

CHAPTER 152.

FISH AND GAME WARDEN.

S. F. 235.

AN ACT to amend section two thousand five hundred and thirty-nine (2539) of the supplement to the code, 1907, relating to the compensation and duties of the fish and game warden.

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

SECTION 1. Traveling, contingent and office expenses. That section two thousand five hundred and thirty-nine (2539) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "annually" and before the words "to be" in the fourth line of said section the words "together with his necessary traveling, contingent and office expenses".

SEC. 2. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 5, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 6, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 153.

PROTECTION OF FISH AND GAME.

H. F. 534.

AN ACT to amend the law as it appears in sections twenty-five hundred forty (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred fifty-one (2551) and twenty-five hundred fifty-six (2556) of the supplement to the code, 1907; and sections twenty-five hundred fifty-five (2555) and twenty-five hundred fifty-nine (2559) of the code, and to repeal section twenty-five hundred fifty-two (2552) of the supplement to the code, 1907, and sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), and twenty-five hundred sixty-two (2562) of the code, relating to the protection of fish and game; regulating the shipment of fish and sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

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

SECTION 1. Fishing—what permitted—shipments of fish. That the law as it appears in section twenty-five hundred and forty (2540) of the supplement to the code, 1907, be and the same is hereby amended as follows:

1. By striking out the word "November" in the second line of said section and substituting therefor the word "October".

2. By striking out the word "March" in the second line and substituting therefor the words "April fifteenth".

3. By inserting after the word "fish" at the close of line six thereof the words "of which total number not more than twenty (20) shall be bass, pike or pickerel. It shall be unlawful for any person, firm or corporation to offer for transportation or to transport to any place within or without this state for purposes of sale, any game fish taken from the inland waters of the state. Any person, firm or corporation desiring the shipment or transportation of any game fish, shall deliver to the common carrier, express or transportation company a statement under oath in duplicate, setting forth

the name of the shipper, the person to whom the package is shipped, the residence of both, the kind and number of fish contained in such package, and that the fish contained in such package are not being shipped for the purpose of sale or market, and one copy thereof shall be retained by the common carrier, express or transportation company receiving such shipment for the period of twelve months thereafter and the other copy thereof shall be attached in a secure manner to such package. Any agent of any common carrier, express or transportation company receiving such shipment is hereby authorized to administer to such shipper the oath contemplated in the last preceding paragraph. Any shipment made in violation of the provisions of this act may be seized, confiscated and sold by any game warden in this state at private or public sale; the proceeds thereof to be turned into the fish and game protection fund, or such shipment may be by such warden destroyed;”.

4. By inserting after the word “spear” in line twenty-two thereof the words “trap, net”.

5. By striking out the word “of” in line twenty-four thereof and inserting in lieu thereof the words “or attempting to take or kill”.

6. By inserting between the words “means” and “within” in line twenty-four the words “other than by rod, line, hook and bait”.

7. By inserting after the word “pike” in line twenty-seven thereof the word “crappie”.

SEC. 2. Use of explosives or drugs a misdemeanor. That the law as it appears in section twenty-five hundred forty-a (2540-a) of the supplement to the code, 1907, be amended by adding after the word “shall” in the sixth line thereof the words “be guilty of a misdemeanor and”.

SEC. 3. Repeal—penalty. That section twenty-five hundred forty-four (2544) of the code be repealed and the following enacted in lieu thereof:

“Any person, firm or corporation who shall violate any of the provisions of section twenty-five hundred forty (2540) of the supplement to the code, 1907, as herein amended, or twenty-five hundred forty-one (2541), twenty-five hundred forty-two (2542) or twenty-five hundred forty-three (2543) of the code, shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than five nor more than fifty dollars and cost of prosecution for each offense, or be imprisoned in the county jail for not less than one day nor more than thirty days, and the taking of each fish in violation of law shall be construed to be a separate offense.”

SEC. 4. Game protected. That section twenty-five hundred fifty-one (2551) of the supplement to the code, 1907, be amended by adding after the word “kill” in the twelfth line the words “or attempt to kill,” and after the word “box” in the fourteenth line thereof, the words “or from, any sail boat, gasoline or electric launch or steam boat, or any other water conveyance, except as propelled by oar or paddle”, and that said section be further amended by adding at the close thereof the following: “any person violating any of the provisions of this section shall be held guilty of a misdemeanor and punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907, and in addition thereto for use of any ambush, sink, box, sneak boat or other water conveyance, prohibited by law, on the waters of this state, a fine of not less than twenty-five dollars, nor more than one hundred dollars, and shall stand committed to the county jail for thirty days unless such fine and costs are paid.”

SEC. 5. Repeal—killing for traffic—destroying eggs or nests. That section twenty-five hundred and fifty-two (2552) of the supplement to the code, 1907, be repealed and the following enacted in lieu thereof:

“No person shall at any time or at any place within this state, trap, shoot or kill for traffic any of the birds, animals or game named in this chapter.

nor shall any person shoot, or kill more than twenty-five in any one day, of any kind of said named animals, birds or game, nor shall any one person, firm or corporation have more than twenty-five of either kind of said named birds or game named in this chapter in his or their possession at any time unless lawfully received for transportation, provided, however, the limit of ducks in possession is hereby made fifty. Nor shall any person capture or take, or attempt to catch or take, with any trap, snare or net any of the birds or animals named in the preceding sections; or in any manner willfully destroy the eggs or nest of any of the birds named in this chapter. Any person, firm or corporation violating any of the provisions of this section shall be held to be guilty of a misdemeanor and punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907."

SEC. 6. Repeal—having in possession. That section twenty-five fifty-four (2554) of the code be repealed and the following enacted in lieu thereof:

"It shall be unlawful for any person, firm or corporation to buy or sell, dead or alive, any of the birds, game or animals named in this chapter, and it shall be unlawful to have the same in possession during the period when the killing of such birds, game or animals is prohibited, except during the first five days of such prohibited period; and the possession by any person, firm or corporation of any of such birds, game or animals during such prohibited period, except during the first five days thereof, shall be presumptive evidence of the violation of this chapter relating to game and he or they shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907."

SEC. 7. Shipments of game. That section twenty-five fifty-five (2555) of the code be amended as follows:

1. By striking out the semi-colon (;) after the word "chapter" in line three thereof and substituting therefor a period (.).

2. By striking out the word "but" in line three and substituting therefor the following: "no person, firm or corporation shall at any time ship to any person, firm or corporation within this state any of the birds or animals named in this chapter, except in strict compliance with the following provisions;".

3. By inserting after the word "but" in line six the words "before such shipment is made,".

4. By striking out all after the word "game" in the eighteenth line and inserting in lieu thereof the following words: "Any person who shall ship more than one dozen of the birds named in this chapter in any one day, or any person shipping any of the birds named in this chapter without first complying with the provisions of this section, or any person, firm or corporation violating any of the provisions of this section at any time, shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Provided, however, that it shall be lawful to have in possession game lawfully taken outside this state and lawfully brought into this state, but the burden shall rest upon the person in possession to establish the fact that such game so shipped into the state was lawfully killed and lawfully shipped into this state."

SEC. 8. Illegal shipments—penalty. That the law as it appears in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907, be amended by inserting after the word "state" in the third line thereof the words "or ship within this state". and by adding after the word "be" in the fifth line the words "guilty of a misdemeanor and be" and by adding after the word "state" in the tenth line thereof the words "or shipped within this state contrary to law".

SEC. 9. Repeal—deputy wardens—compensation—powers—bond. That section twenty-five sixty-two (2562) of the code be repealed and the following enacted in lieu thereof:

“The fish and game warden may appoint such number of deputies as he may deem necessary, who shall receive a compensation of two dollars and fifty cents (\$2.50) per diem and actual expenses, for the time and money actually employed and expended by them in the enforcement of the provisions of this act. Such deputy warden shall act under the advice and direction of the fish and game warden, and perform such duties in relation to their offices as may be required of them and submit under oath, itemized statements of their per diem and expenses as aforesaid; and 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 fee 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 and aid in enforcing the provisions of this act. All deputy wardens shall have power to arrest without warrant any person or persons found in the act of violating any law enacted for the purpose of propagation and protection of fish, game and birds. All deputy wardens shall give bonds conditioned for the faithful performance of their duties, in such amounts as may be fixed by the state executive council.”

SEC. 10. Prosecutions. That section twenty-five fifty-nine (2559) of the code be amended by striking out all after the word “count” in line three (3) down to and including the word “treasury” in line eight (8).

SEC. 11. Acts in conflict repealed. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. In effect. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 154.

PROTECTION OF GAME.

H. F. 296.

AN ACT to repeal sections twenty-five hundred and sixty-three-a (2563-a), twenty-five hundred and sixty-three-b (2563-b), twenty five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f) and twenty-five hundred and sixty-three-g (2563-g), twenty-five hundred sixty-three-h (2563-h) of the supplement to the code, 1907, and to enact in lieu thereof the following relating to protection of game:

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

SECTION 1. Repeal. That sections twenty-five hundred sixty-three-a (2563-a), twenty-five hundred sixty-three-b (2563-b), twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred and sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f), twenty-five hundred sixty-three-g (2563-g), and twenty-five hundred sixty-