

**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 Repeal—deputy wardens—compensation—powers—bond.** That section twenty-five sixty-two (2562) of the code be repealed and the following enacted in lieu thereof: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 Acts in conflict repealed.** All acts and parts of acts inconsistent with this act are hereby repealed.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-

three-h (2563-h) of the supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereto [thereof]:

**SEC. 2. Hunting without license prohibited.** No person shall hunt, pursue, kill or take any wild animal, bird, or game in this state, with a gun, without first procuring a license as herein provided.

**SEC. 3. Age limit—consent of parent or guardian.** No license shall be granted any person under eighteen years of age unless the written consent of parents or guardian is attached to the application.

**SEC. 4. Application blanks—license.** The state fish and game warden shall furnish county auditors with application blanks for a license and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license shall authorize its holder to hunt in accordance with the provisions of this act in any county of the state, but not on enclosed or cultivated lands without permission of the owner, or the tenant or upon any public highway; and shall bear a fac simile signature of the state fish and game warden and the seal and signature of the county auditor in which it is issued.

**SEC. 5. Application subscribed and sworn to—license fees—fish and game protection fund.** An applicant for a license shall fill out an authorized application blank and subscribe and swear to it before the county auditor, or a notary or justice of the peace. Before the license is issued, the applicant, if a resident of the state of Iowa, shall pay the county auditor the sum of one dollar (\$1.00) as a license fee, and if a non-resident of the state of Iowa, shall pay him the sum of ten dollars (\$10.00) as a license fee. These fees the county auditor shall pay at the end of each month to the state treasurer, who shall place them to the credit of a fund known as the fish and game protection fund.

**SEC. 6. Non-resident hunters.** A non-resident holding a valid license may take from the state not to exceed twenty-five (25) game birds or animals, provided they are so carried as to be readily inspected and his license is shown on request.

**SEC. 7. Expenditures—vouchers.** The state fish and game protection fund shall be used for the payment of the expenditures made necessary under the provisions of section 2539 of the code, for the traveling, contingent and office expenses of the warden; for deputy wardens' salaries and expenses; for the protection and propagation of fish and game; for gathering and distributing fish in the public waters of the state; for the care and preservation of the lakes of the state; for the expenditures made necessary under the operation or enforcement of this statute or any other laws enacted affecting the fish and game service; and shall be paid out only on verified vouchers approved by the executive council.

**SEC. 8. License record.** The county auditor shall keep a record of the licenses he issues, which shall show the date of issue, the name and address of the person to whom issued, and the date of revocation, if revoked.

**SEC. 9. License—how signed—expiration—hunting—what permitted—penalties.** The license shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill wild animals, birds or game within the state at any time when it shall be lawful to hunt, pursue and kill such wild animals, birds or game, but it shall not entitle the person to whom issued, to hunt, pursue or kill wild animals, birds or game in this state without being prepared at the time of so doing to exhibit it for inspection and permitting it, on demand, to be examined by any person. All licenses shall be void after the first day of July next succeeding issuance. Provided, however, that owners of farm lands, their children and tenants, shall have the right, without procuring a license, to hunt and kill wild animals, birds or game upon the lands owned or occupied by them. Any person found

guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such costs and fines are paid, but such imprisonment shall not exceed thirty days for each offense. Any person who shall alter or change a license in any material manner shall be deemed guilty of forgery, and upon conviction thereof shall be subject to the penalties provided for the commission of forgery. Any person who uses or attempts to use the license of another, or altered license, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense.

SEC. 10. **License revoked—when.** A license in the possession of any person other than to whom first issued, and on complaint, the license of any person hunting on enclosed or cultivated lands, without permission of the owner or tenant, may be revoked by the county auditor.

SEC. 11. **Prima facie evidence.** Possession of a gun in the fields or forests or on the waters of the state, or upon the ice of the same; and a failure to display a license when it is demanded by any person, shall be, except in the case of the owner or tenant, prima facie evidence of a violation of the provisions of this act.

SEC. 12. **Appropriation—when used.** Any appropriation made by the general assembly for the use of the state fish and game warden shall not be drawn upon until the fund arising from license fees shall be exhausted.

SEC. 13. **Acts in conflict repealed.** All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 7, A. D. 1909.

## CHAPTER 155.

### CARE AND PROPAGATION OF FISH.

H. F. 290.

AN ACT amendatory of and additional to chapter fifteen (15), title twelve (XII) of the code and supplement to the code, 1907, relative to the care and propagation of fish.

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

SECTION 1. **Fishing in boundary rivers.** That the law as it appears in section two thousand five hundred and forty-seven (2547) of the supplement to the code [1907] be and the same is hereby amended by inserting before the first word of said section the following: "except as otherwise expressly stated".

SEC. 2. **Use of nets, seines—annual license—bond or cash deposit—license fees—metal tags.** It shall be unlawful for any person to take from the waters of the Mississippi, Big Sioux or Missouri rivers within the jurisdiction of this state, or from that part of the Des Moines river forming a part of the boundary between this state and Missouri, any fish with nets or seines, without first procuring from the state fish and game warden an annual license for the use of such nets and seines. Before any such license shall be issued to a non-resident of the state of Iowa, the applicant shall execute and deliver to the fish and game warden a bond running to the state of Iowa in the penal sum of \$200.00 with two sureties who shall each justify in the sum of \$200.00 in property in this state over and above all debts and liabilities, and property exempt by law from sale on execution. In lieu of such bond such licensee may