

Daily State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved April 9, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, April 13, 1898.

G. L. DOBSON,
Secretary of State.

CHAPTER 63.

S. F. 22.

AN ACT to amend section twenty-five hundred and thirty-six (2536), chapter fourteen (14), title twelve (XII), of the code, in relation to the State Veterinary Surgeon.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Appropriation. That section 2536, of chapter 14, title 12 of the code be amended by striking out the word "three" in the third line and inserting the word "five" in lieu thereof.

Approved April 7, 1898.

CHAPTER 64.

S. F. 116.

AN ACT amending sections two thousand five hundred and thirty-nine (2539), two thousand five hundred and forty (2540), and two thousand five hundred and fifty-nine (2559) of the code, relating to the care and propagation of fish and the protection of birds and game.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Seizure without warrant—sale. Section two thousand five hundred and thirty-nine (2539) of the code is amended by adding thereto:

"It shall be the duty of the fish and game warden, sheriffs, constables, and police officers of this state to seize and take possession of any fish, birds, or animals which have been caught, taken, or killed at a time, in a manner, or for a purpose, or had in possession or under control, or have been shipped, contrary to the provisions of this chapter. Such seizure may be made without a warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any fish, birds, or animals, caught, taken, killed, had in possession, under control, or shipped contrary to any of the provisions of this chapter, shall issue a search-warrant and cause a search to be made in any place therefor. Any fish, birds, or animals so found shall be sold for the purpose of paying the costs in the case, and the amount, if any, in excess of the costs shall be turned into the school fund of the county in which the seizure is made. Any net, seine, trap, contrivance, material, and substance whatever, while in use or had and maintained for the purpose of catching, taking, killing, trapping or deceiving any fish, birds, or animals contrary to any of the provisions of this chapter is hereby declared to be, and is, a public nuisance, and it shall be the duty of the fish and game warden, sheriffs, constables, and police officers of the state, without warrant or process, to take or seize any and all of the same."

SEC. 2. Fishing—what permitted. Section two thousand five hundred and forty (2540) of the code is amended by adding thereto:

"No person shall, at any time, kill, destroy, have in possession or under control, for any purpose whatever, any black bass, wall-eyed pike, or trout less than six (6) inches in length, except for the purpose of returning the same to the water from which they were taken, as soon as they are taken therefrom, with as little injury to the fish as possible."

SEC. 3. Opinions of attorney-general. Section two thousand five hundred and fifty-nine (2559) of the code is amended by adding thereto:

“When requested by the fish and game warden the attorney general shall give his opinion, in writing, upon all questions of law pertaining to the office of such warden. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any provisions hereof.”

SEC. 4. Fishing—when permitted. Strike out in 3rd line of sec. 2540 of the code the word “April” and insert in lieu thereof the word “November.”

SEC. 5. Information filed—notice served. The officer making seizure of any fish, game, or property referred to herein shall safely keep same until disposed of according to law. As soon as practicable after any seizure, he, or the fish and game warden, shall file an information under oath before any justice of the peace of the county where the seizure was made, alleging the facts warranting the forfeiture or destruction of such fish, game, or property, naming the person, if known, from whom the seizure was made. A notice shall be served upon such person, or if the person who had possession of such property is unknown, such notice shall be posted in three public places in said county, not less than five nor more than fifteen days before the trial, stating the fact of seizure and the time and place of trial, and that if no appearance is made and the court shall so determine that said fish, game, or property will be adjudged forfeit to the state or destroyed.

SEC. 6. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved March 28, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, April 8, 1898.

G. L. DOBSON,
Secretary of State.

CHAPTER 65.

H. F. 164.

AN ACT for the protection of deer, elk, and goats and to provide punishment for the violation thereof. [Additional to title XII, chapter 15, of the code, relating to the protection of game.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. What prohibited. That it shall be unlawful for any person other than the owner, or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, elk, or goat except when distrained as provided by law.

SEC. 2. Penalty. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period not exceeding thirty (30) days or by a fine not exceeding one hundred (100) dollars, or by both such fine and imprisonment.

Approved March 30, 1898.

CHAPTER 66.

S. F. 1.

AN ACT to amend section two thousand five hundred and fifty-one (2551) of the code, relating to the protection of game.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Pheasant—quail. That section twenty-five hundred and fifty-one of the code of Iowa be and the same is hereby amended, by