

## CHAPTER 56

## FISH AND GAME

AN ACT to permit the issuance, at places other than at the county seat, of licenses to hunt and of licenses to fish, to prescribe the rights, powers, duties and liability of the county recorder and other persons with reference to the issuance of such licenses and to prescribe a penalty for the violation of such rights, powers and duties.

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

1 SECTION 1. The following section is hereby enacted, to wit:  
 2 "1724-cl. Issuance at other than county seat. The county recorder  
 3 may sign and seal in blank licenses to hunt, and licenses to fish, and  
 4 deposit the same with fit and responsible adult persons not residing  
 5 at the county seat. Each such depository shall not at any one time  
 6 have possession of more than fifty (50) of each of said classes of  
 7 blank licenses. Said depository shall have authority to take applica-  
 8 tions for licenses, to fill the blank in the license with the name of the  
 9 licensee, to deliver said license, and to receive the license fee therefor,  
 10 which fee together with the duly executed application for the license  
 11 shall be forwarded by the depository to the county recorder within  
 12 twenty-four (24) hours after receiving the same. The recorder shall  
 13 be responsible for all fees which are not so accounted for. The use of  
 14 of a license so signed and sealed in blank without the actual, good  
 15 faith issuance thereof as herein contemplated shall constitute a mis-  
 16 demeanor. All such blank licenses shall be surrendered to the recorder  
 17 on his demand."

Senate File No. 21. Approved April 16, A. D. 1929.

## CHAPTER 57

## FISH AND GAME.

AN ACT to repeal the following sections of the code, 1927, and to enact substitutes therefor, to wit: Seventeen hundred nine-a two (1709-a2), seventeen hundred fourteen (1714), seventeen hundred sixteen (1716), seventeen hundred eighteen (1718), seventeen hundred nineteen (1719), seventeen hundred twenty (1720), seventeen hundred twenty-three (1723) to seventeen hundred twenty-five (1725), inclusive, seventeen hundred twenty-seven (1727) to seventeen hundred twenty-nine (1729), inclusive, seventeen hundred thirty-one (1731) to seventeen hundred thirty-four (1734), inclusive, seventeen hundred fifty-one (1751) to seventeen hundred fifty-three (1753), inclusive, seventeen hundred fifty-six (1756), seventeen hundred fifty-eight (1758), seventeen hundred sixty (1760), seventeen hundred sixty-one (1761), seventeen hundred sixty-three (1763), seventeen hundred sixty-four (1764), seventeen hundred sixty-seven (1767), seventeen hundred sixty-seven-a one (1767-a1), seventeen hundred sixty-eight (1768), seventeen hundred seventy-two (1772), seventeen hundred eighty (1780), seventeen hundred eighty-one (1781), seventeen hundred eighty-three (1783), seventeen hundred eighty-seven (1787), seventeen hundred ninety-four (1794), to amend sections seventeen hundred forty-five (1745) and seventeen hundred forty-six (1746) of said code, all said sections relating to the propagation, and protection of fish, game, wild birds and animals, to provide for a license to trap fur-bearing animals, to provide the legal method of measuring the length of fish, to prohibit the act of fishing during certain hours of the night, to prohibit the use of ferrets in hunting, taking, killing or capturing wild animals, to prohibit the shooting or spearing of certain fur-bearing animals, to require persons

to exhibit, on demand, fish and game in their possession, to define the term "gun", to prohibit the shooting of rifles on or over the public waters of the state, to declare certain public offenses relative to the protection of fish and game, and to provide penalties for such offenses.

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

1 SECTION 1. Section seventeen hundred nine-a two (1709-a2), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:  
3 "1709-a2. **Hunting on game refuges.** It shall be unlawful to hunt,  
4 pursue, kill, trap or take any wild animal, bird, or game on any state  
5 game refuge so established at any time of the year, and no one shall  
6 carry firearms thereon, providing, however, that predatory birds and  
7 animals may be killed or trapped under the authority and direction  
8 of the state game warden.

9 "The warden shall have the authority to specify the distance from  
10 a state game refuge where shooting may be prohibited, and shall have  
11 notice of same published in one newspaper in the county so affected,  
12 provided, however, this prohibition shall not apply to owners or ten-  
13 ants hunting on their own land outside of game refuge."

1 SEC. 2. Section seventeen hundred fourteen (1714), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1714. **Seizure of unlawful game.** It shall be the duty of the  
4 state game warden, his assistants and deputies, and police officers of  
5 the state, to seize with or without warrant and take possession of any  
6 fish, furs, birds, or animals, or mussels, clams, and frogs, except for  
7 bait which have been caught, taken, or killed at a time, in a manner,  
8 or for a purpose, or had in possession or under control, or offered for  
9 shipment, contrary to the provisions of this chapter."

1 SEC. 3. Section seventeen hundred sixteen (1716), code, 1927, is  
2 repealed and the following is enacted in lieu thereof, to wit:

3 "1716. **Search warrants.** Any court having jurisdiction of the  
4 offense, upon receiving proof of probable cause for believing that any  
5 fish, mussels, clams, frogs, birds, furs, or animals caught, taken,  
6 killed, had in possession, under control, or shipped, contrary to any  
7 of the provisions of this chapter, or hidden or concealed in any place,  
8 shall issue a search warrant and cause a search to be made in any  
9 place therefor. The property so seized under such warrant shall be  
10 safely kept under the direction of the court so long as necessary for  
11 the purpose of being used as evidence in any trial, and if such trial  
12 results in a conviction the property seized shall be confiscated by the  
13 state game warden, his assistants or deputies."

1 SEC. 4. Section seventeen hundred eighteen (1718), code, 1927, is  
2 repealed and the following is enacted in lieu thereof, to wit:

3 "1718. **License to hunt.** No person shall hunt, pursue, kill or take  
4 any wild animal, bird, or game in this state in any manner, without  
5 first procuring a license.

6 1718-cl. **License to trap.** No person shall trap any fur-bearing  
7 animal in this state, in any manner, without first procuring a trapping  
8 license. Any person violating any of the provisions of this act shall  
9 be guilty of a misdemeanor."

1 SEC. 5. Section seventeen hundred nineteen (1719), code, 1927, is  
2 repealed and the following is enacted in lieu thereof, to wit:

3 "1719. License to fish. No male person over the age of eighteen  
4 years shall fish in any state waters without first procuring a fishing  
5 license."

1 SEC. 6. Section seventeen hundred twenty (1720), code, 1927, is  
2 repealed and the following is enacted in lieu thereof, to-wit:

3 "1720. Exceptions. No license shall be required from owners or  
4 tenants of farm lands, their wives or children for hunting, trapping,  
5 or fishing at any time when the same shall be lawful upon lands owned  
6 or occupied by them.

7 "Any person under seventeen (17) years of age may capture, dur-  
8 ing the open season, and confine for the purpose of training for pets,  
9 not more than two of any game bird or fur bearing animal and per-  
10 sons having such birds and animals for this purpose shall be exempted  
11 from securing the license required by section 1706, code, 1927. It  
12 shall constitute a misdemeanor to sell or dispose of for profit any  
13 game bird or fur bearing animal, or increase therefrom, so taken or  
14 confined."

1 SEC. 7. Section seventeen hundred twenty-three (1723), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:

3 "1723. Authority of license. The license shall authorize its holder  
4 to fish, trap and hunt in accordance with the provisions of this chap-  
5 ter in any county of the state, but not on private waters, or on in-  
6 closed or cultivated lands without permission of the owner or the  
7 tenant, nor hunt, trap or shoot upon any public highway or railroad  
8 right-of-way, except that owners or tenants may shoot gophers and  
9 ground squirrels along the highway adjacent to their own land."

1 SEC. 8. Section seventeen hundred twenty-four (1724), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1724. Application for license. An applicant for a license to fish,  
4 trap and hunt shall fill out an authorized application blank, subscribe  
5 and swear to it before the county recorder, a notary, or a justice  
6 of the peace. Such application blanks shall be furnished by the  
7 county recorder to any person requesting same. The application shall  
8 then be presented to the county recorder who shall issue all hunting,  
9 trapping and fishing licenses, the issuance of which is not otherwise  
10 provided for in this chapter, but no duplicate hunting, trapping or  
11 fishing license may be issued."

1 SEC. 9. Section seventeen hundred twenty-five (1725), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1725. Fees—accounting. Before any license is issued to any ap-  
4 plicant the following license fees shall be paid to the county recorder:

5 1. For resident of the state for fishing with hook and line and  
6 hunting, \$1.00.

7 2. For nonresident or resident alien, over sixteen years of age,  
8 for fishing with hook and line in any state waters, three dollars.

9 3. For nonresident or resident alien, for hunting, fifteen dollars.

10 4. For a resident of the state for trapping fur-bearing animals  
11 with not more than ten traps, one dollar; with the use of more than  
12 ten traps, ten dollars, provided that no person, resident or non-resi-  
13 dent, shall at any time use more than thirty-five traps.

14 5. For nonresident or resident alien of the state for trapping fur-  
15 bearing animals, twenty-five dollars.

16 These fees the county recorder shall pay at the end of each month  
17 to the state treasurer who shall place them to the credit of the fish  
18 and game protection fund."

1 SEC. 10. Section seventeen hundred twenty-seven (1727), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:

3 "1727. **Terms of license.** Each license shall be signed in ink by  
4 the licensee.

5 A license issued to a resident, nonresident or resident alien shall  
6 entitle such person to either fish with hook and line, or to hunt, pur-  
7 sue, and kill wild animals, birds, or game, or to trap fur-bearing  
8 animals, within the state at any time when same shall be lawful.

9 A license shall not entitle the person to whom issued to fish, to  
10 trap fur-bearing animals, nor to hunt, pursue, or kill wild animals,  
11 birds, or game, in this state without having such license upon his  
12 person at the time of so doing and exhibiting it for inspection and  
13 permitting it, on demand, to be examined by any person. All resident  
14 fishing licenses, all trapping licenses and all hunting licenses shall be  
15 void on and after the first day of April next succeeding the issuance  
16 thereof. All nonresident or resident alien fishing licenses shall be  
17 void after the last day of December of the year in which the same  
18 are issued. No license shall be required to fish in unstocked streams.

1 SEC. 11. Section seventeen hundred twenty-eight (1728), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:

3 "1728. **Nonresidents—restrictions.** A nonresident holding a valid  
4 license may take from the state not to exceed fifteen game birds or  
5 animals, provided they are so carried as to be readily inspected and  
6 his license is shown on request."

1 SEC. 12. Section seventeen hundred twenty-nine (1729), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:

3 "1729. **Revocation.** A license in the possession of any person  
4 other than to whom first issued, and, on complaint, the license of any  
5 person hunting or trapping on inclosed or cultivated lands without  
6 permission of the owner or tenant shall be revoked by the county  
7 recorder."

1 SEC. 13. Section seventeen hundred thirty-one (1731), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1731. **Closed seasons on fish.** It shall be unlawful for any person  
4 to take from the waters of the state:

5 1. Any game fish in the northern zone from December first to  
6 May fourteenth; except as provided in section 1757 when using  
7 licensed nets and seines.

8 2. Any black bass, crappie, blue gill, or sun fish in the northern  
9 zone from December first to June fourteenth.

10 3. Any game fish in the southern zone from November sixteenth  
11 to April thirtieth, except as provided in section 1757 when using  
12 licensed nets or seines.

13 4. Any black bass, crappie, blue gill, or sun fish in the southern  
14 zone from November sixteenth to May thirty-first.

15 All dates in this section are inclusive.

1     **SEC. 14.** Section seventeen hundred thirty-two (1732), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:  
3     "1732. **Catch limits.** It shall be unlawful for any person at any  
4 time to take from the waters of the state in any one day more than  
5 fifteen salmon, trout, black bass, pike, crappie, pickerel, catfish, perch,  
6 sunfish, bluegills, in the aggregate, of which total number not more  
7 than eight shall be pike or bass, except as otherwise provided in this  
8 chapter when using licensed nets or seines; in addition to other fish  
9 taken, it shall be lawful to take not more than twenty-five bullheads  
10 by any one person in any one day."

1     **SEC. 15.** Section seventeen hundred thirty-three (1733), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:  
3     "1733. **Size limits.** No person shall at any time kill, destroy, have  
4 in possession or under control, for any purpose whatever, any pike  
5 or pickerel less than fourteen inches, blue, yellow or channel catfish  
6 less than twelve inches in length, any bass less than twelve inches in  
7 length, except rock or silver bass which shall not be less than seven  
8 inches in length, or any trout or crappie less than eight inches in  
9 length, or any perch less than seven inches in length, or any sunfish  
10 less than four inches in length, except as otherwise provided in this  
11 chapter, when using licensed nets or seines. Any such fish taken shall  
12 be handled only when the hands are wet and shall be immediately  
13 returned to the water with as little injury to the fish as possible."

14     "1733-c1. **Measuring fish.** The size of all fish referred to in this  
15 chapter shall be determined by measurement from the tip of the nose  
16 to the tip of the tail."

1     **SEC. 16.** Section seventeen hundred thirty-four (1734), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3     "1734. **Tackle restrictions.** No person shall at any time take from  
4 the waters of the state any fish, except as otherwise provided in this  
5 chapter, except with hook, line and bait nor shall any person use  
6 more than two lines with one hook on each line in still fishing or  
7 otherwise except when using a trot-line in a manner provided in this  
8 chapter or in trolling or casting a spoon-hook or other artificial bait.  
9 Persons so fishing shall not leave the immediate vicinity of their lines  
10 but shall be in attendance of them at all times."

1     **SEC. 17. Removal of undesirable fish.** Section seventeen hundred  
2 forty-five (1745) of the code, 1927, is amended by striking out all of  
3 section seventeen hundred forty-five (1745) and substituting in lieu  
4 thereof the following:

5     "It shall be the duty of the warden, so far as is possible, to remove  
6 from the inland waters of the state at any time and in any manner,  
7 provided that he shall do so with minimum injury to the lake or  
8 stream or the other fish, the following undesirable and injurious fish:  
9 carp, gar and dog fish. All gar and dog fish removed shall be de-  
10 stroyed or disposed of so as to eliminate them, so far as is possible,  
11 from the inland waters of the state. The proceeds, if any, from the  
12 sale of these fish shall be credited to the state fish and game protec-  
13 tion fund.

14     The warden may enter into written contract for taking by seine  
15 or net from the public waters of this state, buffalo, carp, quillback,

16 dog fish, gizzard shad, and gar, but no other fish. All such contracts  
17 shall be let to the highest bidder. Bids shall be made in percentages  
18 of gross receipts for the sale of the fish so taken, to be paid to the  
19 state, but no contract shall be let until the warden shall have adver-  
20 tised for such bids once each week for two consecutive weeks in three  
21 newspapers of the state of Iowa for general circulation, and in three  
22 newspapers of general circulation in each of the following states:  
23 Minnesota, Wisconsin and Illinois.

24 Said advertisement for bids shall state the date, time and place  
25 at which such bids will be received. Upon receipt of the bids the  
26 warden shall submit all bids received, together with the proposed  
27 contract, to the treasurer of the state for his approval, and if the  
28 treasurer of state finds that any one of the bids received from any  
29 bidder is a fair and proper bid and is one advantageous to the state,  
30 and that the person making such bid is competent and reliable, and  
31 that the contract protects the interests of the state, then he shall  
32 approve the bid and contract, but if he finds that such bid is not fair,  
33 proper and advantageous to the state or that the person making the  
34 bid is not competent and reliable or that the contract does not fairly  
35 protect the interests of the state, he shall reject all bids and con-  
36 tracts; and then the state game warden shall re-advertise in the same  
37 manner and for the same length of time as heretofore provided, and  
38 the bids and contracts shall again be submitted to the treasurer of  
39 state for his approval as heretofore provided, until a fair, proper and  
40 advantageous bid and a competent and reliable bidder is received and  
41 found. All contracts for the removal of rough fish from any waters  
42 of the state shall not be for more than one year and shall specify:

- 43 1. The particular waters from which such fish are to be taken.
- 44 2. The compensation to be paid the state, and the times and terms  
45 of payment.
- 46 3. That no fish shall be taken except in the presence and under  
47 the supervision of some regularly employed representative of the fish  
48 and game department.
- 49 4. That all expense incurred by the department in connection with  
50 such contract shall be paid by the person holding such contract.
- 51 5. That such contract may be forfeited and cancelled by the state  
52 in the event of a breach thereof.
- 53 6. Such other provisions for the protection of the state's interest  
54 as the warden may require.

55 Section seventeen hundred forty-six (1746) of the code 1927, is  
56 amended by striking all after the word "the" in line three (3) up to  
57 the word "Such" in line seven (7), and inserting in lieu thereof the  
58 following:

59 "treasurer of state a corporate surety bond payable to the state  
60 of Iowa in the penal sum of one thousand (\$1000.00) dollars. Said  
61 bond to be approved by the treasurer of state. No contract shall be  
62 issued unless the bond required herein is attached to said contract  
63 and delivered to the treasurer of state."

- 1 SEC. 18. Section seventeen hundred fifty-one (1751), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:  
3 "1751. Season and size limits when using licensed seine or net.  
4 It shall be unlawful for any person to take with any nets or seines,

5 when permitted to use same in the Mississippi or Missouri rivers, any  
6 game fish at any time, except that catfish may be taken during the  
7 open season as provided in section 1731, and that carp, buffalo, pick-  
8 erel, sheepshead, rock sturgeon and sand sturgeon may be taken at  
9 any time. Nor shall any of the following fish be taken in lengths less  
10 than as follows, to wit:

11 Catfish, thirteen inches; carp, fifteen inches; buffalo, fifteen inches;  
12 pickerel, eighteen inches; sheepshead, ten inches; and the following  
13 fish weighing less than as follows, to wit: Sand sturgeon, one pound;  
14 or rock sturgeon, three pounds."

1 SEC. 19. Section seventeen hundred fifty-two (1752), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1752. Wholesale fish market or peddlers license. It shall be un-  
4 lawful for any person, firm, or corporation to operate a wholesale fish  
5 market, jobbing house, or other place for wholesaling, marketing,  
6 peddling, or distributing fish, without first procuring a license for  
7 such purpose from the state game warden. The license fee shall be  
8 ten dollars per year, and the license shall expire on the thirty-first  
9 day of December following its issuance."

1 SEC. 20. Section seventeen hundred fifty-three (1753), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1753. Reports required. Each holder of a wholesale fish market  
4 or peddlers license shall make to the state game warden, within  
5 thirty days after the expiration of the license, a report in writing,  
6 upon blanks furnished by the state game warden, of all fish caught  
7 or taken from the waters under the jurisdiction of this state, which  
8 were handled by such licensee. Failure on the part of a holder of  
9 such license to make report as herein required shall prevent such  
10 licensee from securing a subsequent wholesale fish market or peddlers  
11 license."

1 SEC. 21. Section seventeen hundred fifty-six (1756), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1756. Mussel license. The state game warden shall upon appli-  
4 cation issue a license to take, catch, or kill mussels. On making appli-  
5 cation for such license, residents of this state shall pay to the state  
6 game warden a fee of two dollars, and non-residents a fee of twenty-  
7 five dollars. All such licenses shall expire on December thirty-first  
8 following their issuance and shall be numbered consecutively as issued  
9 and a record thereof kept in the office of the state game warden. Each  
10 license shall show the name and address of the licensee and the  
11 amount paid for such license, whether the licensee is a resident or  
12 non-resident, and what waters of the state are closed against the  
13 taking of mussels under such license."

1 SEC. 22. Section seventeen hundred fifty-eight (1758), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1758. Manner of taking regulated. Any person, firm, or cor-  
4 poration to whom a license under the provisions of the preceding  
5 section has been issued:

6 1. May operate not more than one boat for each license, or one  
7 rig in taking, catching, or killing mussels for commercial purposes.  
8 Any such person, firm, or corporation may use one additional boat for

9 purposes of towing only when no apparatus for taking, catching, or  
10 killing is used or kept thereon.

11 2. It shall be unlawful to have in possession in the waters while  
12 engaged in taking, catching, or killing mussels for commercial pur-  
13 poses, more than four crowfoot bars, or for more than two of such  
14 bars to be in the water at the same time, or for any crowfoot bar to  
15 be of greater length than twenty feet.

16 A pitchfork may be used for gathering mussel shells."

1 SEC. 23. Section seventeen hundred sixty (1760), code, 1927, is  
2 repealed and the following is enacted in lieu thereof, to wit:

3 "1760. **Restricted areas prescribed.** The state game warden may  
4 from time to time, as may be required for the conservation of the  
5 mussel resources of the state, prescribe by written or printed order,  
6 areas in any part of the state from which mussels shall not be taken  
7 for such period as may be specified by the warden, but at no time  
8 to exceed five (5) year periods, nor shall more than one-half ( $\frac{1}{2}$ )  
9 of the mussel producing waters of the state be closed at the same  
10 time."

1 SEC. 24. Section seventeen hundred sixty-one (1761), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1761. **Publication of orders.** The state game warden shall cause  
4 the orders referred to in the preceding section to be published once  
5 in a newspaper of general circulation published within each county  
6 containing or having on its boundary, waters affected by such orders.  
7 Such orders shall take effect at the time fixed therein which shall  
8 not be less than thirty days after the publication thereof. The state  
9 game warden may extend the time at which such order shall take  
10 effect."

1 SEC. 25. Section seventeen hundred sixty-four (1764), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1764. **Protection of deer.** It shall be unlawful for any person  
4 other than the owner or person authorized by the owner, to kill, maim,  
5 trap, or in any way injure or capture any deer, except when dis-  
6 trained by law. A violation of the provisions of this section shall  
7 be punishable by a fine of not less than one hundred dollars (\$100.00)  
8 or more than five hundred dollars (\$500.00) or imprisonment in the  
9 county jail for not less than thirty days or more than one hundred  
10 fifty days, or both."

1 SEC. 26. Section seventeen hundred sixty-seven (1767), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1767. **Closed seasons for game birds and animals.** Every person  
4 is prohibited from trapping, shooting, killing, or taking any of the  
5 following named birds, or animals during the following named closed  
6 seasons:

7 1. Wild duck, goose or brant, rail, plover, sandpiper, marsh or  
8 beach birds, Wilson or jacksnipe, from January first to September  
9 fifteenth, both dates inclusive.

10 2. Woodcock, from December first to September thirtieth, both  
11 dates inclusive.

12 3. Pinnated grouse or prairie chicken and quail, at all times.

13 4. Ruffed grouse or pheasant or wild turkey, from December first

14 to October thirty-first, both dates inclusive; and at all time prior to  
15 November 1, 1932.

16 5. Mongolian, ring-neck, English, or Chinese pheasants, Hunga-  
17 rian partridge, or other imported game birds in this state, at all times,  
18 except as otherwise provided.

19 6. Gray, fox or timber squirrel, from January first to September  
20 thirtieth, both dates inclusive."

21 "1767-c1. Ferrets prohibited. No person shall at any time use a  
22 ferret in hunting, taking, killing, or capturing any wild animal."

23 "1767-c2. Shooting or spearing. No person shall shoot with shot  
24 gun or spear any beaver, mink, otter or muskrat, or have in his pos-  
25 session any of said animals or the carcasses, skins or parts thereof  
26 that have been killed with shot gun or speared."

1 SEC. 27. Section seventeen hundred sixty-seven-a one (1767-a1),  
2 code, 1927, is repealed and the following is enacted in lieu thereof,  
3 to wit:

4 "1767-a1. Imported game birds—open season. The state game  
5 warden, when petitioned, in writing, by at least one hundred fifty  
6 farmers and land owners in the county who have been damaged by  
7 Mongolian, ring-neck, English, or Chinese pheasants, may authorize  
8 the killing or capture of any such birds in such county for such period  
9 as he may determine, providing that such open period shall not exceed  
10 five days, and during such period it shall be lawful to kill not to  
11 exceed three birds per day. The state game warden or his duly  
12 authorized agent may capture alive any such birds without limitation  
13 as to the number captured."

1 SEC. 28. Section seventeen hundred sixty-eight (1768), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1768. Bag limits and possession. No person shall shoot or kill  
4 to exceed the following numbers of game birds or animals in any  
5 one day, respectively:

6 Fifteen ducks, three imported pheasants, and fifteen other game  
7 birds or animals. Nor shall any one person, firm or corporation have  
8 in his or its possession at any one time to exceed twenty-one water-  
9 fowl, ten imported pheasants, and fifteen of either of the other kinds  
10 of game birds or animals named in this chapter, unless by a common  
11 carrier for the purpose of lawfully shipping as provided in this  
12 chapter.

13 Nothing in this section shall apply to such animals as are con-  
14 sidered fur-bearing animals. It shall be unlawful to have any game  
15 birds or animals named in this chapter in possession during the  
16 periods when killing thereof is prohibited, except during the first ten  
17 days of the closed season for them, respectively."

18 "1768-c1. Duty to exhibit game. Any person who shall have in  
19 his possession any fish, game, animals, furs or birds shall upon request  
20 of the state game warden, his assistants or deputies exhibit the same  
21 to said officer and a refusal so to do shall constitute a misdemeanor."

1 SEC. 29. Section seventeen hundred seventy (1770), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to-wit:

3 "1770. Regulations on killing game birds. No person shall kill or  
4 attempt to kill any bird named in this chapter with the aid or use of

5 any sneak boat or sink box, or from any sailboat, gasoline, or electric  
 6 launch or steamboat, or any other water conveyance, except propelled  
 7 by oar or paddle, or any other device used for concealment in the  
 8 open water; nor pursue, for the purpose of killing or capture, any  
 9 such bird by motor vehicle or aircraft; nor use any artificial light,  
 10 battery, or deception; contrivance or device with intent to attract or  
 11 deceive such bird, except that in hunting wild ducks and geese, decoys  
 12 and duck or goose calls may be used and artificial ambushes erected  
 13 and used on land, provided no false bottom is used and only natural  
 14 materials are used in its construction. No person shall at any time  
 15 hunt or shoot any game bird between sunset and one-half hour before  
 16 sunrise of the following morning."

1 SEC. 30. Section seventeen hundred seventy-two (1772), code,  
 2 1927, is repealed and the following is enacted in lieu thereof, to wit:

3 "1772. Carrying firearms in motor vehicles. No person shall  
 4 carry a gun or any firearms, except a pistol or revolver, in or on a  
 5 motor vehicle unless the same be unloaded in both barrels and maga-  
 6 zine, and taken down or contained in a case."

7 "1772-c1. "Gun" defined. The word "gun" as used in chapter 86,  
 8 code of 1927, shall include every kind of gun or rifle, except a revolver  
 9 or pistol."

10 "1772-c2. Use of rifles. No person shall at any time shoot any  
 11 rifle on or over any of the public waters of the state."

1 SEC. 31. Section seventeen hundred eighty (1780), code, 1927, is  
 2 repealed and the following is enacted in lieu thereof, to wit:

3 "1780. Transportation for sale prohibited. It shall be unlawful  
 4 for any person, firm, or corporation to offer for transportation or to  
 5 transport by common carrier or vehicle of any kind, to any place  
 6 within or without the state, for the purposes of sale, any of the fish,  
 7 game, animals, or birds taken, caught, or killed within the state, or  
 8 to peddle any of such fish, game, animals, or birds.

9 It shall be unlawful to ship from the state any birds caught, taken,  
 10 or killed in the state, or to take, ship, or carry from the state for any  
 11 purpose any such fish, game, animals, or birds unless lawfully caught,  
 12 taken, or killed by a non-resident licensee under the provisions of this  
 13 chapter, who may take or carry such birds as have been lawfully  
 14 caught, taken or killed, or take, carry, or ship such fish, game, or  
 15 animals as have been lawfully caught, taken, or killed, to his place  
 16 of residence as indicated on such license."

1 SEC. 32. Section seventeen hundred eighty-one (1781), code, 1927,  
 2 is repealed and the following is enacted in lieu thereof, to wit:

3 "1781. Transportation regulations and restrictions. Any person,  
 4 firm, or corporation desiring the shipment or transportation of any  
 5 fish or animals shall deliver to the common carrier to which the ship-  
 6 ment is offered, a statement under oath, in duplicate, showing the  
 7 name and address of the shipper, the date and number of his license,  
 8 where and by what officer issued, the name and residence of the con-  
 9 signee to whom the shipment is made, the kind and number of fish  
 10 or animals in the shipment, that the same have not been unlawfully  
 11 killed, bought, sold, or had in possession, and are not being shipped  
 12 for the purpose of market or sale, and that such shipment does not

13 contain a greater number of fish or animals than may be lawfully  
14 shipped in one day. One copy of such affidavit shall be retained by  
15 the common carrier receiving such shipment, for the period of twelve  
16 months thereafter, and the other copy shall be attached in a secure  
17 manner to the package or container of such fish or animals."

1 SEC. 33. Section seventeen hundred eighty-three (1783), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:  
3 "1783. **Limit of shipment.** No person except as otherwise pro-  
4 vided shall ship, carry or transport in any one day, game, fish, birds,  
5 or animals, except fur-bearing animals, in excess of the following  
6 numbers, respectively: thirty water fowl, ten imported pheasants,  
7 and fifteen of either of the other game birds or animals, and forty  
8 fish, including all varieties shipped, except as otherwise provided un-  
9 der license to fish with seine or net or under permit from the state  
10 game warden."

1 SEC. 34. Section seventeen hundred eighty-seven (1787), code,  
2 1927, is repealed and the following is enacted in lieu thereof, to wit:  
3 "1787. **Entire shipment contraband.** In the shipping of fish, game,  
4 animals, birds, or furs, whenever a container includes one or more  
5 fish, game, animals, birds or furs that are contraband, the entire con-  
6 tents of the container shall be deemed contraband, and shall be seized  
7 by the state game warden, his assistants or deputies."

1 SEC. 35. Section seventeen hundred ninety-four (1794), code, 1927,  
2 is repealed and the following is enacted in lieu thereof, to wit:  
3 "1794. **Presumptive evidence.** It shall be presumptive evidence  
4 of a violation of the provisions of this chapter for any person:

5 1. To fail to have a license upon his person at any time required  
6 by law, or then refuse to exhibit the same on request of any person  
7 desiring to examine it.

8 2. To have in his possession any fish, game, furs, birds, birds'  
9 nests, eggs or plumage, or animals, which have been unlawfully  
10 caught, taken, or killed.

11 3. To be in possession of such fish, game, furs, birds, or animals  
12 at a time when or place where it shall be unlawful to take, catch, or  
13 kill the same, except game, birds or animals, during the first ten days  
14 of the closed season.

15 4. To have in his possession any implements, devices, equipment  
16 or means whatever of taking fish, birds, or animals protected by this  
17 chapter at any place where the possession or use thereof is pro-  
18 hibited."

Senate File No. 301. Approved April 16, A. D. 1929.