of swine, sheep, or goats shall restrain the same from running at large.

Swine, sheep, and goats restrained.

SEC. 3. Section 1448. When any person is injured in his lands, inclosed by a lawful fence, by any kind of domestic animal, he may recover his damages by an action against the owner, or by distraining the animals doing the damage; but if they were lawfully on the adjoining land, and escaped therefrom by reason of the neglect of the person suffering the damage to maintain his part of the division fence, the owner of the animals shall not be liable for such damage, and if the party injured elects to recover by action against the owner of the stock, no appraisalment need be made by the trustees as in cases of distraint; and in counties where by police regulation stock is restrained from running at large, any person injured in his improved or cultivated lands by any domestic animal may recover his damages as provided in section six of this act and sections 1454, 1455, and 1456 of the code, whether the lands whereon the injury was done was inclosed by a lawful fence or not.

Damages may be recovered for injuries done by stock in inclosures.

Owner not liable when.

Recovery when stock is restrained from running at large. §§ 1454-1456.

SEC. 4. Section 1450. Section 309 of the code is hereby amended by striking out the word "now" in the fifth line thereof; and the word "stock," as used therein and in this chapter, is hereby declared to mean cattle, horses, mules, and asses; and, under said section, the board of supervisors of each county may—and on petition of one-fourth of the legal voters thereof, as shown by the returns of the last general election, must—submit, in the manner provided by section 310 of the code, except as herein

Code, § 309, amended.

Meaning of "stock."

Board of supervisors to submit question to popular vote. § 310.