

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 **Acts in conflict repealed.** All acts and parts of acts inconsistent with this act are hereby repealed.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

make a cash deposit of \$200.00 or provide bond of any surety company authorized to do business in this state. Such bond shall be conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this act and the rules and regulations which are or may be hereafter prescribed by law, such application to be null and void, otherwise to remain in full force and effect. The fee charged for such license shall be as follows: For each 500 lineal feet of seine, or fraction thereof, ten (\$10.00) dollars; for each pound net having more than 100 feet lead on each side, four (\$4.00) dollars; for each pound net having less than 100 feet lead on each side, one (\$1.00) dollar; for each bait net, dip net, hoop net, and fyke net, fifty (.50) cents. All licenses shall expire on the 1st day of March following their issuance. The state fish and game warden shall furnish to each licensee at an expense not to exceed ten (10) cents each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred (500) feet, or fraction thereof, of seine; and it shall be unlawful to use any seine or net in the waters specified in this section without having a tag thus procured attached thereto; provided, that no seine or net with less than two and one-half (2½) inch mesh, stretch measure, shall be licensed or used for fishing, under this act.

SEC. 3. **Funds—how expended.** The funds received for such license and sale of tags shall be expended by the state fish and game warden for the maintenance of his department and meeting the expenses thereof, and so far as same are available he shall expend same in the preservation of food fishes in the waters described in section two (2) hereof by removing young fish from dead or cut-off waters to the live waters adjacent thereto. He shall render an itemized account of all such funds in each biennial report.

SEC. 4. **What prohibited.** It shall be unlawful for any person to take from the waters described in section two (2) of this act, except by hook and line, any black or white bass, any striped bass, any pike, any crappie, any pickerel less than fifteen inches, or any catfish less than ten inches in length and no pike, bass or crappies between and including March 31st and June 1st of each year.

SEC. 5. **Food fishes not to be injured or destroyed.** It shall be unlawful for any person to take from the waters described in section two (2) of this act, by seine or net, any food fishes and cause or permit same to perish or be destroyed, or to remove such fish within such water so as to cause same to be destroyed or to perish, and any person taking any food fishes from such waters who does not make use of same shall immediately return same to such waters without injury.

SEC. 6. **Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period of not exceeding thirty (30) days or by a fine not exceeding one hundred (\$100.00) dollars.

SEC. 7. **In effect.** This act being deemed of immediate importance shall take effect upon publication of same in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 8. A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*