

ELEVENTH BIENNIAL REPORT

OF THE

# FISH COMMISSION

OF THE

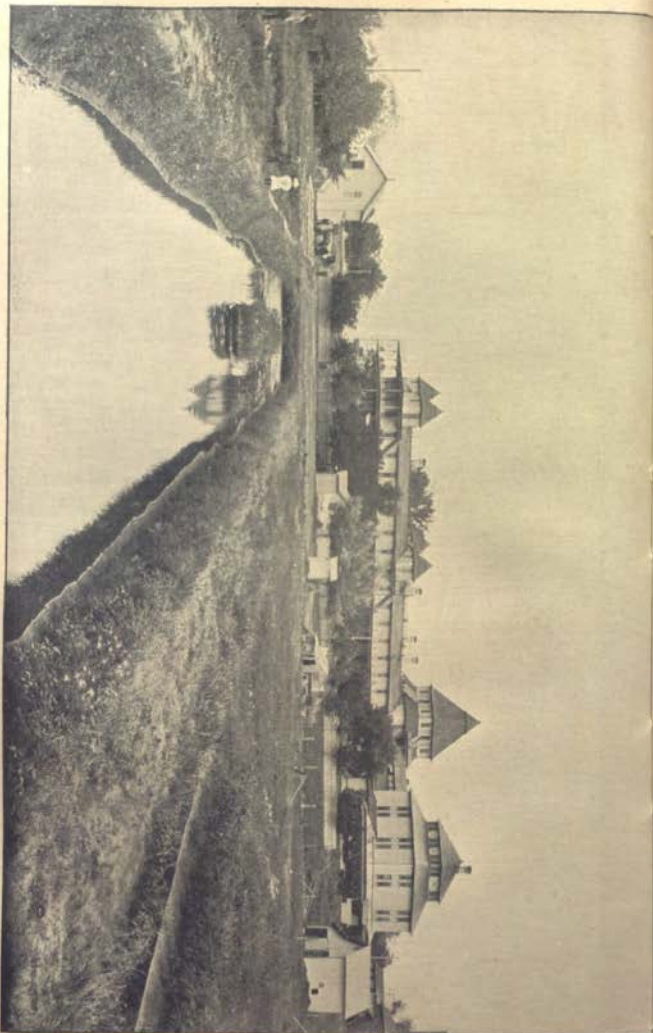
STATE OF IOWA.

1894 - 1895.

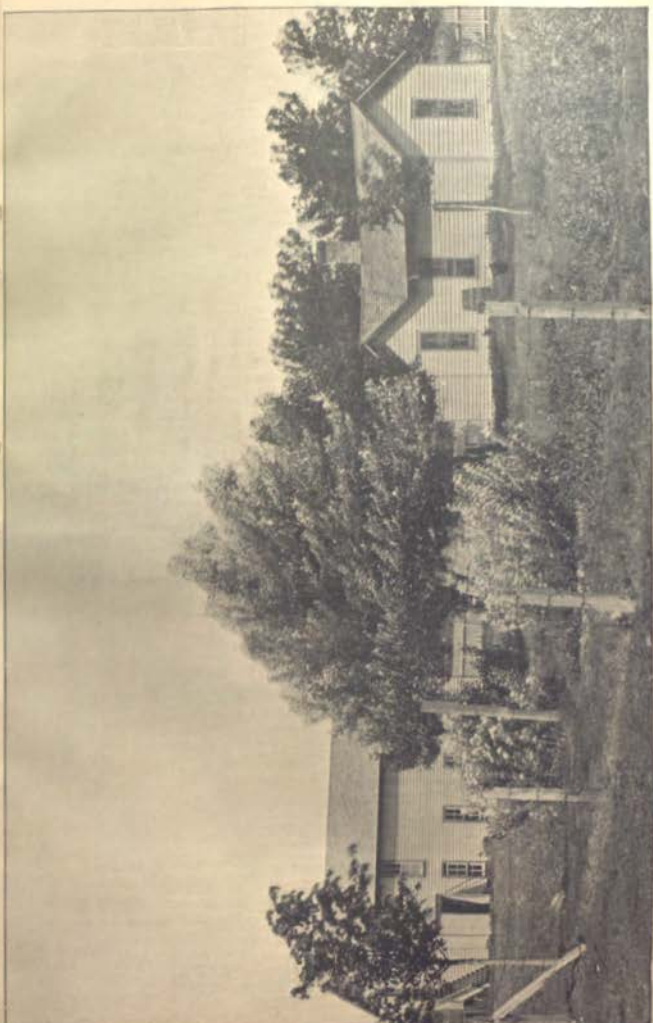
GEO. E. DELAVAN, COMMISSIONER.

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State Fishery Grounds.



## REPORT OF THE STATE FISH COMMISSION.

*To His Excellency, FRANK D. JACKSON, Governor of Iowa:*

The present report is intended to include an account of the operations of the State Fish Commission for the years 1894-5.

It is instructing to note the growth of pisciculture in the state of Iowa since the establishment of this commission, although we have not kept pace with our neighbors in any of the bordering states, for the reason that the appropriations have been too meagre to allow the work to be carried on in a manner commensurate with the other state departments and our valuable natural resources. Prior to 1873 nothing had been done in Iowa in the way of propagating and distribution of fish. Without the aid of this commission a majority of the rivers and lakes of the state would have become depleted of the fish that forms a large part of the food for the people. No food is better than fish. As our population increases the price of meat, though gradual, advances, and every year a larger per cent of the people will be unable to secure it. In this emergency we must look to the public waters for the means of supply.

Private ponds by the hundreds are being established annually in all parts of the state for the purpose of meeting the demand for fish as an article of food, and the calls upon this commission for fish for stocking purposes have been far in excess of its ability to meet. Ten years ago this industry was carried on at only a few points in the state where it had been established by the aid of this commission. The success of the few having been so marked, and the fact demonstrated that a farmer could just as surely and more easily raise what fish he desired than chickens, has caused the industry of raising fish on premises where there is a creek or spring to increase in a very satisfactory manner.

Our lakes and rivers, capable of accommodating many tons of fish, must be restocked, or the supply would soon be exhausted, so great is the draught upon them by all classes, but more especially by the poor man who here finds a means of support when other avenues are closed to him. The stocking of these waters cannot be accomplished by the transfer of the adult fish, as the state does not own a car in which they might be shipped with safety, and they will survive only a few moments when placed in the milk cans that are used for shipping the young ones from the hatchery. Occasionally loss is met with when shipping the young, as it is impossible to keep fish alive any great length of time in water not aerated. A car, such as Iowa should have by all means, would be supplied with air pumps to keep the

water in the tanks in proper condition for the maintenance of fish an indefinite time. Such a car would cost about \$4,000, and is indispensable for the successful restocking of our public waters. All of our neighboring states have these cars.

Many of the letters that have accompanied the applications for fish are full of interesting information as to the results of previous stocking, showing that artificial stocking is a success, and that in spite of the poaching and continuous fishing this commission has greatly increased the supply of the food fishes in the state.

It has been truthfully said that very few people not directly interested in such matters take into consideration the fact that fish forms a very large proportion of the food supply of the people, and so do not realize the importance of making our rivers and lakes as productive as they once were.

It is the belief of this commission that when the waters of the state shall be judiciously stocked and properly taken care of they will be found as beneficial in the production of cheap food as so much surface of the best agricultural lands of the state.

The people quite generally realize that fish propagation is no longer an experiment. Large numbers of carp ponds with their prolific occupants give to our agricultural population removed from larger streams and lakes food fishes for domestic consumption and profit.

The best fish for pond culture is the German carp. In regard to this valuable fish, Col. S. P. Bartlett, Superintendent of the Government fisheries at Quincy, Ill., and for several years connected with the Illinois state fish commission, writes:

"The question is asked of us a great many times during the season, 'Is not the carp a failure?' and in order that the situation may be thoroughly understood, we propose to give some of the facts regarding it. When introduced by the United States fish commission into the state of Illinois carp were comparatively but little known. So much, however, had been said in their favor regarding their rapid growth, increase, and ease of culture, that a great many people in the state made ponds, applied for and received carp, and started in with bright anticipations of success as fish culturists. The result was general disappointment, and, so far as the general effort was concerned, a failure. So much had been written regarding the fish, which at that time was hardly known at all to the generality of fish men, that the universal opinion seemed to be that all that was necessary to get large returns from a small investment was to dig a hole, let in the surface water, secure twenty or twenty-five carp, put them in and let them do the rest. It was not long before those interested realized that, so far as the rapidity of growth was concerned, all that had been said of them was true.

"Early in the spring the fish began to show themselves on the surface of the water, and, as a natural consequence, some were taken out for food. Then followed general dissatisfaction and unfavorable criticisms by the press throughout the state, and carp became unpopular as a pond fish. Black bass or crappie, taken under the same conditions, would prove quite as unsatisfactory as table fish. In the first place, in almost every instance, the ponds used for the reception of the carp were simply holes, filled with surface water, and used by the stock the year round. Even under such adverse circumstances, the carp grew, and when the warm days of spring came, began to spawn. At this season the fish were found frequently upon the



Hatching Ponds, State Hatchery.

surface of the water, and were easily taken, but when prepared for the table were found to be soft and unpalatable. As before stated, a bass or a crappie, under like conditions, would be unfit to eat. Thus, through ignorance of the proper methods, a large proportion of those interested pronounced carp culture a failure, and gave up their ponds. On the other hand, those who built fish ponds, gave the carp good water and good food, and used ordinary judgment as to the time to use them as food, found that the carp was, in every sense, a valuable food fish, and might become an important auxiliary to the food products of the farm.

"We do not hesitate to say that the carp, which is now found in all the waters of the state, is the greatest source of revenue to those who fish as a business, and has paid larger dividends on the investment than any other fish ever introduced into our waters. So widely have they spread that they may now be considered among the indigenous fishes of the state, and take the place, to a great degree, of the native buffalo, once the most important fish of commerce. For years it had been the custom of fishermen to take large numbers of the buffalo, during the spawning season, as before stated, one haul of over 200,000 pounds being on record as having been made on the Illinois river, and the traffic in this particular fish was a very large one. Each year for the last ten has shown a marked decrease in the supply, until this season the catch was almost an entire failure. Some years ago carp were placed in every stream in the state, and each succeeding year has shown an increase in the number caught. At first, when they were taken occasionally among the catch of the fishermen, they were not considered at all valuable as a market fish, so, fortunately, were not sought. Thus they were permitted to grow and increase in numbers until now they are as much a part of our fish supply as any fish indigenous to the waters of the state, and every inland pond and lake, as well as the rivers, furnishes a supply of carp as a part of its product. The result of the introduction of carp has been that to-day more of this species of fish are taken and handled by the fishermen than all the other varieties combined, and all are sold at a price nearly double that usually obtained for buffalo. From one point on the Illinois river, last season, 250,000 pounds of carp found their way to Chicago and New York markets, and at about one-half greater price than could be realized for buffalo. Carp are, undoubtedly, the fish for the great mass of fish-eating people, those who eat fish as food, not as a luxury.

"The work of the various fish commissions should be directed to such methods as will produce the largest quantity of food at the lowest possible cost. It is the man who must get the most possible for his money in order that he may live that the work of such interests should be made to benefit chiefly, and this can only be done by the introduction of some such fish. Black bass, trout, and game fish generally, will never be plentiful enough to be considered market fish; only the few can afford to use them as food. Under the most advantageous circumstances, the waters would not produce these fish in quantities sufficiently large to bring their price within reach of the average working man. Carp can be raised in such quantities, and at the same time in no way interfere with other fish. Carp have not been a failure, but, on the contrary, have given to the people of our state a greater supply of food from the waters than could have been produced in any other way from the same area."

The above opinions set forth with such evident fairness by this eminent authority we earnestly commend to the thoughtful consideration of your excellency and members of the general assembly.

As the field of fish culture and propagation is constantly broadening and increasing, the wants of the commission must also increase with its development. And if the work is to expand the appropriations of our legislatures should be as liberal as those of our neighboring states. So far they have fallen far short. Wisconsin's present appropriation is \$40,000; Minnesota, \$30,000; Illinois, \$20,000; Missouri, \$16,000, and Iowa only \$6,000.

If Iowa's appropriation was equal to either of the above amounts a much larger quantity and variety of food could be produced for the people, and the work of stocking and protecting; more generally extended.

The drouth in the state the past two years has been unprecedented. Many lakes that were never dry in the history of the country, are now barren of water and their beds are being used either for pasture or the raising of grain. This, of course, caused a serious loss to the fishing interests of the state. On the other hand, private ponds have been established in larger numbers by the overflow from wells, draining of creeks and springs, and stocked by this commission.

The low water last winter caused the destruction of large numbers of fish that were "frozen out," where they were beyond the reach of the commission. Last fall millions of young fish were left in sloughs and pockets where they had been hatched during the summer. The work of the commission in restoring these fish to the rivers and lakes was indeed commendable. Had these fish been left undisturbed all would have perished. These fish were chiefly choice game fish—bass, crappies, pickerel and wall-eyed pike.

#### WINTER FISHING.

When the Iowa legislature changed the law allowing winter fishing, they gave the fishing interests the most serious blow that could possibly have been legally inflicted. The farmers of the state little thought when they asked for the privilege of catching a few fish in the winter, that criminal poachers by the thousands would take advantage of the opportunity to transact a general business of market fishing. The law now provides for only six weeks of closed season—from April 1st to May 15th. Following is the section referred to:

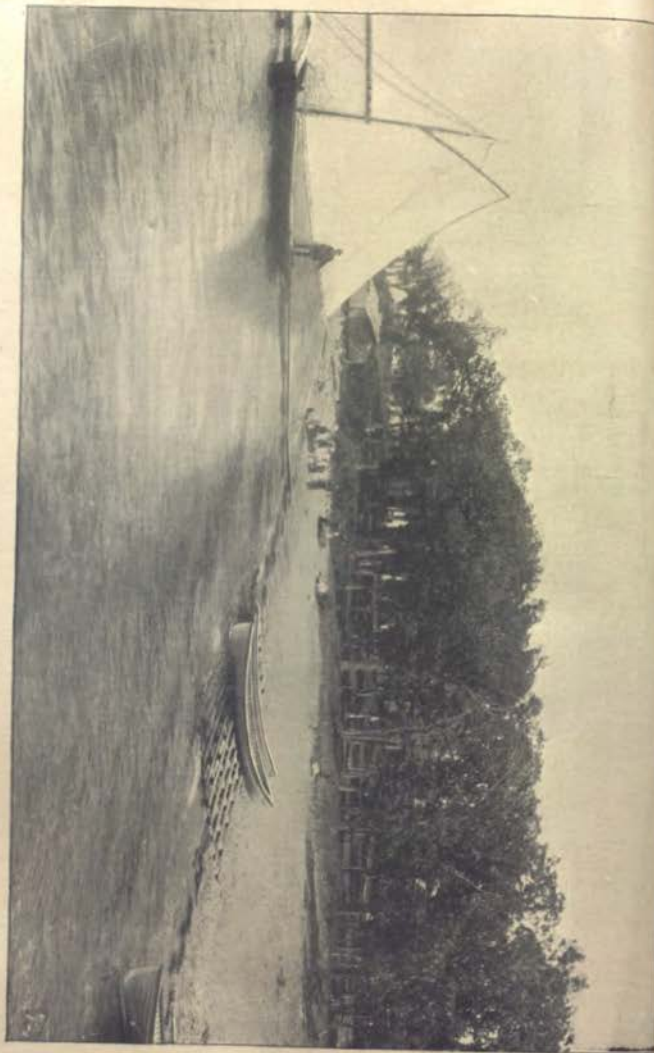
"Sec. 3. [Taking Forbidden] It shall be unlawful for any person to catch or take from any of the waters of the state any salmon or trout between the first day of November and the first day of April following, or any bass, pike, crappies, or any other game fish between the first day of April and the fifteenth day of May following in each year, in any manner whatsoever."

The former law prohibited fishing from November till May 15th. In consequence of this winter fishing thousands of fish that should have been spared for the spring spawning were taken and a draught made on the public waters as never before at a season when the fish should have been protected. Every female fish taken in the winter months is full of spawn, and of course the product is all lost. The law should be changed without delay.

The fish house is an abomination that should be declared a public nuisance and by law ordered destroyed by any peace officer. There were thousands of these houses on the public waters last winter, and were used by



Silver Lake, Dickinson County.



unprincipled men in which to slaughter fish in every conceivable method. These houses were made receptacles for spears, snares, grab hooks and every ingenious invention known for the unlawful taking of fish. Their abolishment should be speedy and sure.

While the Iowa fish commission believes in restocking the public waters with native fish from time to time, we also believe in the rigid enforcement of all laws having for their object the protection of the fish and game of the state. I have convicted violators by the hundreds and caused a wholesome respect for the law to attain in localities where heretofore it had been scoffed at and disobeyed. In one city I arrested and convicted twenty-five persons at one time and turned into the school fund nearly \$500. During several months of the year the fines resulting from the convictions have exceeded the expense of this commission, thus showing that the taxpayers in those localities invested wisely when they contributed to the support of this branch of the state's institutions. Had all the fines imposed during my administration been turned over to the state they would exceed the entire appropriation for this commission. I do not make this statement boastfully, but merely to give the people an idea of the amount of work one man can accomplish when backed by the law, which, however, is full of loopholes for allowing criminals to evade justice. I believe the next legislature will see the wisdom of radically changing this law when its numerous defects are pointed out to them.

A common method of fishing in the state's waters by market fishermen is to plant hundreds of short poles and lines in the water. In the winter the same method is practiced by cutting hundreds of small holes in the ice through which the hook and line are inserted. I have seen one man attending about 150 of these lines, and at the same time had from 500 to 600 pounds of choice fish piled on the ice preparatory to shipping to market. When it is taken into consideration that the number of persons fishing in this manner all over the state could be counted by thousands, some idea of the wholesale destruction of the fish can be gained. Believing that if this pernicious practice was not checked our waters would soon become depleted, your commissioner wrote to Attorney-General John Y. Stone for his opinion on section 2 of the Iowa fish law, which reads as follows:

"SEC. 2. (Use of Hook and Line) It shall be unlawful for any person to take from any of the waters of the state any fish in any manner except by hook and line."

His reply is appended:

STATE OF IOWA,  
OFFICE OF  
ATTORNEY GENERAL,  
DES MOINES.

COUNCIL BLUFFS, IOWA, Nov. 16, 1894.

Hon. Geo. E. Delavan, State Fish Commissioner, Estherville, Iowa:

DEAR SIR: In answer to your inquiry of the 9th instant, I have to say that I am inclined to think that the use of a number of poles and lines in fishing is a violation of section 2, chapter 34, acts of the Twenty-third General Assembly. I think it was the intention of the legislature in enacting the above mentioned law to limit the taking of game fish to the method commonly practiced by sportsmen, that is, the use of one rod and line. It is evident that they intended to prevent what is known as 'pot fishing,' and it seems clear to me that the use of hundreds of short poles and lines planted in the lake would be that kind of fishing and could not be called fishing with hook and line.

Yours truly,

JOHN Y. STONE.

The above opinion was submitted to Mr. Remley, and he endorsed it as follows:

I endorse the above as a fair and correct construction of the law.

MILTON REMLEY,  
*Attorney-General.*

Jan. 24, 1895.

Armed with this document, and threatening arrest and prosecution, I was successful in securing the reduction of the number of lines and saving tons of fish that otherwise would have been destroyed through the greed of this class of market fishermen.

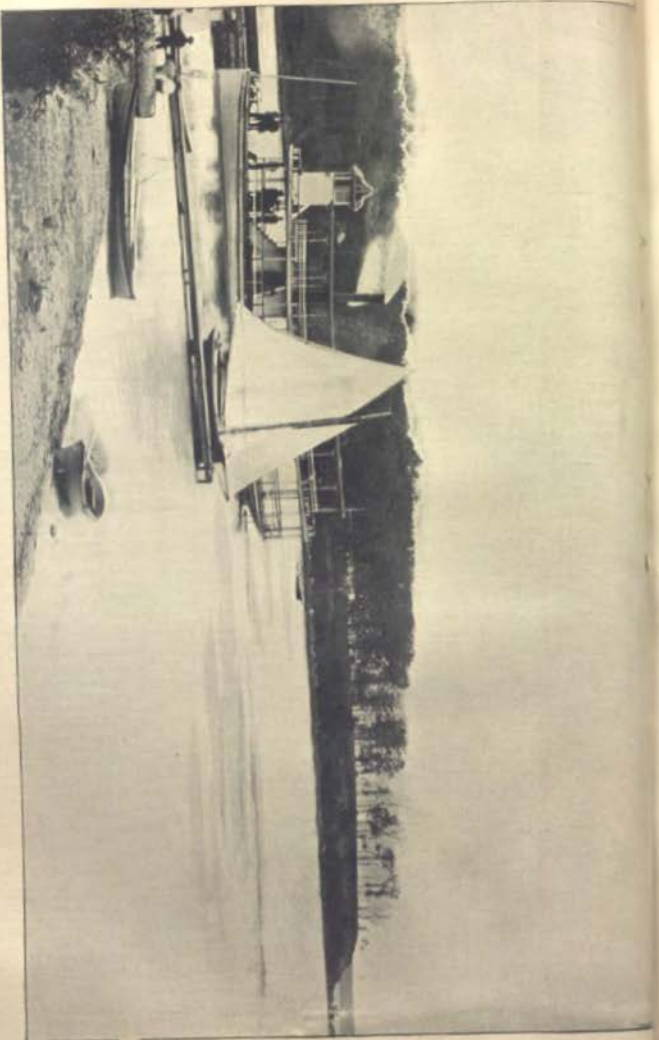
#### DEATH OF SOFT FISH.

In the spring of 1894 I was called to Nashua, Chlekasaw county, to investigate as to the cause of the death of several tons of fish in the Cedar river. I discovered the fish to be of the variety known among fishermen as "soft fish"—red horse and suckers. I did not find a "hard," or game fish in the entire lot. It is my belief that these fish were destroyed by climatic conditions instead of by dynamite as many persons concluded. For two or three weeks in May, previous to the slaughter, the weather was unusually warm for that time of the year. During the warm period the fish assumed their summer condition, and they became soft and unfit to eat. The weather then suddenly turned cold which undoubtedly caused the destruction of the fish while in the "softened" state. At many other points in the state the same quite general loss of this kind of fish prevailed at the same time. In every instance I believe the cause of death to have been the same.

"It has been said," a noted fish culturist writes, "that the fish law was made for the rich, and to deprive the poor fishermen of their means of livelihood. That this idea was deceptive and misleading could not fail to be evident to any person acquainted with the facts. The injudicious or selfish policy of net, trot line and spear fishers, who have for years piled their vocation with apparently no regard for the consequences, destroying immense quantities of fish at all times of the year had depleted the supply in the public waters to an extent which pointed to its practical destruction in the near future. It has been a case of 'killing the goose that laid the golden egg,' and no class of citizens has been in greater need of the protection and restraints of the law than the very class that have opposed it." This has been made so evident by past experience that many of those who were in the outset bitter enemies, have come to be warm supporters of the fish law. The fish in our lakes, rivers and creeks are the natural property of all our citizens, and none have a right to destroy this property, as is the inevitable result of seining, snaring and spearing.

One argument that has been used against the restrictive policy of the state with reference to fish and fishing in our lakes is that it is an injury to the poor people residing in these localities. The argument is not good. The demand for the service of laboring men as oarsmen and helpers enables them to earn larger wages, and gives them steady employment to a degree that would not exist had not the destruction of fish by unlawful means been stopped by wholesome legislation. Not only is this class benefited, but the merchant and farmer who contribute to the supply of necessaries that summer guests and boarders consume. The amount paid out for these commodities reaches thousands of dollars annually, and this large sum of money going into the various avenues of trade benefits all.





Pillsbury's Point, Okechobi.

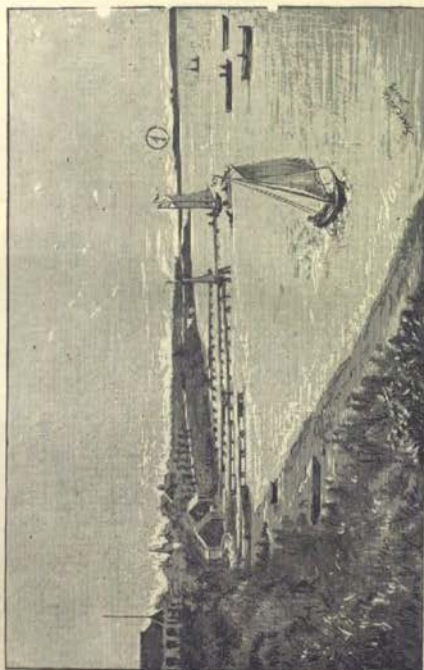
## CASE IN THE SUPREME COURT.

A short time before my appointment, Fish Commissioner J. T. Griggs arrested one A. Haug when seining fish in a body of water three miles north of Lansing, known as Big Lake. This lake lies from one-half to three-fourths of a mile west of the Mississippi river. The land between the lake and the river is assessed in Allamakee county. Just west of the lake are two sloughs that connect with the Mississippi river at a point northwest of the lake when there is a freshet in the river sufficient to raise the water over the river banks. Once or twice, when the water in the river had been unusually high, eighteen or twenty years ago, some of the water from these sloughs escaped into Big Lake, but this might have been caused by the water from the Upper Iowa river that empties into one of the sloughs near the lake. At this point the Upper Iowa has been known to be a mile wide at times of freshets. Section 11 of the Iowa Fish Law, which should be either amended or eliminated, reads as follows:

"SEC. 11. [Certain Rivers Excluded.] Nothing herein contained shall be held to apply to fishing in the Mississippi, the Missouri or the Big Sioux rivers, nor so much of the Des Moines that forms the boundary between the states of Missouri and Iowa."

The defendant admitted the seining, and had in his possession between 3,000 and 4,000 pounds of game fish that he had drawn from the lake, but claimed that Big Lake was a part of the Mississippi, which is excluded by the present law. After a hard fight in the lower court at Lansing, Haug was convicted of violating section 6 of the Iowa law, which prohibits seining in any of the public waters of the state. An appeal was taken to the district court that convened at Waukon in April, 1894. After a lengthy hearing as to the position of Big Lake, Judge Hoyt took the case from the jury and held that the lake was a part of the Mississippi and discharged the defendant. This case was defended by a fishermen's association of which Haug was a member, and as soon as the verdict was learned, the lakes, bayous and sloughs on the Iowa side of the Mississippi swarmed with market fishermen, who, taking advantage of the situation, did not confine their work of destruction to the limits of these waters, but were known to go more than a mile up the rivers and creeks that empty into the Mississippi, claiming the water from there backed up that far and that it was a part of the Mississippi. Under Judge Hoyt's decision I could do nothing to prevent the outrage. A similar question arising in regard to the Muscatine slough, and Judge Brannan holding that the Iowa law had reference only to the navigable channel of the boundary rivers, and that all waters lying within that line came within the limit of the present law, I appealed the Lansing case, after being repeatedly urged to do so by citizens of cities and towns along the Iowa shore of the river. The case was heard in the supreme court last June. Both written and oral arguments were presented by able counsel for the state, but the decision was withheld and probably will not be rendered until the next term in October. I consider this case an important one, as it will probably establish the boundary line, if the state is victorious, and a check placed upon the wholesale slaughter of fish in the river that supplies every interior river in the state.

LATER.—Since the above was written the supreme court has decided this case in favor of the state.



Storm Lake.

## CHANGES IN THE LAW SUGGESTED.

A law should be placed on the statute books making the setting of nets across the mouths of the interior rivers in the Mississippi punishable by both fine and imprisonment. This is a popular method with the Mississippi fishermen to prevent the fish from ascending these rivers, and thus keep them within their territory to be seined out as they desire.

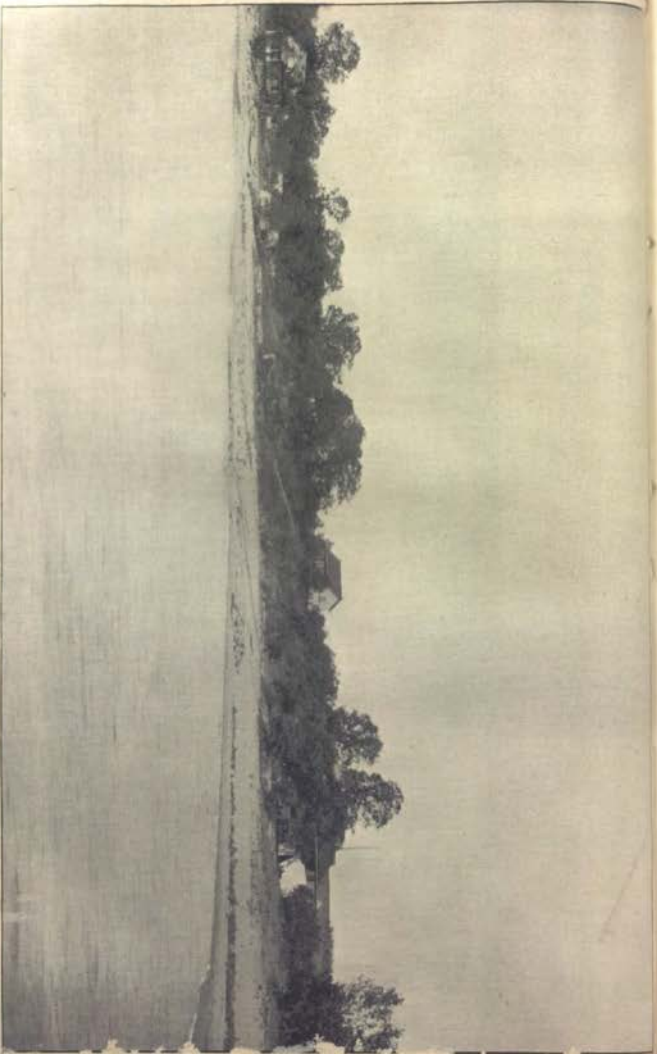
The law should give the commissioner power to arrest without warrant, parties detected in the committal of an unlawful act. As the law now is this cannot be done. I will give an illustration: The commissioner discovers a party of men drawing a seine. They are all strangers to him. They demand his authority to arrest them without a warrant, and refuse to go with him. The commissioner cannot use force to compel them to accompany him to a justice's office that may be several miles distant. He is thus humiliated and obliged to go after a warrant. Nine times out of ten upon his return the poachers have fled and cannot be found.

Possession of a seine or spear should be prima facie evidence of guilt. A law to this effect was passed by the last Minnesota legislature, and it works admirably. Under the present Iowa law the commissioner may find seines, spears, and other unlawful devices for the taking of fish, hidden in the woods, or in a door yard, but he cannot legally destroy them without they are found *while being used*. In the city of Des Moines last fall I discovered a large seine hanging on a line in a certain door yard near the river. It had been hung there, probably, to dry from its wetting in the Des Moines river the night before. I could not confiscate the seine, as it did not happen to be *in use* just at that time, or because I did not have an order from some court. Following is the defective clause of section 8:

"And any seine, net, trap, or other device used in violation of section 6 or 7 of this act may be seized and destroyed by order of the court before whom such action may be brought."

Last winter I arrested a man on West Okoboji who had two large fourteen-foot, six-tined spears in his fish house. A jury discharged him because he swore the spears were not being used to catch or kill fish, but to *shove a piece of ice under the water*. The justice returned the spears that I had taken possession of in the name of the state, and the man has them now in readiness for future violations of the law if he sees fit. The fact that the man had these spears in his possession in his fish house on the ice, and one of them in his hands in the water, should have been sufficient evidence to convict. Men do not usually have such devices as spears and seines in their possession without they intend to use them, and the law should give an officer power to destroy them wherever found and prosecute their owners.

During my term of office I have been successful in enforcing the law in localities impossible for me to reach, by the appointment of deputies who have exercised the same prerogative under sections 9 and 12 of the fish law that any citizen may when he desires. The success of this plan has convinced me that the warden system (a man for every county or district) is the best method that has been devised for protecting these valuable interests. In states where this system has been adopted, reports of almost complete enforcement have been received.



Hayward's Bay, Okoboji Lake.

## VIOLATIONS OF THE GAME LAW.

I have received numerous complaints in regard to grave violations of the game laws of the state. In one locality two men had 150 prairie chicken traps in operation last winter. Letters from Chicago informed me of large numbers of chickens and quail that were being shipped there from Iowa contrary to law. Under the statute I am not authorized to use any money appropriated for the fish commission for the purpose of punishing these offenders, and if the local officials to whom I wrote did not take the matter in hand, the guilty parties, probably, were not molested. Being fearful of condemnation from a criminal element that usually threaten acts of violence if they are interfered with, many local officers refrain from incurring their enmity when it is their duty to enforce the laws when they have knowledge of their infraction. If the warden system prevailed these nefarious practices could be checked. In a short time, however, if our game is not better protected there will not be any need of wardens or law, as the prairie chickens, quail, woodcock and plover will have all been destroyed through the greed of poachers, as they have been in the eastern states. The legislature should not hesitate to at once devise some method for the better protection of these birds.

A notable discrepancy in the Iowa fish law is the failure to provide fees for peace officers who arrest criminals in the violations of its sections. A man who breaks the fish law should be regarded just as much a criminal as an offender against any other law. If a provision was made allowing sheriffs, constables, city and town marshals to collect proper fees for making these arrests from the county when the convicted parties could not pay them, the law would be more generally enforced than now. What might be said in regard to this defect in the fish law, applies with equal force to the game law that is also lame on this point.

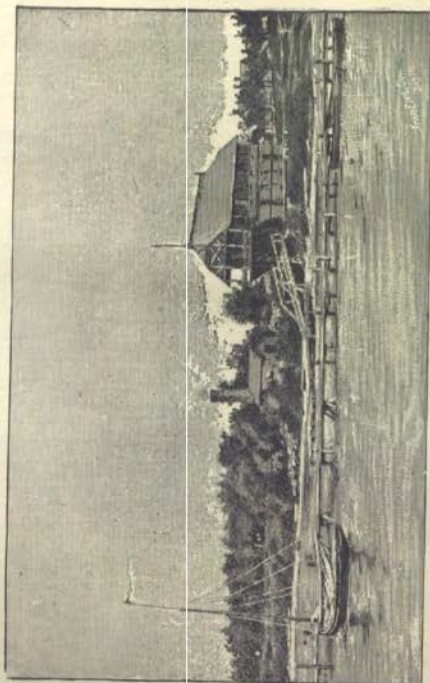
## FISH WAYS.

During my administration as commissioner, an important point has been raised in regard to whether it was my duty to enforce the law relative to the construction of fish ways in dams not provided with them. There is no question more vital to the fishing interests of the state than the one of fish ways, for unless the fish ways are put in, people residing in the interior part of the state are deprived, in a great measure, of the benefits arising from a compliance of the law, which reads as follows:

## CHAPTER 188, LAWS OF SEVENTEENTH GENERAL ASSEMBLY—FISH WAYS

"SECTION 1. [*Fish Ways Constructed.*] That the owner or owners of any dam or obstruction across any river or stream, creek, pond, lake or water-course, in this state, shall, within a reasonable time, erect, construct and maintain, over or cross said dam or obstruction, a suitable fish way of suitable capacity and facility to afford a free passage for fish up and down through such water-course when the water of said stream is running over the said dam.

"SEC. 2 [*Nuisance.*] Any dam or obstruction mentioned in section 1 of this act, not provided with such fish way within a reasonable time after the taking effect of this act, is hereby declared a nuisance and may be abated accordingly.



Storm Lake.

"SEC. 3. [Violation—Penalty.] Any person guilty of the violation of the provisions of this act, shall upon conviction before a justice of the peace, be fined not less than five nor more than fifty dollars for the first offense and not more than twenty dollars for each subsequent offense, and shall stand committed until such fine is paid.

"Approved March 26, 1878 "

As will be seen, this law was passed in 1878, and it was not made the duty of any special person or officer to enforce it. A later law on this point, passed by the Twenty-third General Assembly, in 1890, reads differently:

CHAPTER 34, LAWS OF TWENTY-THIRD GENERAL ASSEMBLY—PRESERVATION OF FISH.

"SEC. 6. [Unlawful Obstructions.] No person shall place, erect or cause to be placed or erected, in or across any of the rivers, creeks, lakes or ponds, or any outlets or inlets thereto, any trot line, seine, net, weir, trap, dam or other obstruction in such manner as to hinder or obstruct the free passage of fish up or down or through such water-course for the purpose of catching or taking fish, unless the same be done under the supervision of the fish commissioner, except minnows, as provided in section 2 of this act."

Section 12 of this same law makes it my duty to enforce the above singularly constructed section, as will herewith be seen:

"SEC. 12. [Enforcement of Law.] It shall be the duty of the fish commissioner to see that the provisions of this act are enforced, and for that purpose he shall have the right to call to his assistance any prosecuting attorney to prosecute all violations of this act in the county where such violations occur."

By reading the first section quoted from the laws of the Twenty-third General Assembly, it will be seen that unless a dam is built "for the purpose of catching or taking fish," it is not my duty to see that fish ways are put in. This defect should be changed at once, and some one empowered to see that this very important law is complied with. There are about 125 dams in the state still unprovided with fish ways. I have succeeded in having eighteen fish ways put in without resorting to law.

STATE HATCHERY.

Since the last report I have moved the barn on the fishery grounds to the southeast corner of the lot, thus preventing the drainage from the same flowing into the ponds. A new picket fence has been built in front of the four-acre lot, and the hatchery, barn, residence, and fence painted. Two new ponds were constructed last spring to accommodate fish that were crowded in the other ponds. Two more ponds are needed and will be put in with as little delay as possible. A very much needed well has recently been put down. The water is pumped by a wind mill.

Swan Lake, Emmet County,—longest Lake in Iowa.



## DISTRIBUTION.

## OKOBOJI LAKE.

Crapples.....	250,000
Black bass.....	50,000
Wall-eyed pike.....	1,000,000
Hinged perch.....	125,000
Pickeral.....	75,000
Mixed varieties.....	200,000

## SPIRIT LAKE.

Wall-eyed pike.....	1,000,000
Black bass.....	1,000,000
Hinged perch.....	1,000,000
Pickeral.....	153,000
Crapples.....	75,000
Mixed varieties.....	125,000

## CENTER LAKE.

Crapples.....	10,000
Black bass.....	5,000
Pickeral.....	2,500

## SILVER LAKE.

Wall-eyed pike.....	5,000
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## LOST ISLAND LAKE.

Wall-eyed pike.....	5,000
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## CLEAR LAKE.

Black bass.....	5,000
Silver bass.....	10,000
Perch.....	25,000
Crapples.....	2,000

## TURKEY RIVER.

Wall-eyed pike (by United States commission).....	1,000,000
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## DES MOINES RIVER.

Black bass.....	200
Silver bass.....	15,000
Perch.....	15,000

## CEDAR RIVER.

Wall-eyed pike.....	60,000
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## DES MOINES RIVER, AT DES MOINES.

Black bass.....	30,000
Silver bass.....	50,000

## MAQUOKETA RIVER.

Crapples.....	10,000
Perch.....	10,000

## IOWA RIVER.

Perch.....	10,000
Pike.....	5,000

## SHELL ROCK RIVER.

Crapples.....	5,000
Perch.....	2,000
Black bass.....	3,000

## LITTLE WAPOSIE RIVER.

Crapples.....	5,000
Perch.....	10,000
Black bass.....	100

## CRYSTAL LAKE.

Pike.....	500
Percb.....	2,000
Bass.....	500

## SENATOR J. R. GORRELL, NEWTON.

Percb.....	3,000
Crappies.....	2,000

## J. M. ELDER, GARVEL.

Percb.....	2,000
Crappies.....	2,000

## HON. R. F. ST. JOHN, RICEVILLE.

Crappies.....	4,000
Black bass.....	2,000
Percb.....	3,000

## E. WAINWRIGHT, TILTON.

Percb.....	3,000
Crappies.....	2,000

## WAPSIE RIVER.

White bass.....	5,000
Percb.....	5,000

## BOONE RIVER.

Black bass.....	500
Percb.....	5,000

## CAMP DISTRIBUTION.

National Starch Manufacturing Company.....	Des Moines
James Chanté.....	Wellman
J. W. Adams.....	Riceville
A. H. Browns.....	Murray
F. J. Kocourek.....	Cedar Rapids
W. A. Mall.....	Luzerne
P. D. Hoff.....	Grimes
G. Y. Romas.....	Hinton
J. O. Ramsey.....	Harlan
Sealey & Sons.....	Cedar Rapids
H. Wieden.....	Holstein
J. H. So Im.....	Bode
W. W. Sterns.....	Humboldt
George Courde.....	Des Moines
R. W. Birdsall.....	Dows
E. Quade.....	Bally Clough
C. Dougal.....	Panama
August Anderson.....	Atlantic
E. C. Conch.....	Stuart
Edwin Bennett.....	Redding
John Heitshusen.....	Conroy
Henry Reter.....	Chancy
H. P. Light.....	Stennett
Mrs Helen Jack.....	Charles City
Dilof Rahl.....	Radcliffe
J. E. Waller.....	Swan
H. K. Darlin.....	Foresa City
Wm. Boothby.....	Washita
John Lonsdale's Sons.....	Dale
E. F. Brockway.....	Washington
M. B. Ladd.....	Corwith
Fred S. Murrell.....	Barney
John D. Williams.....	Marengo
W. H. Brinkesch.....	Brayton
A. Williamson.....	Lowell
Wm. Brock.....	Lowell
Erik P. Nissen.....	Harlan

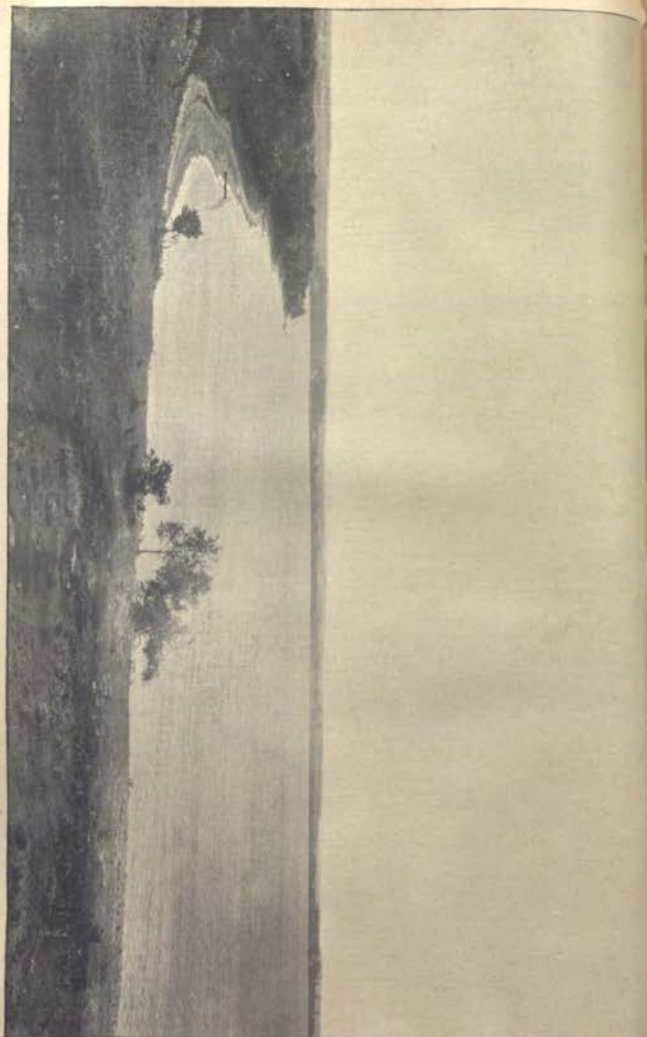


1895.]

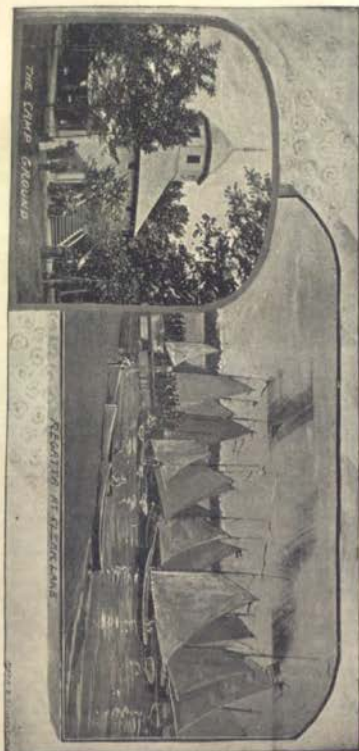
Wm. Hellman.....	Council Bluffs
Albert Head.....	Jefferson
Carl Denhardt.....	Jefferson
Geo. Russell.....	Greene
Henry Hoerling.....	Newton
S. Lane.....	Hopeville
L. J. Siple.....	Tipton
H. Giles.....	Panora
W. J. Applegate.....	Scarsboro
Geo. Davidson.....	Baxter
H. A. Gilman.....	Mt. Pleasant
S. A. Yaries.....	Vinton
Frank Greeley.....	Gravity
James Rodabaugh.....	Birmingham
A. McConaughy.....	Knoxville
R. A. Townsend.....	Honey Creek
J. H. Scholtz.....	Victor
J. E. Scott.....	Glenwood
Peter Hoffman.....	Greenfield
John Plogmann.....	Corley
John Harris.....	Morning Sun
J. R. Parmelee.....	Iowa Falls
J. D. Doorman.....	Mt. Vernon
Joseph Copeland.....	Logan
E. P. Noble.....	Harlan
W. C. Bunnels.....	Dunlap
Wm. Hexamer.....	Greenfield
O. C. Craver.....	Deep River
M. Flamant.....	Misota
J. S. Baker.....	Eagle Grove
John Grassman.....	Cromwell
Fred S. Murrell.....	Barney
J. S. Ringland.....	Ft. Dodge
F. H. Brounig.....	Kent
Jake Harst.....	Zearing
I. P. Moore.....	Coifax
Charles Stemmer.....	Littleport
M. J. Ansberry.....	Milo
T. Knudson.....	Rathvyn
Sweeney & Sams (2d lot).....	Cedar Rapids
Herman Rietveld.....	Pella
F. D. Hoff.....	Grimes
J. T. Hallock.....	Brayton
Herman Schum.....	Denison
J. E. Parmelee (2d lot).....	Iowa Falls
Henry Suit.....	Gilman
W. M. Leighton.....	Oskaloosa
H. J. Kuchner.....	Denison
E. J. Garlock.....	Des Moines
Lyman B. Parshall.....	Maquoketa
Jerry Crowley.....	Ozark

## GOLD FISH DISTRIBUTION.

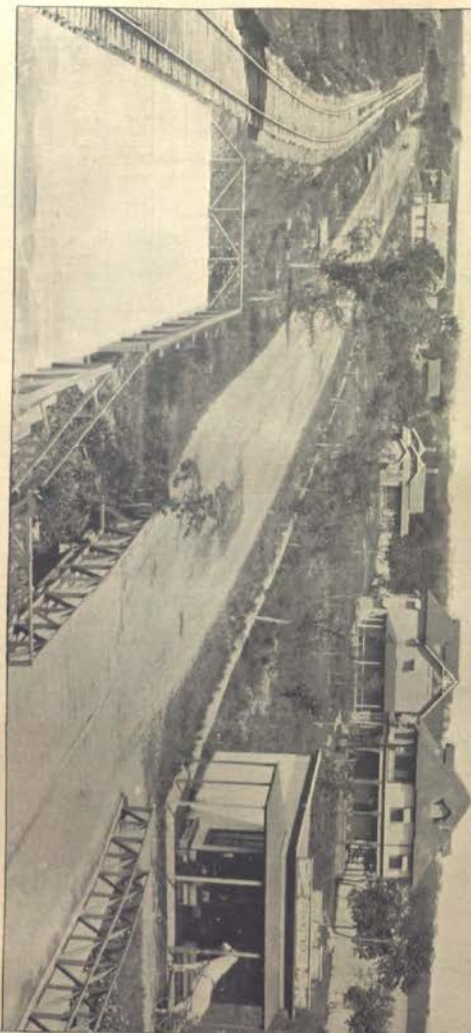
Soldiers' Orphans' Home.....	Davenport
J. E. Kellogg.....	Spencer
D. Cross.....	Mason City
O. E. Woods.....	Mason City
Wm. Post.....	Estherville
Arthur Stanhope.....	Estherville
Wesley Belknap.....	Golffield
Mrs. J. A. Whitaker.....	Bolfe
J. W. Hanson.....	Emmetsburg
A. C. Strong.....	Sioux City
Mrs. J. S. Fletcher.....	Estherville



Lew Barnes	Estherville
S. H. Dye	Estherville
Dick Witherell	Estherville
W. S. Richards	Des Moines
Mrs. O. O. Tolerton	Sioux City
Mrs. N. Harman	Sheldon
Mrs. J. T. Smith	Upton
Rev. T. E. Fleming	Cedar Rapids
G. F. Johnson	Webster City
G. A. Nichols	Estherville
F. Baldwin	Hampton
Coates & Robinson	Dubuque
John A. Noe	Amama
C. G. Price	Marengo
Mrs. G. L. Dixon	Sheldon
J. N. Tophill	Decorah
C. E. Tapp	Castalia
Mrs. O. A. Salisbury	Estherville
A. L. Bush	Emetsburg
J. J. Reardon	Emetsburg
Mrs. Chas. Van Gorder	Audubon
J. E. Cravler	Cedar Rapids
Horace Bennett	Des Moines
L. A. Henningsway	Spirit Lake
L. D. Saabye	Spirit Lake
E. W. Parno	Spencer
O. C. Perrin	Greene
Fred Phillips	Greene
George Godden	Spirit Lake
A. M. Tucker	Estherville
P. E. Narey	Lyons
C. R. McMillin	Spirit Lake
Edin Lake	Cedar Rapids
John Montgomery	Geneva
Mrs. E. I. Sondrol	Estherville
S. Shoemaker	Estherville
A. B. Ridley	Fontanelle
W. W. Fonda	Estherville
Mrs. Patrick	Garner
R. Martin	Des Moines
J. H. Carberry	Cedar Rapids
A. Bradley	Estherville
F. C. Williams	Estherville
F. D. Maboe	Estherville
C. K. Mead	Greene
Mrs. S. A. Tyson	Des Moines
D. H. Moore	Independence
McCardell & Meredith	Newton
Lewis C. Moo	Newton
W. J. Welch	St. Ansgar
J. C. Davis	Iowa City
Thomas J. Rigg	Marion
J. H. Griffin	Iowa Falls
Junger & Myers	Sioux City
E. E. Hall	Reinbeck
Mrs. J. M. Stella	Hartley
H. H. Green	Clarion
Mrs. C. R. Howe	Fayette
Mrs. James Davis	Des Moines
Mrs. W. T. Knapp	Des Moines
B. Ciapp	Charles City
S. H. Mallory	Sacaledale
C. D. Jones	Charlton
	Toledo



Clear Lake During State Regatta.



C. E. Tuttle.....	Cedar Rapids
J. Kussart, Jr.....	Eddyville
Miss N. F. Mannstedt.....	Dubuque
S. C. Jones.....	Ayrshire
Grace Hodges.....	Geneva
Mrs. F. D. Mitchell.....	Primgahr
W. W. Sterns.....	Humboldt
James Espeset.....	Estherville
W. C. Ayers.....	Estherville
W. H. Norfle.....	Manchester
A. J. Waterbury.....	Haywarden
W. E. Carr.....	Cedar Rapids
J. A. Lomax.....	Cedar Rapids
M. M. Burns.....	Sanborn
Peter Cross.....	Spencer
Miss Mamie Pritchard.....	Harlan
Mrs. E. S. Ellsworth.....	Iowa Falls
A. F. Lough.....	Estherville
A. Koehn.....	Amama

## ESTIMATE OF FUNDS NECESSARY FOR 1896-7.

For building two new ponds.....	\$ 200
Assistant's salary.....	600
Purchase of car and equipments for transporting fish for two years.....	5,000
For protection, distribution and reproduction of fish for next two years.....	15,000

This would give the commission about \$7,000 per annum, which is little enough for the amount of work to be done.

## ACKNOWLEDGEMENTS.

During my term of office various railroad companies have rendered valuable assistance and courtesies to the commission, and have drawn cars free of charge whenever requested. To the Burlington, Cedar Rapids & Northern Railway company, and Chicago, Milwaukee & St. Paul Railroad company are we indebted in a greater degree than to any of the others, as we cannot get in or out of Spirit Lake without going over one of these popular lines. We desire to express our grateful appreciation for this kindness, and to also thank the employes of these roads for timely assistance in handling heavy fish cars.

To Senator W. B. Allison and Congressman J. P. Dolliver are we under obligations for valuable aid.

The Iowa commission is indebted to the Hon. M. McDonald, United States fish commissioner, for several large shipments of wall-eyed pike, black bass, and carp, the best native food fishes produced. We return grateful acknowledgments for the same.

The press of the state has spoken well of our work, given us extended notices, and in every instance to which our attention has been called the law has been upheld in a zealous manner. We desire to return thanks to one and all, and it is unnecessary to state that the uniform kindness is appreciated.

Col. S. P. Bartlett, superintendent of the government fisheries at Quincy, Ill., has granted us repeated favors. For his kindness are we especially grateful, as we could not have done the work of distribution so effectually without his aid.

## STATEMENT OF RECEIPTS AND EXPENDITURES.

	Expend- itures.	Receipts.
Amount appropriated by the Twenty-fifth General Assembly.....		\$ 6,000.00
April, 1894.....	\$ 392.57	
May, 1894.....	284.70	
June, 1894.....	284.35	
July, 1894.....	99.73	
August, 1894.....	157.03	
September, 1894.....	199.28	
October, 1894.....	173.02	
November, 1894.....	182.31	
December, 1894.....	168.77	
January, 1895.....	181.15	
February, 1895.....	115.90	
March, 1895.....	270.61	
April, 1895.....	328.81	
May, 1895.....	212.57	
June, 1895.....	184.44	
July, 1895.....	176.35	
August, 1895.....	382.32	
September, 1895.....	267.34	
October, 1895.....	291.36	\$ 3,000.00
Amount on hand November 1, 1895.....		\$ 2,000.01

An itemized report is filed with auditor of state.

Respectfully submitted.

GEO. E. DELAVAN,  
*Commissioner.*



Center Lake, Dickinson County.

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APPENDIX.

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## FISH LAWS OF IOWA.

### CHAPTER 34, LAWS OF TWENTY-THIRD GENERAL ASSEMBLY—PRESERVATION OF FISH.

SECTION 1. [*Laws Repealed.*] That sections 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11 of chapter 50 of the Acts of the Fifteenth General Assembly, chapter 70, Acts of the Sixteenth General Assembly, sections 3, 5, 6, 7 and 8 of chapter 80, Acts of the Seventeenth General Assembly, chapter 92, Acts of the Eighteenth General Assembly, and chapter 9, Acts of the Twentieth General Assembly, be and the same are hereby repealed, and the following enacted in lieu thereof:

SEC. 2. [*Use of Hook and Line.*] It shall be unlawful for any person to take from any of the waters of the state any fish in any manner except by hook and line: except that it shall be lawful for any person to take minnows for bait with a seine that does not exceed five yards in length. The word minnows as used herein does not include or apply to young bass, pike, crappies, trout, salmon, or fry of any game fish, either native or foreign; and all such fish, either young or adult, so taken, shall be immediately returned to the water from whence taken. It shall be lawful for the state fish commissioner to take from any of the public waters in any manner any fish for the purpose of propagation or restocking other waters.

SEC. 3. [*Taking Forbidden.*] It shall be unlawful for any person to catch or take from any of the waters of the state any salmon or trout between the first day of November and the first day of April following, or any bass, pike, crappies, or any other game fish between the first day of April and the fifteenth day of May following in each year, in any manner whatsoever.

SEC. 4. [*Unlawful to Sell.*] It shall be unlawful for any person, company or corporation to buy, sell or offer for sale, or have in his or their possession for sale or transportation any fish which shall have been taken in violation of sections 2 and 3 of this act.

SEC. 5. [*Violation—Penalty.*] Any person found guilty of violation of the preceding sections of this act, shall upon conviction before any justice of the peace, mayor of any incorporated town or city or any court of record within the county in which such offense is committed, be fined not less than ten nor more than fifty dollars, and stand committed until such fine and costs are paid.

SEC. 6. [*Unlawful Obstructions.*] No person shall place, erect or cause to be placed or erected, in or across any of the rivers, creeks, lakes or ponds,

or any outlets or inlets thereto, any trot line, seine, net, weir, trap, dam or other obstruction in such manner as to hinder or obstruct the free passage of fish up or down or through such water-course for the purpose of catching or taking fish, unless the same be done under the supervision of the fish commissioner, except minnows, as provided in section 2 of this act.

SEC. 7. [*Drugs—Explosives.*] No persons shall place in any of the waters of the state any lime, ashes, drug or medicated bait, or shoot any gun or use any dynamite, gun cotton, giant powder or other explosive, or any electrical machine or device with the intent thereby to kill, injure, poison, stupefy or catch fish.

SEC. 8. [*Violation—Penalty.*] Any person found guilty of violation of sections 6 or 7 of this act shall, upon conviction before any justice of the peace, mayor of any incorporated town or city, or any court of record in the county in which such offense is committed, be fined not less than twenty-five dollars nor more than one hundred dollars, and stand committed until such fine is paid. And any seine, net, trap, or other device used in violation of section 6 or 7 of this act may be seized and destroyed by order of the court before whom such action may be brought.

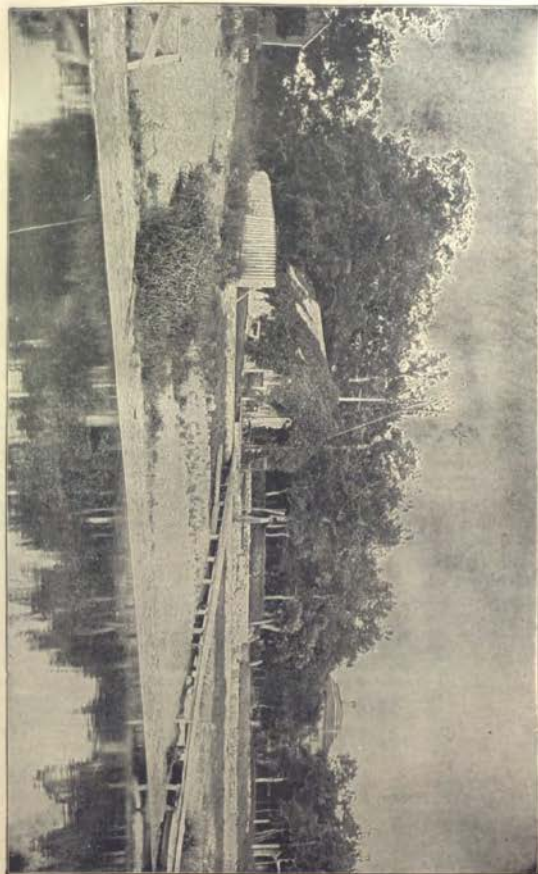
SEC. 9. [*Fee to Informant.*] In all prosecutions under sections 2, 3, 4, 5 and 13 of this act, the person filing the information shall be entitled to a fee of five dollars, which shall be taxed as costs against the person, company or corporation so convicted, and in all prosecutions under sections 6, 7 and 8 of this act the persons filing the information shall be entitled to a fee of ten dollars, which shall be taxed as costs as above provided, but in no case shall the fee of the informant be paid out of the county treasury. Any fish found in the possession of any person, company or corporation taken in violation of the preceding sections shall be seized and sold for the purpose of paying the costs in the case.

SEC. 10. [*Ova Premises—Trespass.*] Persons raising or propagating fish on their own premises, or owning premises on which there are waters having no natural outlet or inlet through which such waters may become stocked or replenished with fish from public waters, shall absolutely own such fish as they may contain, and any person taking or attempting to take any fish therefrom without the consent of the owner or his agent shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, or imprisoned in the county jail not more than thirty days, and shall be liable to the owner of the fish in damages in double the amount of damages sustained, the same to be recovered in civil action before any court having jurisdiction over the same.

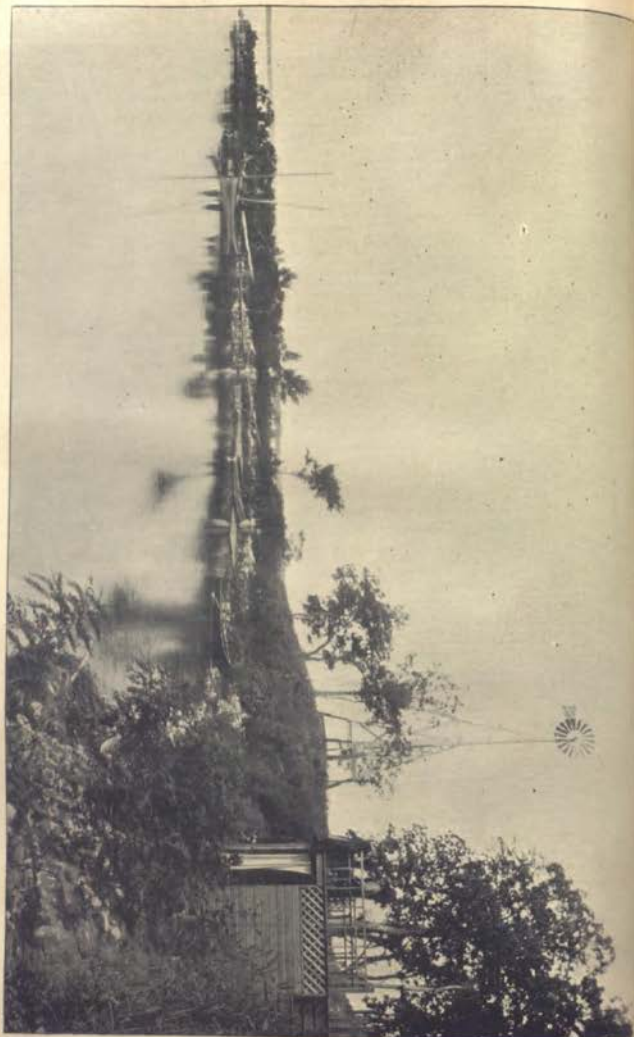
SEC. 11. [*Certain Rivers Excluded.*] Nothing herein contained shall be held to apply to fishing in the Mississippi, the Missouri or the Big Sioux rivers, nor so much of the Des Moines that forms the boundary between the states of Missouri and Iowa.

SEC. 12. [*Enforcement of Law.*] It shall be the duty of the fish commissioner to see that the provisions of this act are enforced, and for that purpose he shall have the right to call to his assistance any prosecuting attorney to prosecute all violations of this act in the county where such violations occur.

When requested by the fish commissioner, the attorney-general shall give his opinion in writing upon all questions of law pertaining to his office.



View On Clear Lake.



Nothing in this act shall be construed as prohibiting any citizen from instituting legal proceedings for the enforcement of any provision hereof.

SEC. 13. [*Stocked Stream.*] It shall be unlawful for any person to fish for or catch in any manner any fish in any stream in this state which has been stocked with breeding trout—one or two years old—by this state or the United States fish commission for one year from date of said stocking, provided notice of said stocking is posted by authority of the state fish commissioner whenever a public highway crosses such stream.

Any violation of this section shall be subject to the penalties prescribed in section 5 of this act.

SEC. 14. All acts or parts of acts, inconsistent or in conflict herewith, are hereby repealed.

Approved April 1, 1890.

SEC. 4054. [*Trespass.*] Any person who shall go upon the premises of any person or corporation, whether enclosed or not, and shall be found seeking to take, by any means whatsoever, except by hook and line, any fish, shall be deemed guilty of trespass, and may be prosecuted in the name of the state of Iowa by any person in possession of said premises, before any justice of the peace, or other court of competent jurisdiction, and fined not less than five nor more than fifty dollars.—As amended by chapter 30, laws Fifteenth General Assembly.

SEC. 4041. [*Contaminating Water.*] If any person throw or cause to be thrown, any dead animal into any river, well, spring, cistern, reservoir, stream or pond, he shall be punished by imprisonment in the county jail not less than ten nor more than thirty days, or by fine not less than five nor more than one hundred dollars.

#### CHAPTER 188, LAWS OF SEVENTEENTH GENERAL ASSEMBLY—FISH WAYS.

SECTION 1. [*Fish Ways Constructed.*] That the owner or owners of any dam or obstruction across any river or stream, creek, pond, lake, or water-course in this state, shall, within a reasonable time, erect, construct and maintain, over or cross said dam or obstruction, a suitable fish way of suitable capacity and facility to afford a free passage for fish up and down through such water-course when the water of said stream is running over the said dam.

SEC. 2. [*Nuisance.*] Any dam or obstruction mentioned in section 1 of this act, not provided with such fish way within a reasonable time after the taking effect of this act, is hereby declared a nuisance and may be abated accordingly.

SEC. 3. [*Violation—Penalty.*] Any person guilty of the violation of the provisions of this act, shall, upon conviction before a justice of the peace, be fined not less than five nor more than fifty dollars for the first offense and not more than twenty dollars for each subsequent offense, and shall stand committed until such fine is paid.

Approved March 26, 1878.

#### CHAPTER 63, LAWS OF TWENTY-FIRST GENERAL ASSEMBLY—FISH DAMS.

SECTION 1. [*Cities May Build Fish Dams.*] That any city or incorporated town which is bounded in whole or in part by any meandered lake or chain of lakes, of this state, or any board of supervisors of the county in which said lake or chain of lakes is situated is hereby authorized and

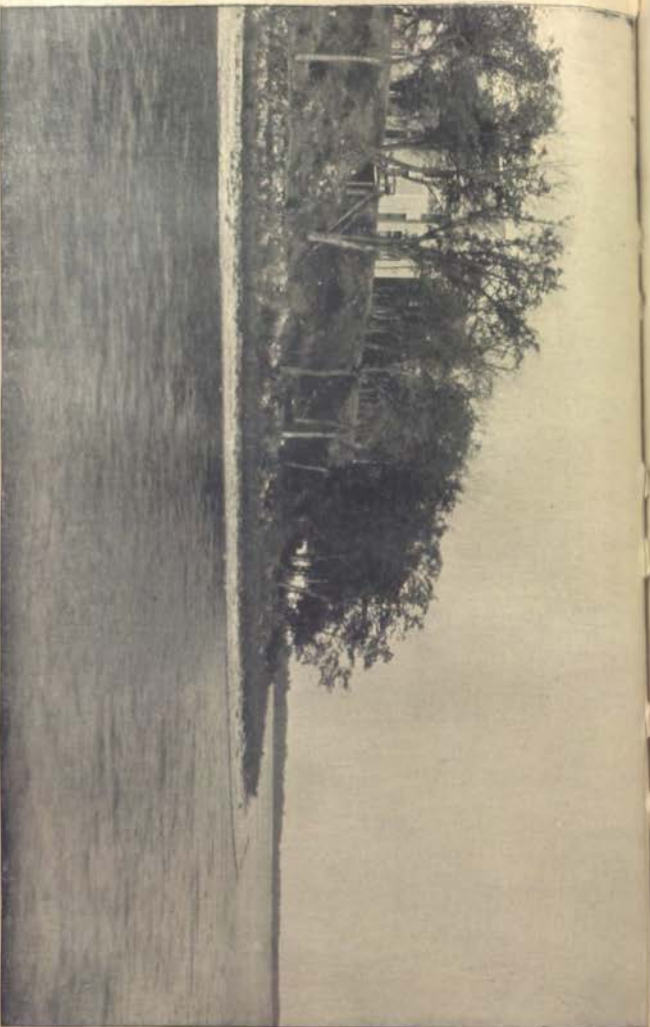


empowered to construct and maintain across any outlet or inlet of such lake a dam to obstruct the passage of fish. Such dam may be constructed of earth, masonry or other substance to the height of the natural and ordinary level of the lake, but above such level and across the entire width of the natural outlet it shall be an open net-work of bars, rods, or wire, including however the necessary and proper framework and supports therefor. Said net-work may be constructed to prevent so far as possible the escape of fish from the lake. But nothing herein contained shall be construed to authorize the raising of the ordinary and natural level of the lake or the interfering with any water power, dwelling house, out-building, orchard or grove.—As amended by chapter 108, laws of Twenty-second General Assembly and chapter 46, laws of Twenty-fourth General Assembly.

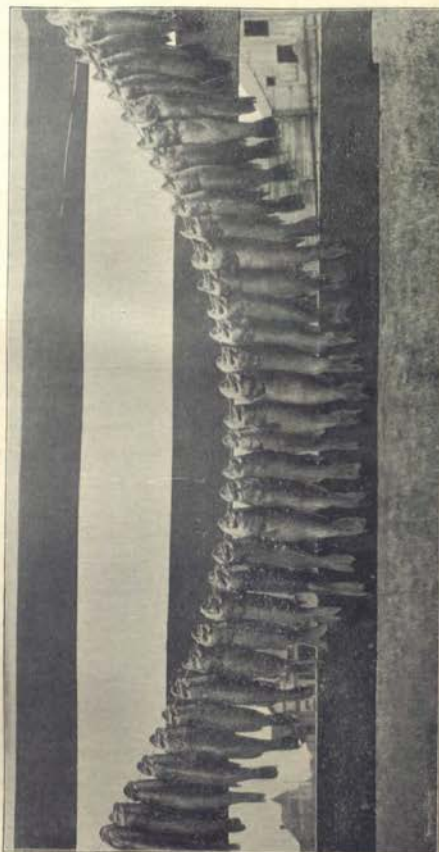
SEC. 2. [*Property Condemned.*] Such city or town is authorized to purchase or to condemn in the manner provided by law for condemning private property for streets and other municipal purposes so much land situated within or without the corporate limits of said city or town as the council deem necessary for the construction and maintenance of such dam and to pay for the same out of the general fund; *provided*, that before any city or incorporated town shall be authorized to acquire property or construct or maintain a dam by virtue of the provisions of this act a majority of the resident taxpayers of such city or town shall petition the council therefor.

SEC. 3. [*Penalty.*] If any person shall willfully injure or destroy or be a party to the injury or destruction of any dam constructed or maintained by virtue of the provisions of this act he shall be punished by a fine not exceeding five hundred dollars and by imprisonment in the county jail not exceeding one year.

Approved April 1, 1886.



Templar Point, Spirit Lake.



Result of Ninety Minutes' Black Bass Fishing in Little Spirit Lake By Two Persons With Hook and Line.

## GAME LAWS OF IOWA.

SECTION 4063. [*Killing Birds.*] If any person kill, trap, ensnare, or in any manner destroy any of the birds of this state, excepting birds of prey, the migratory aquatic birds, English sparrow and those which are useful for food, and the killing of which at certain seasons of the year is now permitted by law, or in any manner destroy the eggs of such birds as are hereby intended to be protected from destruction, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than five nor more than twenty-five dollars. But persons killing birds for scientific purposes, or for preservation in museums and cabinets, shall be exempt from the penalties of this section, upon making satisfactory proof of the purpose for which they have killed any such bird or birds.—As amended by c. 103, laws 22 G. A.

### CHAPTER 103, LAWS TWENTY-SECOND GENERAL ASSEMBLY.

SECTION 1. [*Duty of Officers.*] That it shall be the duty of every peace officer who may have knowledge of any violation of the provisions of section 4063 of the code to immediately file information against the person so violating said provisions before some justice of the peace having jurisdiction of said offense, and to cause the arrest of such person and to immediately give the county attorney all information within his knowledge concerning such violation.

SEC. 2. [*Neglect of Duty.*] Any peace officer who may have knowledge of any violation of the provisions of said section 4063 and shall fail and neglect to perform his duty as herein specified shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than two nor more than ten dollars.

SEC. 3. [*English Sparrows.*] Section 4063 of the code is hereby amended by inserting after the words "aquatic birds" the words "English sparrows." Approved April 11, 1888.

### CHAPTER 156, LAWS SEVENTEENTH GENERAL ASSEMBLY. PRESERVATION OF GAME.

SECTION 1. Repeals sections 4048, 4049, 4050, 4051, of code, chapter 69, laws Fifteenth General Assembly, and chapter 122, laws Sixteenth General Assembly.

SEC. 2. [*Season Closed.*] It shall be unlawful for any person within this state to shoot or kill any pinnated grouse or prairie chicken, between the first day of December and the first day of September next following; any woodcock between the first day of January and the tenth day of July;

any ruffed grouse or pheasant, wild turkey or quail, between the first day of January and the first day of October; any wild duck, goose or brant, between the first day of May and the fifteenth day of August; or any wild deer, elk or fawn, between the first day of January and the first day of September.—As amended by chapter 67, laws Twentieth General Assembly.

SEC. 3. [*Number Killed in One Day.*] It shall be unlawful for any person, at any time, or at any place within this state, to shoot or kill for traffic any pinnated grouse or prairie chicken, woodcock, quail, ruffed grouse or pheasant; or for any one person to shoot or kill during any one day, more than twenty-five of either kind of said named birds; or for any one person, firm or corporation, to have more than twenty-five of either kind of said named birds in his or their possession at any one time, unless lawfully received for transportation; or to catch or take, or attempt to catch or take, with any trap, snare or net, any of the birds or animals named in section 2 of this act, or in any manner wilfully to destroy the eggs or nests of any of the birds hereby intended to be protected from destruction.

SEC. 4. [*Animals Protected.*] It shall be unlawful for any person to kill, trap or ensnare any beaver, mink, otter or muskrat, between the first day of April and the first day of November, except where such killing, trapping, or snaring may be for the protection of private property.

SEC. 5. [*Possession.*] It shall be unlawful for any person, company or corporation, to buy or sell, or have in possession any of the birds or animals named in section 2 of this act, during the period when the killing of such bird or animal is prohibited by section 2, except during the first five days of such prohibited period; and the having in possession by any person, company or corporation of any such birds or animals during such prohibited period, except during the first five days thereof, shall be deemed *prima facie* evidence of a violation of this act.

SEC. 6. [*Shipping Prohibited.*] It shall be unlawful for any person, company or corporation at any time to ship, take or carry out of this state, any of the birds or animals named in section 2 of this act; but it shall be lawful for any person to ship to any person within this state, any game birds named in said section 2, not to exceed one dozen in number in any one day, during the period when, by this act, the killing of such birds is not prohibited; provided, he shall first make an affidavit before some person authorized to administer oaths, that said birds have not been unlawfully killed, bought, sold or had in possession, are not being shipped for sale or profit, giving the name and post-office address of the person to whom shipped, and the number of birds to be so shipped. A copy of such affidavit, endorsed, "a true copy of the original," by the person administering the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad agent or common carrier receiving such birds for transportation, and the same shall operate as a release to such carrier or agent from any liability in the shipment or carrying of such birds.

The original affidavit shall be retained by the officer taking the same, and may be used as evidence in any prosecution for violation of this act. Any person swearing falsely to any material fact of said affidavit, shall be guilty of perjury and punished accordingly.



SEC. 7. [*Penalty for Killing.*] If any person shall kill, trap, ensnare, buy, sell, ship, or have in possession, or ship, take or carry out of the state, contrary to the provisions of this act, any of the birds or animals named in this act, or shall wilfully destroy any eggs or nests of birds named in this act, shall be punished by a fine of ten dollars for each bird, beaver, mink, otter or muskrat; twenty-five dollars for wild deer, elk or fawn, and ten dollars for each nest, or eggs therein, so killed, trapped ensnared, bought, sold, shipped, had in possession, destroyed or shipped, taken or carried out of the state, and shall stand committed to the county jail for thirty days unless such fine and costs of prosecution are sooner paid.

SEC. 8. [*Penalty for Shipping.*] If any railway, express company, or other common carrier, or any of their agents or servants, knowingly receive any of the above mentioned birds or animals for transportation or other purpose, during the periods hereinbefore limited and prohibited, or at any other time, except in the manner provided in section 6 of this act, they shall be punished by a fine of not less than one hundred, nor more than three hundred dollars, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

SEC. 9. [*Swivel Gun Prohibited.*] If any person shall shoot or kill any wild duck, goose or brant, with any swivel gun, or any kind of gun except such as is commonly shot from the shoulder; or shall use medicated or poisoned food to capture or kill any birds named in this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars for each offense, and shall stand committed to the county jail for thirty days, unless such fine and the costs of prosecution are sooner paid.

SEC. 10. [*Bringing Action.*] Prosecutions for violations of this act may be brought either in the county in which the offense was committed, or in any other county where the person, company or corporation complained of has had, or has, in his or their possession any birds or animals herein named, bought, sold, killed, trapped or ensnared, in violation of any of the provisions of this act.

SEC. 11. [*Prosecuting Attorney.*] In all prosecutions under this act the court before whom the same is brought shall appoint some attorney-at-law for the purpose of managing the prosecution of the case and such attorney shall be entitled to a fee of ten dollars in each and every case in which he is so appointed, and the person filing an information under this act shall, in case of conviction, be entitled to a fee equal to one-half of the amount of the fine imposed on each conviction, and both the fee of such attorney and the informant shall be taxed as costs in the case against the person convicted.

Provided, That the county shall in no case be held liable for said attorney's fee or penalty.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 25, 1878.

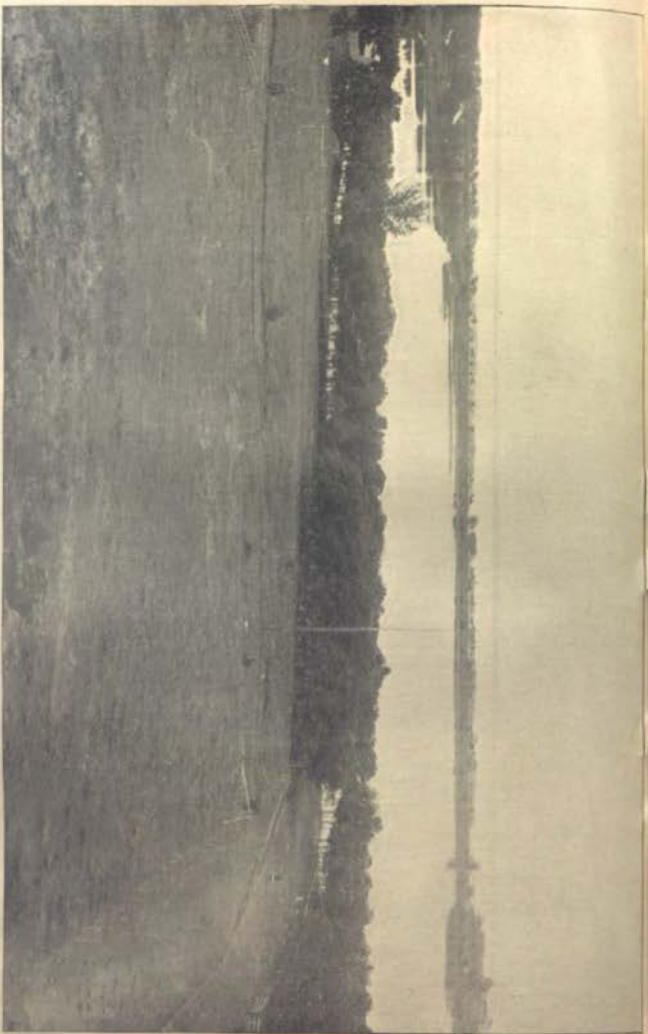
## CHAPTER 64, LAWS TWENTY-FIFTH GENERAL ASSEMBLY.

To restrain hunters from trespassing upon cultivated or enclosed lands without permission, and providing penalties therefor.

SECTION 1. [*Must obtain Permit.*] No person shall hunt with dog or gun upon the cultivated or enclosed lands of another without first obtaining permission from the owner, occupant or agent thereof.

SEC. 2 [*Penalty for Violation.*] Any person violating the provisions of this act shall be punished by a fine of not more than ten dollars and costs of prosecution and shall stand committed until said fine and costs are paid, for each and every offense, but no prosecution shall be commenced under this act except upon information of the owner, occupant or agent of such cultivated or enclosed lands.

Approved February 28, 1894.



Looking North from City of Spirit Lake.