

Eighteenth Biennial Report

OF THE

# State Fish and Game Warden

TO THE

Governor of the State of Iowa

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1907-1908

GEO. A. LINCOLN, WARDEN

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DES MOINES  
EMORY H. ENGLISH, STATE PRINTER  
1908

LETTER OF TRANSMITTAL.

*To His Excellency, Albert B. Cummins, Governor of the State of Iowa:*

DEAR SIR,—Pursuant to the provision of section 2539, Code of Iowa, creating the office of fish and game warden, I submit herein for your consideration, the eighteenth biennial report of the State Fish Commissioners and sixth biennial report of the State Game Warden.

GEO. A. LINCOLN,  
*Fish and Game Warden.*

## REPORT

The two years covered by this report have been similar to a large degree as relates to rains and high waters, applying both to our rivers and to the lakes of the state. The great source of supply for all our waters—the Mississippi river—was similarly affected. The extraordinary high water in the Mississippi river in 1908 and the great length of time it remained so was beneficial to all our rivers that are tributary to this great stream, for all of them were thoroughly stocked with all kinds of native fish. Many large fish, especially catfish, have been caught from the interior rivers, something that was never known before. And while the high stage of the water in the Mississippi was beneficial to the interior rivers, it prevented the fisherman along that river from taking but few fish from that stream until late in the season. The lakes of our state have had an abundance of water; indeed in many cases there has been too much water either for pleasure or fishing. Many devices have been used for the purpose of lowering this high stage of water, and with more or less success. At Okoboji the dam was rebuilt and then taken out to lower the water. At Clear Lake the dam was taken out and suits are now pending for damages to property. It is only a few years ago that the question was, "How are we going to preserve our lakes?" It was during this time that the owners of lands and lots around the lakes encroached upon the shores with boathouses, pavilions and other improvements, all of which are today under water. And now the question arises, "How are we going to get rid of this great body of water?" And the only answer to that question so far is the blowing up of dams with dynamite. These dams were built at considerable cost and the loss to the state by reason of their destruction has been a heavy one. At Milford officers were kept at the dam for months to prevent the destruction of the same, as it had been destroyed before on two different occasions.

This question of the rights of the owners of land abutting on the public waters of the state should be taken up by the legislature and definitely settled for all time. While this question of the



rights of owners of property abutting on the public waters does not come under the jurisdiction of this office, at the same time the people seem to think that the fish and game warden can lower or raise the water at his command. The correspondence on this subject is heavy during the course of the year, and it seems almost impossible to convince many of the owners of property along the lakes that the fish and game warden cannot control these matters.

The question of public waters is one that rises daily in my work, and while I have opinions from the Attorney General in reference to the same, they do not seem to fit the different phases of the cases arising, and I would most urgently recommend that the public waters of the state be so defined by statute that there will be no question in the minds of the people, or those who are empowered to enforce the laws as to what constitutes "Public Waters."

#### WARDEN SERVICE.

I would again call your attention to the pernicious fee system of payment of wardens. The feasibility of securing warden service that is unpaid (that is, service depending upon the fee now allowed by law in case of conviction, and the payment of the costs in order to secure remuneration for their services) has been fully tested and it has been found to be a failure. It is impossible to secure efficient men for this work under the system of paying them for their services as now in vogue. It always has been impossible to secure results, and it will never be any different until the system of paying the deputies has been changed. While I have at this time over 200 sworn deputies (see list in appendix) in the state, they have but little encouragement to fulfill their duties and give their time to the state, for they can, at the best, have but small expectation of ever realizing anything for their time and trouble. It is only the most loyal citizen and true sportsman who will be efficient in his duties under these conditions. While there are some who endeavor to enforce the law, there are more, however, who simply do nothing, preferring not to make enemies among their friends and neighbors, who are violating the state fish and game laws, especially in view of the fact that the state says in its laws that they must serve without pay. Of course where local interest or influence and backing are behind a warden, and the people generally are clamoring for the enforcement of the law, he will do his full duty. But unfortunately in many sections of our state these influences are lacking, and as a rule the people are against

the wardens, especially if the violator of the law is some good fellow. That "the laborer is worthy of his hire" was never truer than when applied to the fish and game warden who undertakes the enforcement of the laws. His duties are unpleasant ones, especially and doubly so if he is called upon, as he often is, to prosecute his own neighbors and friends. This fact is a drawback to the successful enforcement of the law. Then there is another feature of this despicable system to which I desire to call attention at this time. When the deputy warden is compelled to depend upon his fees for his pay, it is not to be wondered at if he takes advantage when opportunity presents itself to prosecute for a technical violation of the law, easily proven. He figures that he can thus make up for some of the time he has lost in unsuccessful prosecutions and get at least a little pay for his work. Numerous cases have occurred where I have every reason to believe that there was no intentional violation of the law, yet a technical violation just the same. The warden in these kind of cases looks after his own interests and instead of warning the offender, he prosecutes and collects his fees. These actions, while lawful, place the whole list of wardens in disrepute, and cause the people generally to have little or no respect whatever for the fish and game laws of the state. Hence I say the fee system is a pernicious one and should be abolished. In place of the present system the state should make appropriations of an amount sufficient to pay the deputies for their work as other officers of the state are paid for their work. In this connection will say that the courts have decided that under our laws a deputy fish and game warden is not an officer, and where parties are arrested for committing a crime in his presence, he has no authority to arrest them if they resist. In the case of Deputy L. C. Harper of Panora, who attempted to arrest two parties for unlawful fishing, and who resisted, one assaulted him, broke up his gun and left him unconscious on the ice to die, so far as they cared. Warrants were sworn out in Adel and the parties were arrested for resisting an officer. The attorneys on both sides contended, and in this the court upheld them and decided that a deputy fish and game warden was not an officer under the statute and dismissed the case. I understand the parties were arrested for assault and heavily fined afterwards. This later arrest, however, does not alter the question as to whether a deputy warden is an officer or not. If he is not, the state should remedy the defect in the law and give him the same protection as other sworn officers.



There seems to be but one way to arrange means whereby deputies may be paid for the work they do, and that is by the passage of a resident hunters' license law, which will provide ample funds for the protection of fish and game.

In many localities the sentiment against the enforcement of the fish and game laws is such that after a large expense in running down the law breakers has been incurred, and after securing what should be ample evidence to convict, the courts and juries find the violators not guilty. Such decisions give the lawbreakers a fresh impetus to do unlawful work, they having mighty little respect for the state when it fails to convict when it is apparent to all that the parties prosecuted were guilty. In one county we were told that we could not get a jury that would convict. After many attempts to bring a case to trial a jury was empanelled and the state's evidence, in my judgment, was convincing. The defendant was not placed on the stand to dispute the state's evidence and inside of ten minutes the jury had returned with a verdict of not guilty. Members of the jury, I understand, afterwards stated that they knew that the defendant was guilty, but that they were not going to make him pay a fine for a few carp.

In another county two deputies made an arrest for unlawful fishing, the arrest being made on Saturday night. While waiting for the trial they were arrested under a trumped-up charge, were thrown into jail, and compelled to remain there over Sunday. Bonds would have been given, but because of the nature of the bonds demanded, and the fact that bonds in excessive amounts were asked, it was impossible to do so. On Monday an attorney was sent to investigate the matter and look after their interests, and they were immediately released on a nominal bail. Later they were tried and acquitted. The man whom they had arrested pleaded guilty when arraigned and paid his fine.

In another county deputies arrested parties for unlawful taking of fish. The state proved its case, but the defendants were discharged and immediately retaliated by filing an information against the deputies, as well as the justice of peace from whom a change of venue had been taken, the charge preferred against them being that of malicious prosecution. The deputies and justice were all fined. The cases, however, were appealed to the district court, where, on hearing, they were dismissed. But all had been put to the expense of employing attorneys to defend them, as well as being put to other expenses incident to a prosecution of this kind.

In another county deputies made an arrest for unlawful fishing. The parties arrested pleaded guilty on twenty-one counts, but the justice of the peace would render judgment against them only on five counts.

In another county deputies arrested three parties for having fish in their possession which had been unlawfully taken. The jury which was called to try the case decided that the law, so far as it applied to the Sioux river, was unconstitutional, and the defendants were discharged notwithstanding the fact that they had over 1,000 pounds of fish in their possession when arrested.

In another county deputies arrested a party for unlawful fishing. The defendant appeared before a justice of the peace and offered to enter a plea of guilty, but the justice refused to accept such a plea and said he would not fine a man for seining when he did not take game fish. The case was afterwards tried in another part of the county and a verdict of not guilty was rendered.

The above are only some of the trials and tribulations which attend the work of this office in communities where the sentiment among a majority of the people is not in favor of the enforcement of the law. It is not surprising that after such decisions that we find the deputies unwilling to make further efforts for the enforcement of the law, especially where their fees are their only pay.

#### THE FOREIGN ELEMENT.

The foreign element is still with us, the railway companies employing large numbers of them on work which white men will not do at the wages paid. These fellows have absolutely no respect for our laws, and shoot and kill everything that comes before their guns. We have made several raids on them and at one time arrested fifty-seven Italians, who paid in fines and costs the sum of \$986.24. At the same time we seized and destroyed thirty-two guns and a large number of stiletos and knives. As these people have means of communication unknown in this country these arrests have had a wonderful influence and in a great measure have prevented further violations.

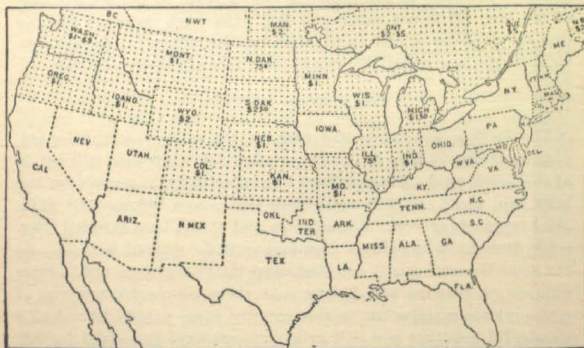
#### RESIDENT HUNTERS' LICENSE LAW.

Since making my biennial report for 1906 I have not changed my opinion in reference to the advisability and necessity for the passage of a resident hunters' license law. Almost every state that has had a session of the legislature has adopted this law, and Iowa now stands almost alone without the law. Even Alabama, within a short



time, passed such a law, and made the annual fee for each hunter \$3.00. This bill was before the Thirty-second General Assembly, and while passed in the house "not drawn and for the best interest of the state", it failed in the senate. I can add nothing to my former recommendations which I reprint for the benefit of the members of the legislature, and upon whom I urge its passage. I am confident that it is for the best interests of the state, both financially and for the protection of fish and game.

The state of Iowa is surrounded by states, all of which have a law of this kind on their statute books. In each of these states the law is giving satisfaction to the hunters and all law-abiding citizens. At the same time the law provides a revenue in many of the states, from the parties who pay for the privilege of hunting, sufficient in amount to pay all salaries and all other expenses connected with the enforcement of the fish and game laws, as well as leaving a surplus which is used for re-stocking. This relieves the treasury of the state from paying for the protection of fish and game for the benefit of the people at large.



1. States and provinces which require residents to obtain hunting licenses.

The issuing of a license to hunt, also places in the hands of the officials a sure check on unlawful hunters. In this way it will be much easier to bring to justice those who are engaged in killing the insectivorous birds.

The resident hunters' license law is now in force in the following states, viz.: Alabama, Colorado, Idaho, Illinois, Indiana, Michigan,

Minnesota, Nebraska, Montana, North Dakota, South Dakota, Washington, Wisconsin, Wyoming, Oregon, Kansas, Missouri, and in the provinces of Manitoba and Ontario, with the following amounts received annually as far as reported:

Wisconsin	\$100,000
Illinois	127,000
Indiana	30,000
Missouri	50,000
Minnesota	40,000
Michigan	20,000
Nebraska	15,000
Idaho	25,000
Colorado	20,000
North Dakota	15,000
South Dakota	10,000
Washington	20,000
Wyoming	5,000

The license fee for resident hunting license in the different states is as follows:

Washington	\$1.00
Idaho	1.00
Wyoming	2.00
North Dakota	.75
South Dakota	2.50
Nebraska	1.00
Kansas	1.00
Colorado	1.00
Minnesota	1.00
Wisconsin	1.00
Illinois	1.00
Michigan	1.50
Indiana	1.00
Manitoba	2.00
Ontario	2.00
Alabama	3.00

Iowa stands alone amongst all these states in not insisting that those who hunt pay for the privilege. Resident licenses are for the purposes of regulating hunting. The chief use they subserve is in raising funds for the use of the Commission. Yet at the same time they provide a system of identification of hunters, which is of the greatest value in securing the enforcement of the laws. With the exception of the small fee allowed to the officer issuing the license, the proceeds from the issuance of the license are used in payment of deputy wardens and the expense incurred in connection



with the employment of deputy wardens. I most urgently recommend the passage of a resident hunting license law, as in my opinion, it would prevent a large amount of unlawful hunting and at the same time place in the state treasury for the enforcement of the law not less than \$30,000 per annum.

In connection with this subject I desire to quote from the report of State Fish and Game Warden J. H. Rodas of Missouri, whose report shows that under the resident license law of that state in 1905 there was received from licenses the sum of \$48,473.35.

#### THE AGRICULTURIST AND HORTICULTURIST.

"From a careful study of the subject of fish and game protection and the laws relating thereto, we find that in a great many states where laws have been enacted, they have been brought about largely through the interest taken in the subject by the agriculturist and horticulturist, the purpose being to protect game and insectivorous birds and preserve them in the largest numbers as valuable allies to the farming community. These classes of people have found that in the destruction of the various harmful insects that prey upon the growing vegetation to their detriment and in destroying noxious weed seeds and other harmful vegetation they perform a service that cannot be over-estimated. In addition to this the farming community has favored the license system for other good and sufficient reasons.

"In the first place, and among the chief reason, it may be mentioned that the law has a tendency to take the guns out of the hands of the adventurous and thoughtless youth of the country and place them in the hands of older persons of more mature age and discretion. Again, it has a marked tendency to take the guns out of the hands of a predatory and roving class of citizens, who have no means of support other than to subsist from hand to mouth in an improvidential way. This class of people is found largely about the cities, county seats and even the small towns, and rove at will over the premises of adjacent owners. Sometimes they either wantonly or accidentally kill or injure stock, break down fences in the farming communities and wantonly shoot at everything that comes within their range and observation, whether in orchard, field or garden. Another strong reason in favor of the law is because it has a tendency to restrain and handicap predatory vandals who may secure enough ammunition for half a day's shooting in the country, but who never secure enough money at one time to purchase and pay for a hunter's license. This class of roving hunters have no regard or respect for the fence they break down, or the grain they destroy, and if unsuccessful in securing a supply of game, do not hesitate to shoot poultry and domestic fowls. They fill their pockets with fruit and commit other depredations. They are a standing menace and nuisance to the community in which they roam. We have heard many favorable comments from farmers and agriculturists of the improved condition of affairs in this respect since the enactment of the license law.

"The decent, law-abiding and self-supporting man who pays his license fee, as a rule, will not undertake to trespass upon the farms or agricultural community, and in most instances feels it is his duty to respect the rights of the husbandman and to secure his permission and consent before he ventures upon his land and tenements."

I heartily agree with the above and am satisfied that if the farming community would thoroughly consider these statements they would find that they fit their case exactly and that they have been bothered with this same roving class of hunters to their injury and sorrow, and that they would consequently demand the passage of a resident hunting license if left to them.

Again, the farmer, agriculturist and horticulturist should demand from the legislature some provision that would have a tendency to prevent the small boy, the foreigner and the roving hunter from killing everything that comes to their gun, including all insectivorous birds. By referring to the report of Dr. S. D. Judd, to the Biological Survey of the United States Government, the farmer, the agriculturist and horticulturist will find the advantages of birds in their tireless and continuous destruction of all insects, including web worms, caterpillars, grasshoppers, spiders, cabbage worms and thousands of other insects that prey upon and injure growing crops and vegetation.

From an examination of the craws of a number of birds in this country it was found that they daily contained many thousand insects, ranging from 250 caterpillars to 3,000 ants and other smaller insects. He has estimated that the seed-eating birds consume over 800 tons of obnoxious weed seeds in a single season. He reports that the craw of a single dove contains 7,500 seeds of yellow-hood sorrel, and another had 9,200 miscellaneous seeds picked up in a period of eight hours. Of such value are these song and insectivorous birds becoming that the United States government is constantly publishing and distributing much literature upon the subject. Even some of the states, by reason of its great importance to agriculture and horticulture, are paying for lecturers, who devote their entire time to the education of the public to the great value of these birds to the husbandry of the state.

#### FROM FIELD AND STREAM

In connection with my appeal for the passage of a hunters' license law, I desire to quote from the Field and Stream, a magazine in every issue of which there is something urging the better protection of fish and game



"Laws are but the creation of men, and at best are imperfect. Experience in their enforcement is likely to show features which require changes, additions or modifications to obtain the best results. If those who pursue the fish and game will give a little attention to the subject they will reap many benefits they little dreamed of. Most sportsmen gladly welcome new inventions to aid in their sport, but strange as it may seem, many give but little thought of perpetuating the stock of game and fish, without which their improved sporting implements would soon become absolutely worthless.

"When we stop to consider that in one state alone—Illinois—there was issued in the past year, 161,164 licenses, we can form some conception of the rapid decrease of our game, especially migratory birds. Thinking people will ask how long this can continue unless the states establish breeding farms similar to those of Illinois, which are maintained out of the game fund. At least 50,000 pheasant eggs will be hatched in incubators this season in Illinois, and it is said 20,000 quail are being imported for the same purpose from the few remaining states which have not yet realized the value of their birds, excepting for the few paltry dollars that can be obtained by immediately exchanging them for cash.

"Probably one-half our population are fishermen, and invest in tackle and supplies from the cheapest to the most elaborate and expensive. Every city and town supports one or more establishments for hunters or fishermen's supplies. An enormous amount of money is spent by sportsmen each season for railroad fare, livery, meals and lodging, and the amount is constantly getting larger, as almost every person in the thickly populated districts now looks anxiously forward to his "vacation" in the country. Many railroads anxiously bid for this desirable business; and regular hunters' trains or "fishermen's specials" are run to favorite resorts along their route. In addition to the immediate return received by railroads for railroad tickets, is a more important feature; these visitors from the large cities are frequently well-to-do people, engaged in large business enterprises, persons of ability, quick witted and ready to grasp an opportunity when they see it, and can often be induced to invest their money to develop new districts with favorable surroundings.

"There are no more ardent protectionists than the intelligent farmers, the members of the agricultural and horticultural societies, who have studied the subject, and not only desire to protect game birds, but the song and insectivorous birds as well. They realize that by allowing the hunters to kill the game, in small quantities, during a limited time, a license fee can be charged, and with this money so collected a large fund can be created to pay special state officers to enforce the laws without paying for the service by direct taxation.

"Experience has proven that the regular county officers will not enforce these laws to any considerable extent, and what was once everybody's business was also nobody's business. Many splendid laws for game protection remain dead letters for lack of proper enforcement by paid officers.

"Thus it will be seen that state breeding farms, license laws, the maintenance of an efficient and honest game warden service, free from any political interference, and whatever works for good game, fish and forest laws, means much more than simply affording increased pleasure

for the sportsmen—it means increasing prosperity for every community or state that is concerned."

#### NON-RESIDENT LICENSE LAW.

I would respectfully call your attention to the non-resident license law as it now stands.

Chapter 86, Acts Twenty-eighth General Assembly, makes a non-resident license fee in the sum of \$10 for each county. This is really a county license instead of a state license, as in other states. In my opinion that chapter should be repealed and a new law enacted for non-residents to conform with the same law in states surrounding us, and in making such license fee in the sum of \$10 for the state for hunting during the open season. The law should provide that such license could be issued by the auditor of any county in the state upon blanks furnished him by the warden; said license money to be remitted monthly to the state treasury for the benefit of fish and game protection fund; and providing further that the auditor make report monthly to the state warden, in order that the record could be kept accurately. Under the present law I have no means of ascertaining the number of licenses issued or amounts received for such licenses, and cannot make report.

#### DEER.

The running at large of a herd of deer in Shelby and other counties in the western portion of the state has resulted in many complaints of damages to trees and growing crops. Upon investigation I find that these animals belong to an estate known as the Cuppy estate and while they were once confined they have either broken out or have been turned out to forage for themselves. I have submitted the complaints made of damage done with the request of the parties who have been damaged, to the Attorney General, for his opinion. Our law makes it unlawful, with heavy fine and penalty, for any one, other than the owner or one authorized by him, to kill, maim, trap, or in any way injure or capture any deer in the state, except when distrained, as provided by law. In his opinion the Attorney General, under date of January 25, 1908, says that: "I have no jurisdiction unless section 255-a of the new Code Supplement is violated, and that the owner does not lose title unless they are distrained as by law provided." In a further communication, under date of August 7, 1908, he closes by saying: "The matter should certainly receive attention by the



next legislature." I would therefore recommend that action be taken to relieve this situation and define by law the powers of your warden in these cases.

#### GATHERING AND DISTRIBUTING FISH.

In the gathering and distribution of fish from Sabula with the state fish car "Hawkeye" much good is being accomplished. The efficiency of this work is shown by the different varieties of fish that are now taken from our public waters. The work consists of the distribution of such fish as are native to our waters and are of such size that they live and propagate. Therefore I think that this is the most practical, as well as the cheapest method of restocking our inland waters, and should be kept up with liberal appropriations made by the legislature for the work. The city of Sabula in every way assists in this work by furnishing free water and grounds for the retaining ponds and the thanks of the state are due to their officials for all courtesies extended. Previous to the year 1907 the railways furnished practically free transportation for the car and crew while distributing fish to points on their lines. But since that date they have made new rulings and now charge the state full fare for each one of the crew, and on some roads, besides the above charges, mileage for the car. While all previous appropriations have been made for "gathering fish at Sabula and mileage on fish car," very little of it was used for mileage. But under the new ruling of the railways the mileage and fares take a large share of the appropriation made, and thus leaving an amount that is insufficient to meet the payment of the fishing crews at Sabula and for the payment of other expenses connected with the movement of the car. For this reason it has large appropriation, it would be impossible to fill all the requests made upon us. We would therefore recommend a larger appropriation for this work.

#### FISH DISTRIBUTION.

For the year 1906:

Clear Lake—Clear Lake.  
Decorah—Upper Iowa river.  
Ottumwa—Des Moines river.  
Onawa—Blue lake.  
Okoboji—Okoboji lake.  
Dubuque—Rafferty's lake.  
Storm Lake—Storm lake.  
Livermore—Des Moines river.

#### STATE FISH AND GAME WARDEN

Spirit Lake—Spirit lake.  
Goldfield—Des Moines river.  
Marshalltown—Iowa river.  
Des Moines—Des Moines river.  
Waterloo—Cedar river.  
Crystal Lake—Crystal lake.  
Cedar Rapids—Cedar river.  
Estimate number of fish distributed, 275,000.  
Car mileage, 6,820 miles.

For the year 1907:

Iowa City—Iowa river.  
Clear Lake—Clear lake.  
Salix—Brown's lake.  
Fairfield—Lake.  
Decorah—Upper Iowa river.  
Clarion—Lake.  
Eldora—Iowa river.  
Waterloo—Cedar river.  
Cedar Rapids—Cedar river.  
Estimated number of fish distributed, 150,000.  
Car mileage, 4,546 miles.

In addition to the above distribution by the Iowa fish car from Sabula, there was taken from the bayous and ponds along the rivers and lakes and placed in running water, where they would live, small fish by the thousands. It is impossible to even give an estimated amount of the number as they have been removed by so many different wardens, many of whom have made no other report than they had taken out so many buckets, barrels or baskets' full from waters in which they would perish if allowed to remain there, and placed in living, running water.

#### DISTRIBUTION OF FISH BY UNITED STATES.

In addition will call your attention to the efficient work done by Mr. R. S. Johnson, superintendent of the United States hatchery at Manchester, Iowa. He has promptly furnished fish at every request from your warden and others, and placed in streams and lakes, without request, a large supply of young game fish. Many private citizens, who have private ponds, are under obligations to him for a supply of fish, and he is entitled to the thanks of your warden for the services he has rendered. (See appendix for details of distribution.)

#### GAME.

The game birds of our state, in some varieties, are getting less. Quail, we have in abundance, and ducks are numerous, many hav-

ing nested in the state and raised their broods here. Quail are protected by the farmers, and even the sportsmen refrain from killing them in large numbers. It is only the market and pot hunters who destroy them in large numbers. Except there should be a severe winter, with snow, ice and sleet, which destroys more quail than all the hunters, they will increase yearly. Prairie chickens are becoming more rare in our state every year. The breeding season for the past two years has been cold and wet, which is sure death to the young, and the advance of civilization, with the correspondingly larger area of the soil tilled, has left but few places for them to breed. Their natural breeding place is in the wild hay lands, which are becoming very scarce in this state. Then when the open season commences (which is a month too early in my opinion) and oftentimes before the open season, the slaughter begins. Then the fields are alive with hunters and dogs, the hunters armed with all kinds of guns, from a single-barrel to one that, with smokeless powder, can be shot six times in the space of one minute. What chance, with all this against them, have they to live and propagate their young? While the above is true, there are prairie chickens in our state, as we have proven in our criminal department, where parties have been arrested and fined for shipping prairie chickens out of the state. From correspondence had with people in different parts of the state I am of the opinion that with a closed season and with funds appropriated for the purpose of re-stocking, that prairie chicken would again become numerous in the state. Illinois has a closed season for a number of years, and with the funds raised from the resident hunters' license law, the game authorities are restocking with chickens. Reports received from that state show that the birds are re-appearing in many sections.

Snipe should be classed as game birds, for such they are. But under an opinion from the Attorney General, they are not protected at any time. I would recommend that section 2551 be so amended that closed and open season be made for this class of birds.

#### LAWS SHOULD BE AMENDED.

The fish and game laws should be amended in several respects, both for the better protection of fish and game, and for the enforcement of the laws. I would recommend that hunting with ferrets be abolished.

That a license law for the Mississippi river fishermen be passed.  
That deputy fish and game wardens be clothed with the same authority as all other peace officers.

That a resident hunters' license law be passed.

That the word "knowingly" be stricken from section 2543 in relation to buying and selling fish.

That the penalty for dynamiting in section 2540 be so changed that the same can be enforced as the courts now hold that the penalty in section 2544 governs this crime. The penalty prescribed in section 2544 is inadequate for the crime committed.

#### SUMMARY OF THE WORK OF THE DEPARTMENT.

The following is a brief summary, showing the number of arrests reported for violations of the fish and game laws, unlawful property seized and destroyed, and showing what disposition was made with cases, covering the period from June 30, 1906, to June 30, 1908:

Total number of arrests.....	419
Convictions and pleas of guilty.....	325
Acquittals .....	64
Number who have served jail sentences.....	30
Fines and costs paid .....	\$13,335.65

#### Seized and destroyed:

278 hoop nets;
74 seines;
83 traps;
171 trout lines;
42 spears, and
38 guns.

Estimated value of property destroyed.....\$ 5,139.00

#### EXPENDITURE.

The following shows the amount appropriated by the state legislature and the amounts expended by months, and balance on hand:  
Amount appropriated by the Thirty-first General Assembly, June 30, 1906.....\$ 5,000.00

#### DISBURSEMENTS.

1906.

July .....	\$ 552.21
August .....	407.74
September .....	401.20
October .....	1,241.24
November .....	566.99
December .....	303.65



## 1907.

January .....	264.34	
February .....	273.52	
March .....	249.87	
April .....	197.26	
May .....	343.28	
June .....	198.48	4,999.78
Balance on hand .....		.22
Appropriation of the Thirty-second General Assembly, June 30, 1907 .....		\$13,500.00

## DISBURSEMENTS.

## 1907.

July .....	\$ 664.32
August .....	415.89
September .....	513.51
October .....	1,018.68
November .....	766.07
December .....	885.17

## 1908.

January .....	367.08	
February .....	320.42	
March .....	231.68	
April .....	368.21	
May .....	306.43	
June .....	407.54	5,815.00
Balance on hand .....		\$ 7,685.00

## ESTIMATE FOR NEXT BIENNIAL PERIOD.

The following is an estimate of funds necessary for the period from July 1, 1908, to June 30, 1910:

For protection of fish and game and payment of deputy wardens .....	\$12,000.00
For gathering fish at Sabula and car mileage .....	3,000.00
	\$15,000.00

Your warden again desires to acknowledge his indebtedness to the press, to the many fish and game clubs, to R. S. Johnson, superintendent of the hatchery at Manchester, Iowa, to the faithful deputy wardens who have given their time in upholding the law and saving of fish; to your excellency and members of the council for courtesies extended; to one and all I am indebted for the help given in carrying on my work.

GEO. A. LINCOLN,  
Fish and Game Warden.

## STATE DEPUTY WARDENS.

Ashe, Richard, Webster City.	Daniels, J. H., West Union
Adams, John, Forestville.	Dorman, Chas., Strawberry Point.
Anderson, J. R., Lake City.	Dalley, Wm. A., Keokuk.
Andrews, Geo., Oskaloosa	Dewell, W., Woodbine.
Albert, W. E., Lansing.	Dyer, Eugene, Cedar Falls.
Barmeier, Dubuque.	Ellis, S. S., Little Sioux.
Boden, John W., Osceola.	Eckliff, E. F., Rock Rapids.
Bailey, C. O., Washington.	Emeny, H. W., Eldora.
Berry, W. W., Grinnell.	Eggers, Wm., Arion.
Blackburn, W. H., Jefferson.	Earle, J. J., West Union.
Bradstreet, —, Sutherland.	Floersinger, J. W., Oxford.
Black, B. F., Fairfield.	Frear, Henry, Sutherland.
Bouna, B. T., Lynnville.	Frech, Chas., Bancroft.
Boller, A., Goodell.	Flester, O. E., Sumner.
Ballou, W. E., Independence.	Ferguson, S. A., Rowan.
Briles, Wm., Chariton.	Fisher, F., Eagle Grove.
Brayton, H., Manchester.	Franks, E. H., Cedar Rapids.
Breeze, E. E., Waterloo.	Fisher, C. H., Fruitland.
Bainter, R. W., Zearing.	Gooch, Thos., LeMars.
Burnam, Leslie, Fort Dodge.	Green, A. M., Sioux City.
Bryson, C. A., Iowa Falls.	Geyer, N., Sheldon.
Belland, J. A., New Hampton.	Galland, B., Salix.
Beckwith, O., Mount Pleasant.	Gaushorn, Lewis, Rockford.
Brockschink, J. W., Peterson.	Green, Henry, Spencer.
Berry, Geo. H., Cedar Rapids.	Hill, F. W., Corning.
Bryant, Wesley, Creston.	Hall, Thos. L., Glenwood.
Cochran, J. H., Woodburn.	Hargreaves, J. H., Decorah.
Cain, Geo., Akron.	Hamilton, L. R., Parkersburg.
Carr, C. E., Emerson.	Horton, A. D., Hawarden.
Coup, L. F., Bedford.	Higgins, E. C., Warrensburg.
Courtwright, H., Onawa.	Halsted, J. T., Blairstown.
Connor, F. H., Tipton.	Hinshaw, E. C., Okoboji.
Carson, Frank, Maquoketa.	Harris, P. E., Maynard.
Collins, Geo. A., Sioux Rapids.	Hinton, H. E., Goldfield.
Cook, C. M., Marshalltown.	Harper, L. C., Panora.
Cook, Roy H., Marshalltown.	Hall, Jno. C., Des Moines.
Chesher, B., Rock Rapids.	Hatcher, C. F., Maxwell.
Calhoun, F. A., Pella.	Hausman, Chas., Anthon.
Cunningham, J. U., Coggon.	Hartsell, J. S., Eagle Grove.
Cooley, Ed., Salix.	Hahn, C. J., Cedar Rapids.
Christian, Alex., Randall.	Head, Chas., Sumner.
Doctor, John, Hawarden.	Hollingsworth, P. R., Albia.
Dana, M. L., New Hampton.	Hannawalt, J. G., Colfax.
Davis, B. C., Fort Madison.	Inman, A., Seymour.
Donahue, E. F., Estherville.	Ireland, Jas., Coggon.
Deitireing, J. B., Bancroft.	Jackson, O. E., Red Oak.
Davis, G. M., Reinbeck.	Johnston, G. B., Buffalo Center.
Douglas, I. W., Maxwell.	Jaques, J. H., Allerton.

Johnson, Geo. H., Walker.  
 Kittleson, Geo., St. Ansgar.  
 Kelly, A. A., Arcadia.  
 Knight, Fred, Goldfield.  
 Kuhl, C. B., Sioux City.  
 Klare, H. Jr., Lyons.  
 Keeney, W. R., Kanawah.  
 Lake, C. G., Chester.  
 Lamb, F. P., Cedar Rapids.  
 Lockwood, W. C., Herndon.  
 Landanger, J., Bridgewater.  
 Lornway, W. C., Hamburg.  
 McPherson, J. G., Alden.  
 McKichan, T. A., Cherokee.  
 Moss, U. E., Greene.  
 Middendorf, W. Jr., Fort Madison.  
 Miller, S. A., Lime Springs.  
 Moffitt, A. H., Webster City.  
 Mayer, Fred, Hartley.  
 Marean, W. C., Glidden.  
 Menter, W. J., Anthon.  
 Meadows, L., Chariton.  
 Miller, T. J., Ottumwa.  
 Middleton, J. H., Yale.  
 Mullen, J. H., Hopkinton.  
 Morris, R. E., Salix.  
 Meeker, R. E., New Sharon.  
 Mason, J. P., Humboldt.  
 Mitchell, W. S., Clinton.  
 Norton, Geo. R., Onawa.  
 Noble, C. E., Chariton.  
 Nasinec, V. F., Cedar Rapids.  
 Norris, Jack, Corning.  
 Opperman, John, Crystal Lake.  
 Oxley, S. C., Ossian.  
 Page, Alva, Waterloo.  
 Pooch, Chas., Algona.  
 Penninston, T. J., Leon.  
 Pierson, H. D., Omaha, Neb.  
 Preston, F. B., Adel.  
 Peck, Chas. L., Decorah.  
 Payne, Roy, Adel.  
 Rantson, E. H., Turkey River.  
 Rademacher, J., Chariton.  
 Roberts, J., Sutherland.  
 Rambo, J. W., Mingo.  
 Riley, M., Bancroft.  
 Reddin, T. J., Cascade.  
 Roper, Wm., Jr., Council Bluffs.  
 Reasak, A. M., Calmar.

Rothmere, J. S., Festina.  
 Rainbow, Wm., Lake View.  
 Rope, J. R., Centerville.  
 Ryder, Lee, Salix.  
 Ross, Jas. T., Bayard.  
 Reed, Elmer, Montrose.  
 Smith, D. T., Lawler.  
 Seaman, W. T., Montour.  
 Swinford, J. W., Mystic.  
 Santee, Geo. W., Storm Lake.  
 Saulsbury, H. C., Cresco.  
 Springer, L. W., Elma.  
 Stodgell, F. E., Oakville.  
 Scott, L. S., McCallsburg.  
 Sargent, S. T., Nashua.  
 Sprague, F. W., Bagley.  
 Smith, C. E., Killbourn.  
 Shannon, G. T., Atlantic.  
 Scott, Frank, Lake City.  
 Smith, H., Chelsea.  
 Stockverger, John, Marion.  
 Shelton, M. A., Bloomfield.  
 Seaman, S. C., Clinton.  
 Siska, T. H., Belmond.  
 Starr, Cutler N., Renwick.  
 Snilson, Wm., Massena.  
 Swalles, Jno., Spirit Lake.  
 Smith, Abe, Winterset.  
 Todd, G. H., Nashua.  
 Tessler, Ed., Rock Rapids.  
 Thompson, Wm., Webster City.  
 Tattershall, T. D., Beloit.  
 Tubbs, H. S., Manchester.  
 Troutner, M. L., Charles City.  
 Upham, Geo., Eldon.  
 Ulveling, Geo., Remsen.  
 Vanderbilt, J., Marion.  
 Van der Las, Lee, Crescent.  
 Van Leuven, C. P., Osage.  
 Woodley, Wm., Mount Auburn.  
 White, L. E., Estherville.  
 Wilson, E. F., Okoboji.  
 Whitman, E., Ledyard.  
 Weatherby, J. F., Titonka.  
 Winfrey, J. K., Runnells.  
 Wiley, R. J., West Liberty.  
 Wagner, Geo., Marshalltown.  
 Wilson, Geo. R., Westfield.  
 Williamson, G. B., Eagle Grove.  
 Wise, A. P., Whiting.

Wray, F. E., North Liberty.  
 Wilson, Roy, Osceola.  
 Weirather, A., Keokuk.  
 Webster, L., Woodward.  
 Wiley, Jos., Rolfe.  
 Yordy, H. H., Waterloo.  
 Young, L., Colfax.  
 Young, Geo., Clarinda.

## UNITED STATES AND STATE FISH AND GAME OFFICERS.

## UNITED STATES.

Secretary of Agriculture, James Wilson, Washington, D. C.  
 Chief of Biological Survey, C. Hart Merriam, Washington, D. C.  
 Assistant in charge of game, T. S. Palmer, Washington, D. C.

## STATES, TERRITORIES AND PROVINCES.

Alabama—John H. Wallace, Jr., Montgomery.  
 Arizona, T. S. Bunch, Safford; W. L. Pinney, Phoenix; E. A. Sliker, Commissioner, Flagstaff.  
 California—George Stone, San Francisco; W. F. Van Sicklen, Alameda; M. J. Connell, Commissioners, Los Angeles; Chas. A. Vogelsang, chief deputy, San Francisco.  
 Colorado—David E. Farr, Denver; C. W. Lake, chief deputy, Denver.  
 Connecticut—Geo. T. Matthewson, Thompsonville.  
 Delaware—A. D. Poole, Wilmington.  
 District of Columbia—Maj. Richard Sylvester, Washington.  
 Idaho—Wm. N. Stephens, Rexburg.  
 Illinois—Dr. J. A. Wheeler, Springfield; Nat. H. Coehn, Springfield.  
 Indiana—Q. J. Sweeney, Columbus.  
 Iowa—Geo. A. Lincoln, Cedar Rapids.  
 Kansas—D. W. Travis, Pratt.  
 Louisiana—Board of Commissioners, New Orleans.  
 Maine—L. T. Carleton, Augusta; J. W. Brackett, Philip, Edgar E. Ring, commissioners, Orono.  
 Maryland—Horace F. Harmonson, Berlin.  
 Massachusetts—Dr. Geo. W. Field, Boston.  
 Michigan—Chas. S. Pierce, Lansing.  
 Minnesota—Carlos Avery, St. Paul.  
 Missouri—James C. Bassford, Mexico.  
 Montana—William F. Scott, Helena.  
 Nebraska—Geo. L. Carter, Lincoln.  
 New Hampshire—Nath'l Wentworth, Hudson.  
 New Jersey—James M. Stratton, North Long Branch.  
 New Mexico—W. E. Giffen, Santa Fe.  
 New York—James S. Whipple, Albany.  
 North Carolina—Dr. R. H. Lewis, Raleigh.  
 North Dakota—W. N. Smith, Grafton; Olaf Bjorke, Abercrombie.  
 Ohio—Gen. John C. Speaks, Columbus.  
 Oklahoma—Jude Askew, Chickasha.  
 Oregon—R. O. Stevenson, Forest Grove.  
 Pennsylvania—James H. Worden, Harrisburg.  
 Rhode Island—Chas. H. Remington, East Providence.



South Carolina—B. F. Taylor, Columbia.  
 Tennessee—Jos. H. Acklin, Nashville.  
 Texas—R. H. Wood, Rockport.  
 Utah—H. B. Croomar, Salt Lake.  
 Vermont—Henry G. Thomas, Stowe.  
 Washington—John L. Risland, Bellingham.  
 West Virginia—James H. Marcum, Huntington.  
 Wisconsin—J. W. Stone, Madison.  
 Wyoming—J. C. Nowlin, Lander.

## CANADA.

## DEPARTMENT OF AGRICULTURE.

Minister—W. T. Findley, Edmonton.  
 Chief Game Guardian—Benj. Lawton, Edmonton.  
 British Columbia—A. Bryan Williams, Van Couver.  
 Manitoba—  
 Minister—R. P. Roblin, Winnipeg.  
 Chief Game Guardian—Chas. Barber, Winnipeg.  
 New Brunswick—  
 Surveyor General—F. J. Sweeney, Moncton.  
 Chief Game Commissioner—L. B. Knight, St. John.  
 Chief Fish Commissioner—John Robertson, Jr., New Castle.  
 Newfoundland—Eli Dawe, St. Johns.  
 Nova Scotia—J. A. Knight, Halifax.  
 Ontario—  
 Minister—J. O. Reaume, Toronto.  
 Superintendent of Fish and Game—E. Tousley, Toronto.  
 Prince Edward Island—E. T. Carbonell, Charlottetown.  
 Quebec—  
 Minister—Chas. Devlin, Quebec.  
 Superintendent of Fish and Game—Hector Caron, Quebec.  
 Saskatchewan—T. N. Willing, Regina.

In addition to the above named officers for prosecution of fish and game there are now nine national and forty-seven state organizations, the members of whom are engaged in a work common with the work of the forty-one Audubon societies in almost every state in the union. They are all working in every manner for the education of the people for the purpose of securing a greater respect for the laws relating to fish and game, as well as those which relate to the insectivorous birds so that they will not become extinct through the acts of those who care nothing for them only to kill.

## STATE FISH AND GAME WARDEN

## U. S. FISH HATCHERY DISTRIBUTION.

Fish distributed in the waters of Iowa from the Bureau of Fisheries station, Manchester, Iowa, from July 1, 1906, to June 30, 1908.

## RAINBOW TROUT, FINGERLINGS AND ADULTS.

Cedar River, Charles City, Iowa.....	39,000	
Beaver Creek, Chester, Iowa.....	2,000	
Baldwin Creek, Cresco, Iowa.....	12,000	
Turkey River, Cresco, Iowa.....	27,000	
Canoe Creek, Cresco, Iowa.....	9,000	
Trout Run, Decorah, Iowa.....	21,000	
Twin Springs, Decorah, Iowa.....	9,000	
Walnut Creek, Decorah, Iowa.....	12,000	
Wapsipinicon River, Iona, Iowa.....	39,000	
Upper Sny Magill Creek, North McGregor, Iowa.....	12,000	
Maquoketa River, Manchester, Iowa.....	10,575	
Spring Branch, Manchester, Iowa.....	17,705	
Bloody Run, North McGregor, Iowa.....	32,000	
Shell Rock River, Nora Springs, Iowa.....	39,000	
Yellow River, Waukon, Iowa.....	12,000	
Paint Creek, Waukon, Iowa.....	12,000	
Patterson Creek, Waukon, Iowa.....	15,000	
Village Creek Waukon, Iowa.....	12,000	
Applicants .....	146,750	479,030

## BLACK SPOTTED TROUT, FINGERLINGS.

Spring Branch, Manchester, Iowa.....	16,500	16,500
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## BROOK TROUT, FINGERLINGS AND ADULTS.

Rutherford Brook, Cresco, Iowa.....	1,500	
Canoe Creek, Decorah, Iowa.....	650	
Trout Pond, Decorah, Iowa.....	650	
Batchel Creek, North McGregor, Iowa.....	2,000	
Boss Creek, North McGregor, Iowa.....	2,000	
Spring Park Creek, Osage, Iowa.....	300	
Hewitt Creek, Volga, Iowa.....	2,500	
Paint Creek, Waterville, Iowa.....	600	
Little Paint Creek, Waterville, Iowa.....	950	
Hock Creek, Waukon, Iowa.....	950	
Spring Branch, Manchester, Iowa.....	8,000	
Applicants .....	62,000	\$1,900

## LAKE TROUT, FINGERLINGS.

Applicants .....	8,000	8,000
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## LARGE MOUTH BLACK BASS, FINGERLINGS AND ADULTS.

Maquoketa River, Manchester, Iowa.....	1,000	
Mississippi River, Bellevue, Iowa.....	1,100	
Mississippi River, Clayton, Iowa.....	2,000	
Mississippi River, North McGregor, Iowa.....	2,600	
Applicants .....	14,000	20,700

## ROCK BASS, FINGERLINGS.

Applicants .....	1,550	1,550
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## WHITE BASS, FINGERLINGS.

Applicants .....	400	400
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## CRAPPIE, FINGERLINGS AND ADULTS.

Maquoketa River, Manchester, Iowa.....	250	
Mississippi River, Bellevue, Iowa .....	20,000	
Mississippi River, North McGregor, Iowa .....	41,000	
Mississippi River, Lansing, Iowa .....	7,500	
Mississippi River, Clayton, Iowa .....	7,000	
Applicants .....	2,500	78,250

## CATFISH, FINGERLINGS AND ADULTS.

Mississippi River, North McGregor, Iowa .....	28,500	
Mississippi River, Bellevue, Iowa .....	22,000	
Mississippi River, Clayton, Iowa .....	19,000	
Mississippi River, Lansing, Iowa .....	17,500	
Applicants .....	3,800	90,800

## BREAM, FINGERLINGS AND ADULTS.

Mississippi River, North McGregor, Iowa .....	12,000	
Mississippi River, Bellevue, Iowa .....	24,000	
Mississippi River, Clayton, Iowa .....	6,000	
Mississippi River, Lansing, Iowa .....	6,000	
Applicants .....	5,800	53,800

## WHITE PERCH, FINGERLINGS AND ADULTS.

Mississippi River, Bellevue, Iowa .....	12,500	12,500
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## YELLOW PERCH, FINGERLINGS AND ADULTS.

Mississippi River, Bellevue, Iowa .....	10,000	
Mississippi River, Clayton, Iowa .....	6,000	
Mississippi River, Lansing, Iowa .....	3,000	
Mississippi River, North McGregor, Iowa .....	2,900	
Maquoketa River, Manchester, Iowa .....	2,000	
Applicants .....	1,000	24,900

## PIKE, FINGERLINGS AND ADULTS.

Applicants .....	4,800	4,800
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## BUFFALO FISHES, FINGERLINGS AND ADULTS.

Mississippi River, Bellevue, Iowa .....	2,500	
Mississippi River, North McGregor, Iowa .....	3,000	
Mississippi River, Lansing, Iowa .....	8,000	13,500