

Fourteenth Biennial Report

OF THE

State Fish and Game Warden

TO THE

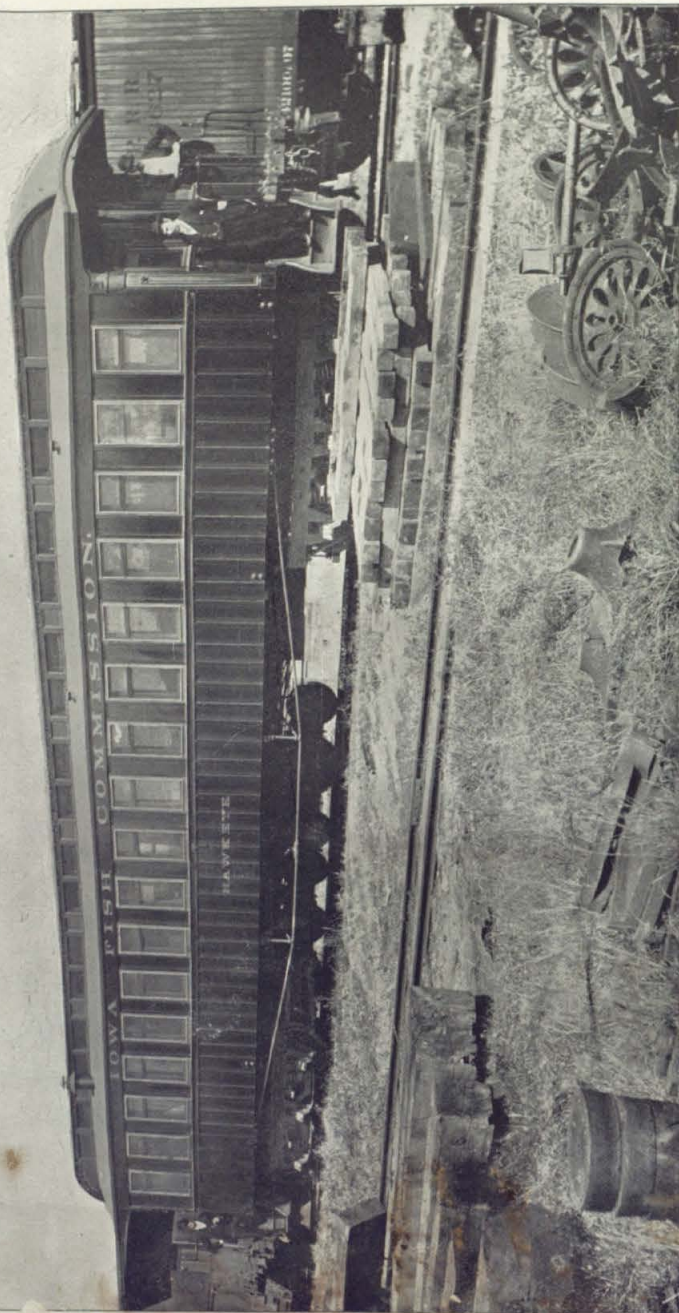
Governor of the State of Iowa

1900-1901

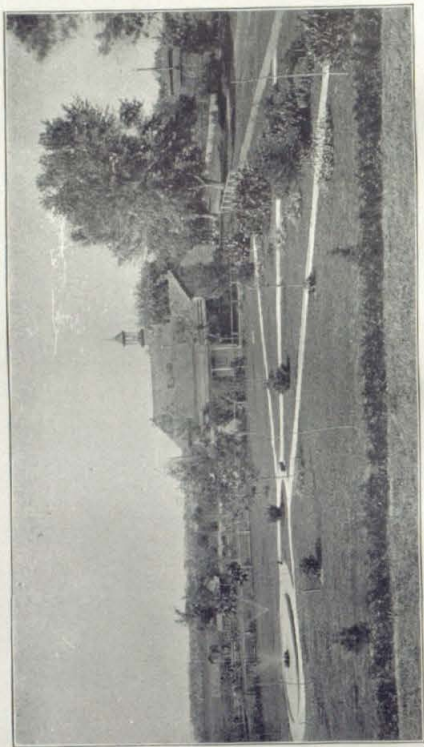
GEO. A. LINCOLN, WARDEN.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY.

DES MOINES:
B. MURPHY, STATE PRINTER,
1901



STATE FISH CAR.



ARTISIAN WELL AL LA BULA THAT FURNISHES STATE RETAINING POND WITH WATER.



RETAINING PONDS

CHERY

REPORT.

To His Excellency, Leslie M. Shaw, Governor of the State of Iowa:

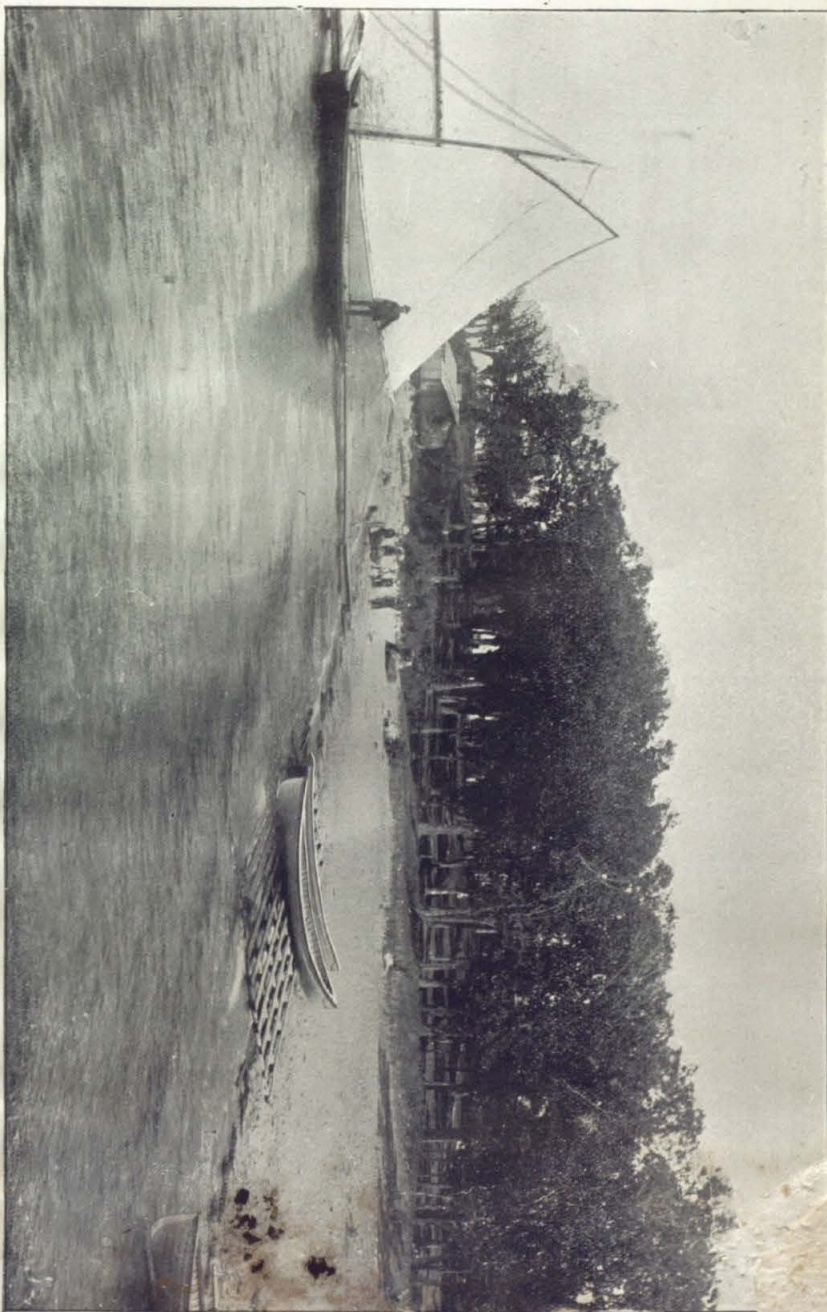
DEAR SIR—Pursuant to the provisions of section 2539, creating the office of fish and game warden, I submit herewith for your consideration the fourteenth biennial report of the state fish commissioner and the second biennial report of the state game warden.

The data contained within this report for the period prior to April 1, 1901, have been obtained from the various records and books to which I have had access, while the information covering the period from April 1, to November 1, 1901, is from my personal knowledge and actual experience, my appointment to the office having been made at the first mentioned date. I should be pleased to make a further and more detailed report of the placing of fish in private waters throughout the state had I the data at hand. In relation to the public waters, their disposition is fully shown herein.

The articles contained in the following inventory came into my hands as state property from former warden, George E. Delavan. Except for the seines and some other minor articles, the same were in good condition throughout:

- 1 50-foot seine, 1 inch mesh.
- 1 50-foot seine, 1 inch mesh.
- 9 glass hatching jars.
- 12 glass tubes for hatching jars.
- 1 aquarium, 2x6 feet.
- 4 zinc hatching boxes.
- 1 fish food chopper.
- 1 walnut table, 5 feet.
- 1 Code of Iowa, 1873.
- 1 old ledger, 1878.
- 1 commissioner's account book. (In car.)
- 1 commissioner's record.
- 1 blank book, canvas cover.
- 15 United States fish commissioners' reports.
- 6 40-gallon fish cans.
- 2 10-gallon fish cans.

- 2 12-foot troughs, for hatching boxes.
- 2 6-foot troughs.
- 1 250-barrel fish tank.
- 1 row-boat, with two pairs oars and anchor.
- 1 old boat and one pair oars.
- 1 grindstone and frame.
- 35 hatching boxes with trays.
- 13 carp pails.
- 1 handsaw.
- 1 handax.
- 1 pair pipetongs.
- 1 pick.
- 1 stove and pipe. (In hatchery.)
- 1 garden rake.
- 2 small monkey-wrenches.
- 2 Halliday windmills, and pumps. (One fan short.)
- 1 fish car.
- 20 fish tanks.
- 1 gasoline stove.
- 1 hard coal stove. (In car.)
- 1 cane seat revolving chair.
- Wood seat office chairs.
- 1 cuspidor.
- 5 bracket car lamps. (Brass.)
- 1 coal hod.
- 10 sheets.
- 4 comforts.
- 8 pair blankets.
- 4 pillows.
- 7 pillow-cases.
- 3 towels.
- 1 feather duster.
- 1 small broom.
- 1 screw-driver.
- 1 lot dishes and kitchen utensils.
- 2 bunk canvas.
- 12 journal brasses.
- 50 feet $\frac{1}{4}$ -inch hose.
- 1 400-foot seine.
- 1 200-foot seine.
- 1 150-foot seine.
- 1 75-foot seine.
- 1 1,200-foot seine, and ropes complete.
- 3 fish-pail yokes.
- 1 box report cuts. (In hands of F. R. Conaway.)
- 1 lawn mower at hatchery.
- 1 hatchet in car.
- 1 box report cuts in car.
- 1 gasoline launch, complete, Fairbanks and Morse engine. (Sabula.)
- 5 fish boxes. (Sabula.)



ARNOLD'S PARK.



STATE HATCHERY AND ASSISTANT SUPERINTENDENT'S RESIDENCE.

- 1 boat-house 32 by 12 feet and anchor ropes complete. (Sabula.)
- 1 lawn mower. (Sabula.)
- 1 rake. (Sabula.)
- 150 feet 1-inch rubber hose. (Sabula.)
- 6 empty fish barrels. (Sabula.)
- 1 dip net. (Sabula.)

The only cost for equipment since my appointment has been for the placing of concrete bottoms in the state ponds at Sabula, for the repair of the windmills at the hatchery, and for the purchase of one new fishing boat.

STATE HATCHERY AT SPIRIT LAKE.

When the state hatchery was first located at Spirit Lake, there was a free flow of water between the two lakes "Spirit" and "East Okoboji," which seemed to insure a sufficient supply for the propagation of fish. However the water in each of these lakes has so far receded that there is now no connection between them, and the water furnished is inadequate for proper culture. This has rendered it necessary to pump all water used in the ponds by windmills, a slow and unsatisfactory process. What will be the outcome and disposition of this plant will have to be determined after the season is over and the final result of the year is shown. In preceding seasons Mr. S. B. Peterson, the superintendent, has raised a great many goldfish and carp, and a few varieties of game fish, which have been distributed at various places throughout the state as shown by former reports. This year, either on account of the extreme cold weather, the failure of the water-supply, or from other causes unknown, there have been so few even raised that there has been practically none for distribution. I am informed that all the hatcheries in Iowa have to a great extent proved disappointments and failures this season.

GATHERING FISH AT SABULA.

As pointed out in the last report of my predecessor in office, the facilities at Sabula for gathering small fish for distribution are unusually good, the equipment being first-class and the supply inexhaustible. The ponds, under the care of Mr. Charles H. Swift, are in fine condition. The presence of the state launch at Sabula will also prove of great assistance in securing quantities of fish from the rivers and bayous of the Mississippi, and I anticipate being able this fall to place within the interior waters of the state great quantities of food and game fish, consisting of black and silver bass, pike, crappie, perch, sunfish, and channel

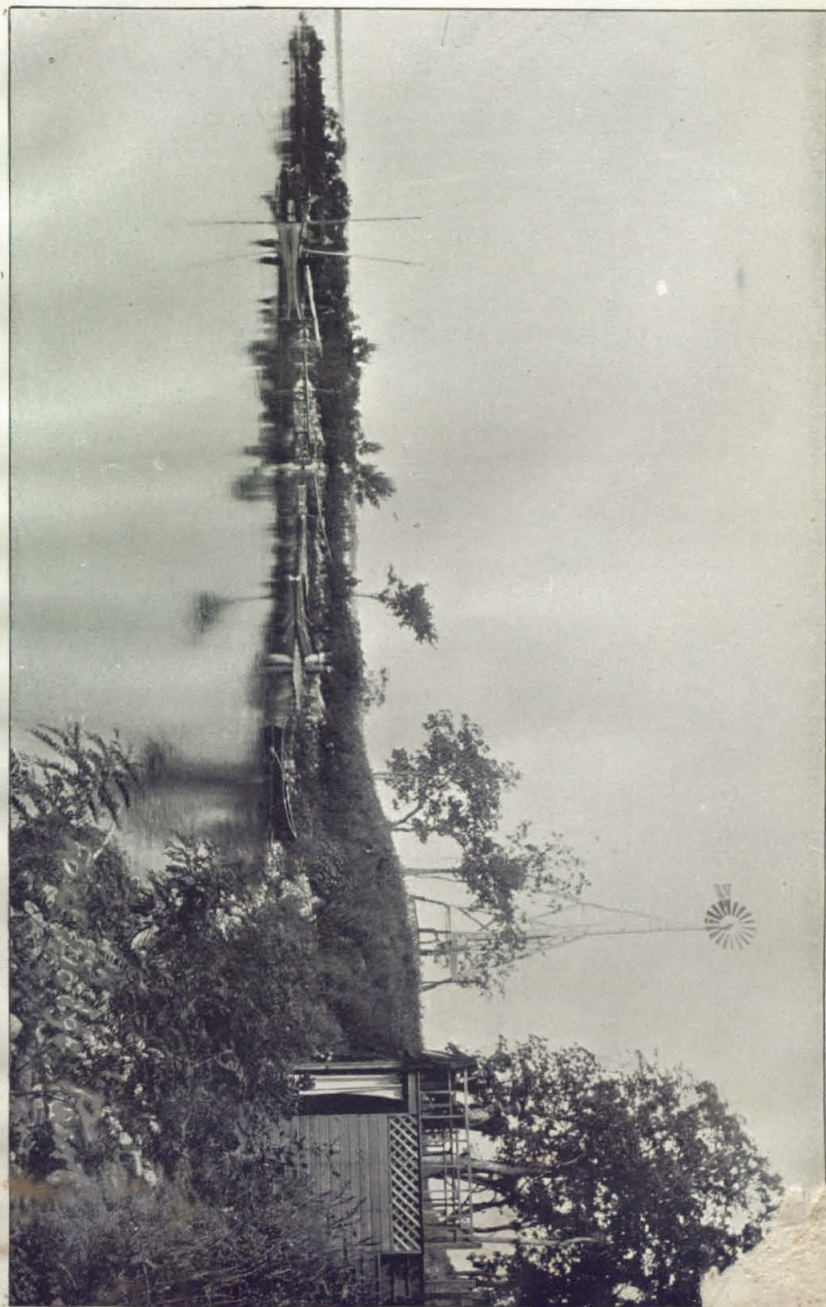
cat. This is to me very gratifying, inasmuch as last year, I am informed, the Mississippi was so high that it was impossible to secure sufficient quantities of fish for shipment, with the result that only a single car-load was sent out during 1900. This fall, however, as I believe after a careful examination, the conditions are fit for an abundant supply, and we will be able to replenish many of the interior lakes and rivers, beginning the work of distribution about the middle of September.

Could I use the car at all seasons of the year it would be impossible to supply all the many demands made upon me for fish, but I shall endeavor to divide the output as equitably as I may among the different sections of the state.

FISH AND GAME WARDENS.

I find during my short term that it is almost impossible, with the deputy system as it now is, to fully enforce the provisions of the fish law, especially those relating to seining and dynamiting. I have at this time 150 deputies, an increase since the last report of seventy-one, but many of them are deputies in name only, inasmuch as they are business men, who will not file informations against law-breakers in their own towns, but instead are willing only to make reports to me in order that I may set on foot the prosecutions. It is simply a physical impossibility for me to go to all the places where I am called. I have attempted to do so wherever sent for, but at times there have been from ten to fifteen cases at once, and I could not attend to them all. The whole system, in my opinion, is wrong, and should be changed to one wherein compensation is paid to the deputy wardens. It can readily be appreciated that work of the character these officers are called upon to do will bring to them more or less unpopularity among certain classes in their respective localities, to say nothing of the direct enmity of those men who are proceeded against. Few men care to enforce the law when there is no pecuniary compensation, at the same time risking the ill-will of their neighbors and of the pot-hunters, who are in many cases desperate and vindictive characters. A large number of these deputies have received their appointments laboring under a misapprehension of the fee system. They have sought the appointments under the impression that there was a direct compensation for the work, but, finding that this was a mistake and that they had to depend upon the fees alone, many have been disappointed and have failed to do or seek to accomplish anything. In many

FT. DODGE POINT, OKOBOJI LAKE.





TEMPLER POINT, SPIRIT LAKE.

instances I have been compelled to pay a per diem and expenses for work done, believing that the state of Iowa needed the services performed and did not desire its officers to work without some compensation.

As the law now stands the fee of the informant is taxed against the poacher and is not made a part of the fine. Thus, when the poacher seeks to escape a term in jail he pays his fine, but not the fee of the deputy, and there is no way to compel him to pay this obligation save only the civil method of execution, which is in ninety-nine cases out of a hundred ineffectual. The law should be so amended as to punish the poacher and reward the deputy, and that commensurately with the hazards of the position.

To show the character of the men against whom he must act, one striking instance from Woodbury county will afford a timely illustration. Mr. James Halliday, a deputy warden of that county, found one "Peg-leg" Geist and Tom Teller, poachers, seining in McCook lake. He appeared as a witness against them, and they were convicted and fined, while their seines were destroyed. Burning with revenge, they started, immediately upon their release, for the home of Deputy Halliday, where they made a desperate assault upon him and his father, who in the encounter was struck over the head with an oar, while Teller received a shot in his leg. The next day Teller and Geist, reinforced by one Howard Teller, came again upon Mr. Halliday and his hired man working in the fields. In this attack Howard Teller was knocked senseless, and Deputy Halliday was cut in the face with a knife by Tom Teller. Mr. Halliday fired upon the latter, but the shots missed their mark. Even this assault was not sufficient for these desperate men, and Mr. Halliday has since found in his bundles of grain, while threshing, pieces of iron, placed there with evident intention to injure him and destroy his thresher. Presumably these were put there by these men or their sympathizers, which serves only to show the relentlessness of their antipathy.

I would recommend that a totally different system be adopted, and suggest the following plan. *First*, let the state be divided into districts similar to the present congressional ones. Then let good, reliable men be appointed in these to serve for a fair salary, the fines paid to go into a fund meant to pay these same deputies, that is, such part as should go to the complainant. This will render certain that the informant would have compensation, so as to render him willing to incur the displeasure of his

neighbors, if such need be, while if reliable men be appointed this will insure good deputy service and obviate any possible tendency toward supineness because of a certain salary. The success of the plan will, in large measure, depend upon the reliability of the appointees, but for every public office there can be found men capable and honest and who will execute the duties connected with it. At any rate there should at least be made the change that the informant's fee be made a part, not of the costs, but of the fine, so that the fee will be paid by the poacher who seeks to avoid his jail sentence.

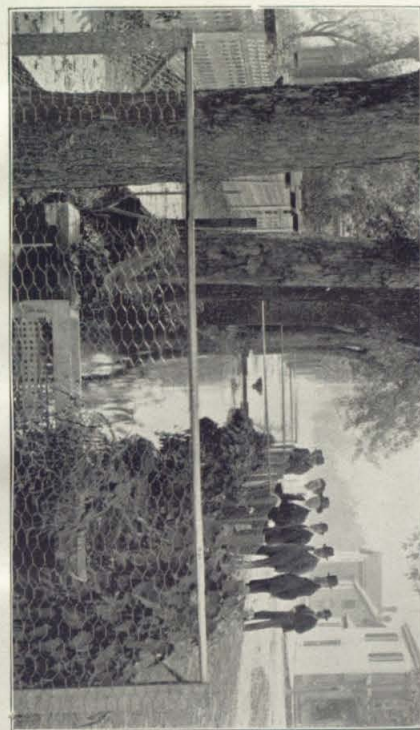
DYNAMITING AND SEINING.

The crime of dynamiting is the most inhuman of those within the warden's province, and also the most difficult to deal with. I recommend that the law should be amended as urged in the thirteenth biennial report, by former Warden Geo. E. Delavan, from which the following is an extract:

"We recommend that the law be changed so as to make the killing of fish by an explosive a felony. Under the present law the offense is made a misdemeanor, and the punishment does not fit the crime. We know of instances where thousands of choice small fish have been killed in this inhuman manner in order that the perpetrators might secure a few large ones."

The law as enacted by the Twenty-seventh General Assembly, making it a public nuisance to have in one's possession a seining net and equipment and giving the officer a right to seize the same without warrant, has been productive of much good. Our rivers and lakes in many places are swarming with carp and buffalo to the detriment of the game and the better classes of food fish. These species are destructive to the spawn of other fish, and are difficult to be ensnared, inasmuch as they will not bite at the ordinary hook. Furthermore, they multiply rapidly, and seining is prohibited as to them as well as to other fish by section 2540. I recommend that the law be so amended that they may be taken by spear or otherwise under the direction of your warden or his deputies, who shall be authorized to distribute the same as a food supply to those who are in need, or else to sell the fish thus taken in market. Such sale is feasible, inasmuch as these fish belong to those coarser families of food fish that are extensively used for food purposes.

During the winter season a great many of the small lakes and bayous freeze so solid that it is impossible for the fish to live. In several cases this spring, on the thawing of the ice, tons of all



POND AT LA BULA



PILLSBURY POINT, OKOHOJI.

kinds of dead fish have floated to the shore in such a decayed condition that the health authorities were compelled to remove the same at a large expense. There is, further, an entire loss of this great amount of food supply. This is especially true of Cedar lake, situated within the city limits of Cedar Rapids, where, during the spring of 1901, thousands of pounds of fish were washed ashore. I would recommend an amendment to the law that in cases of this kind your warden be given power to allow the taking of these fish, under his direction, in any manner. There would thus be saved large amounts of food now annually destroyed.

The provisions of the Minnesota law on this subject are as follows:

"Provided, further, that the board of game and fish commissioners may, upon application and satisfactory proof made to them, grant permission to fish in all shallow lakes in the state where fish are annually frozen or smothered to death, under such rules, regulations, and restrictions as they shall prescribe, and the designation by them of such lakes shall be final and conclusive."

WANTON DESTRUCTION OF FISH.

The wanton destruction of fish in our lakes during the open season by anglers, who desire to see how many fish they can catch in a given time, should be prohibited. The fish-car annually, at an expense to the state, places fish in these lakes for the benefit of sportsmen, but some fishermen wantonly strive to deplete the stock of fish in a few days. Certain parties this season at Spirit Lake, in the space of one week, sent home seven barrels of fish, and on their return home took with them two more. These fish so shipped were but the pick of their catch during the week. I would recommend that the law be so amended that the catching of more than twenty-five fish by any one person in any one day shall be deemed a wanton destruction of fish in excess of that number, and shall be a misdemeanor with a proper fine attached.

PRIVATE FISH-PONDS.

I believe that every person who has the natural facilities therefor should have a pond for the raising of fish for food. I have received many communications on this subject, and while I have not been able to do much in this line this season, on account of the condition of the water at the hatchery and the excessive hot weather of this summer, which has necessarily prevented shipments, yet I shall endeavor to fill all such demands made upon me as fast as possible, being confident that this industry will prove

an important adjunct to the people of this state and be an economic food resource.

FURTHER RECOMMENDATIONS.

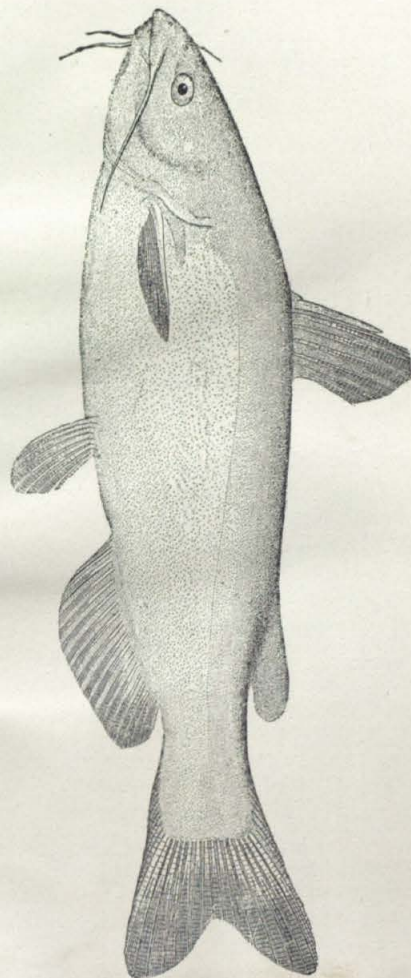
Your warden would further recommend an amendment to the law which will prevent fishing within 100 feet of any fishway. Fish congregate near such places and can be easily caught there in large quantities, so that the value of these is lessened, to say nothing of the wanton destruction that often ensues.

This season has been unprecedented in its exceedingly small rainfall. In consequence, the lakes and rivers of the state contain very little water, while, in some cases, they have dried up entirely. This has caused the destruction of a large amount of food-fish. In many cases your warden has seined them from the bayous into the rivers, and in some rivers placed them above and below the dams so as to get them into deeper water, but, in a large number of cases where the needed attention could not be given, the water has dried up and the fish have died, especially in the smaller lakes and streams.

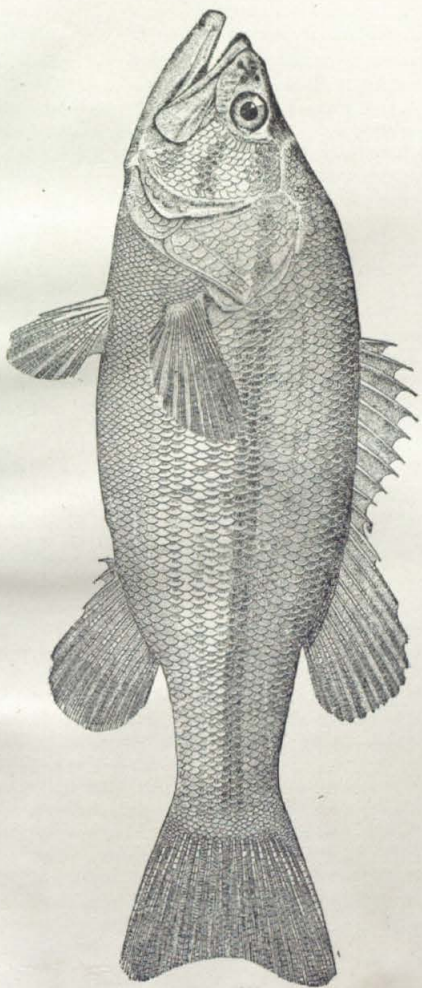
THE KILLING OF GAME-BIRDS.

This year has been excellent for the propagation of all species of game-birds. When the season opened both prairie chicken and quail were plentiful. I have taken especial interest in the enforcement of the game laws, and, while not entirely successful I have succeeded in arresting a number of poachers and in securing their conviction, and by my efforts, I trust, have prevented a wholesale slaughter. Quail are now found in abundance, and are, I am told, more plentiful than for a great many years. The shooting of prairie chicken before September 1st has cost quite a number of persons in various stations of society from \$50 to \$100 each and costs, and the lessons of these fines have prevented a good deal of illegal hunting. I would recommend that the law be changed on quail so as to make the open season between October 1st and December 1st.

In this connection, I will say that the federal law, commonly known as the Lacey act, introduced by Hon. J. F. Lacey, of Iowa, herein given in full, has been productive of much good. Poachers and pot-hunters, while not having any fear of the state laws, do not care to violate the statutes of the United States, inasmuch as under its detective system they are sure to be caught. Examples of this are the arrests made by your game warden in this state, where fines of \$100 were imposed for ship-



THE CHANNEL CATFISH (*Ictalurus albidus*).



LARGE-MOUTHED BLACK BASS (*Micropterus salmoides*)

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ping game out of our boundaries, all made on evidence furnished by United States marshals who seized the game in transit. Hereto is appended the Lacey act, and a copy of some instructions of the department:

AN ACT to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the department of agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game-birds and other wild birds. The secretary of agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game-birds and other wild birds as may be required therefor, subject, however, to the laws of the various states and territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed. The secretary of agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds. And the secretary of agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States department of agriculture: *Provided,* That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage-birds, such as domestic canaries, parrots, or such other species as the secretary of agriculture may designate. The importation of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the secretary of agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The secretary of the treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one state or territory to another state or territory, or from the District of Columbia or Alaska to any state or territory, or from any state or territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the state, territory, or district in which the same were killed: *Provided,* That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured,

and the export of which is not prohibited by law in the state, territory, or district in which the same are killed.

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section one of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine not exceeding two hundred dollars.

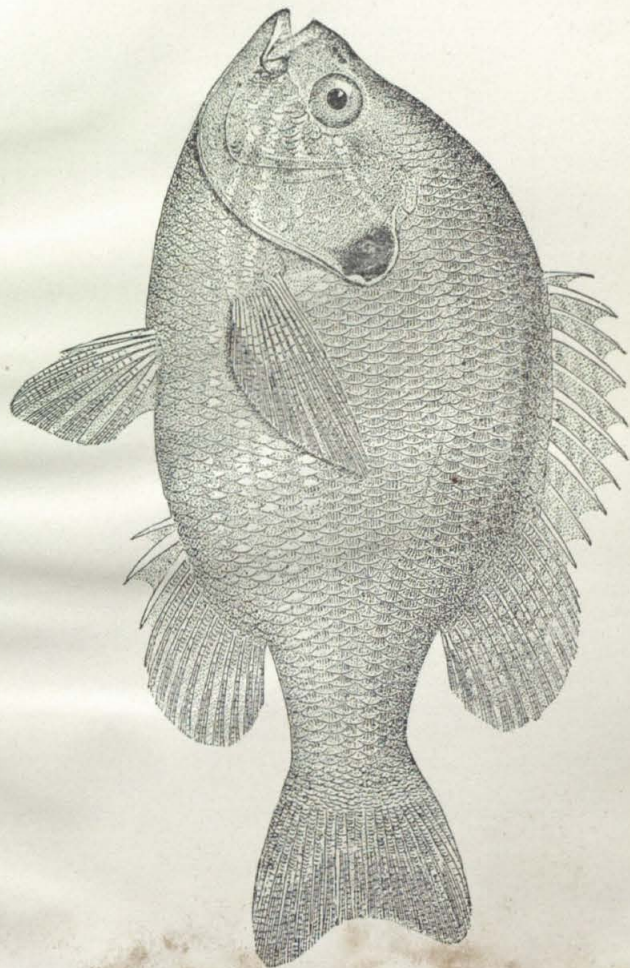
SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any state or territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such state or territory be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird-plumage manufactured from the feathers of barnyard fowl.

Approved, May 25, 1900.

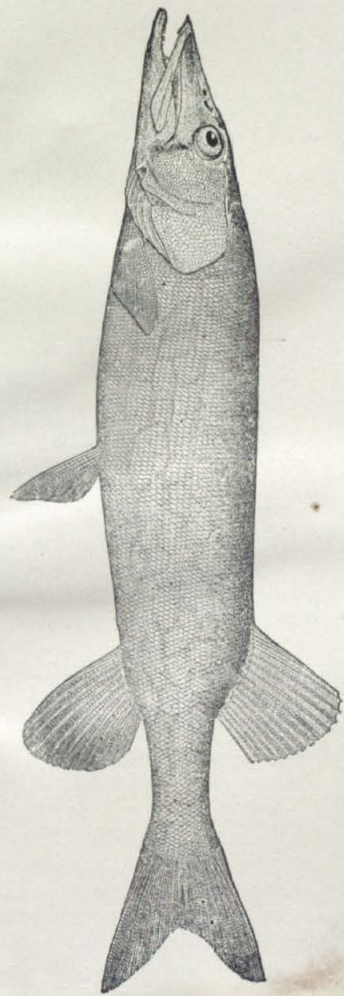
INTERSTATE TRAFFIC IN ANIMALS OR BIRDS KILLED OR SHIPPED IN VIOLATION OF STATE LAWS.

The attention of sportsmen, commission merchants, shippers, and express agents is especially called to sections 3, 4, and 5, which make it unlawful to ship from one state to another animals or birds which have been killed or captured in violation of local laws, and which require all packages containing animals or birds to be plainly marked so that the name and address of the shipper and the nature of the contents may be ascertained by inspection of the outside of such packages. Common carriers are cautioned to notify their agents to insist that all packages supposed to contain game or other animals or birds must be marked with the shipper's name and the contents. Shipment in any form that tends to conceal or obscure the nature of the contents or the shipper's name and address is plainly an evasion of the act, and the penalty applies to evasions as well as to violations of the law. The act also prohibits interstate commerce in game, though killed in open seasons, if the law of the state in which such game is killed prohibits its export.

In referring to these sections, the House committee on interstate commerce reported as follows: "The killing or carrying of game within the limits of a state is a matter wholly within the jurisdiction of the state, but when the fruits of the violation of state law are carried beyond the state the nation alone has the power to forbid the transit and to punish those engaged in the traffic. This bill will give the game wardens the very power that they now lack and which will be most effective for the purpose of breaking up this



PUMPKIN-SEED OR COMMON SUNFISH (*Lepomis gibbosus*).



THE PICKEREEL. (*Esocretularius Le Sueur*).

1 which will

commerce. * * * In some of the states the sale of certain game is forbidden at all seasons without regard to the place where the same was killed. The purpose of these laws is to prevent the sale of game shipped into the state from being used as a cloak for the sale of game killed within the state in violation of local laws." Section 5 of the act is intended to meet this difficulty by subjecting imported animals, birds, or game, whether introduced in original packages or otherwise, to the laws of the state in which imported.

I consider that the spring shooting of ducks should be prohibited, and I would recommend that the law be so amended that the closed season for ducks shall be between the first day of January and the first day of September.

SELLING OF GAME BY MERCHANTS.

Section 2552 of the Code prohibits and makes it a crime for any person to trap, shoot, or keep for traffic, prairie chicken, woodcock, quail, or ruffed grouse.

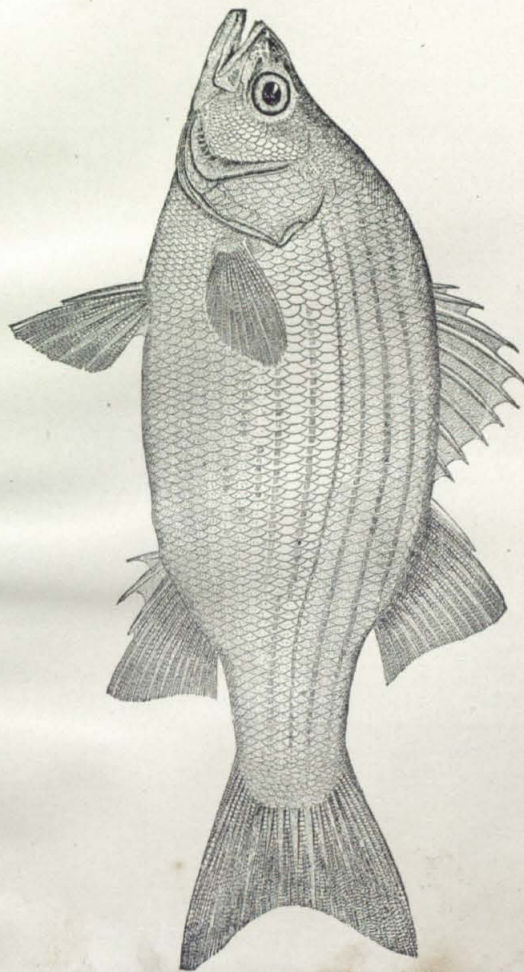
Section 2554 makes it an offense for any person, company, or corporation to buy, sell, or have possession of any such birds or animals during the period when the killing thereof is prohibited, except during the first five days of such prohibited period.

Section 2555 provides that no person, company, or corporation shall at any time ship, take, or carry out of the state any of the birds or animals named; but that it shall be lawful to ship to any person within the state, during the period when the killing of such birds is not prohibited, any of the game-birds mentioned, not to exceed one dozen in any one day, provided an affidavit, made before some person authorized to administer oaths, to the effect that the birds have not been unlawfully killed, bought, sold, or had in possession, and are not shipped for sale or profit, is made and attached to the birds so shipped. The attorney-general informs your warden under date of September, 6, 1901, that neither of these sections, in terms or in language which will bear such construction as prohibits the sale of such game-birds within the state during the open period. While it was the evident intent of the legislature to prohibit the sale of game-birds within the state at the time the law was enacted, the sections intended to cover this point in the opinion of the attorney-general cannot be so construed. I would recommend that the law be so amended as either to prohibit the sale of game-birds in any manner or by any person in this state, or to allow them to be sold only during the open season. In this connection, on this subject which has both commercial and a sport-

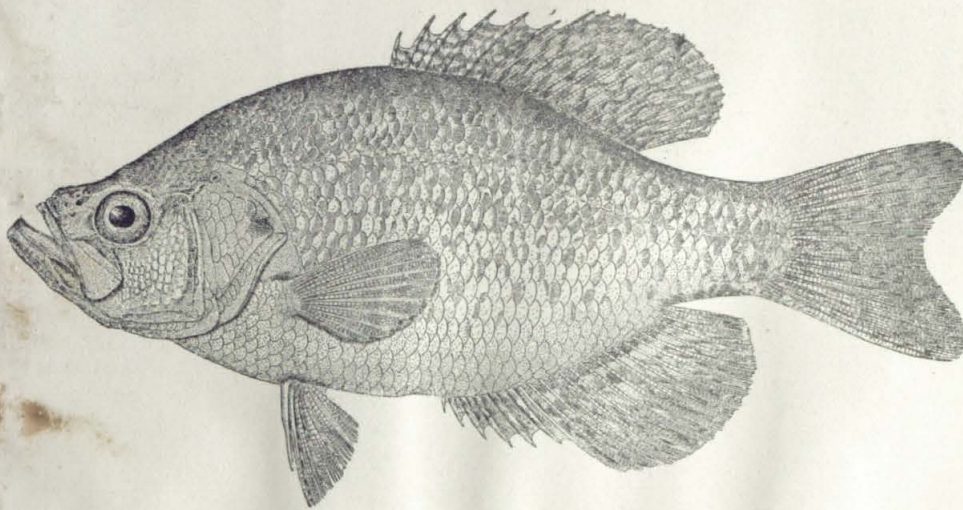
ing interest, it may be well to call attention to the fact that the state is accused of favoring the sporting interest in preference to the commercial. Those who are not hunters ask that they may be allowed to have the privilege of purchasing wild game during the open season, while the sportsmen claim that if commercial traffic be permitted the game will soon be extinct. This is a question for the legislature to decide, and when so decided your warden will endeavor to see that the provisions of the law are enforced. The state of Illinois provides for the sale during the open season of those game-birds that are not killed within the limits of the state, thus protecting its own game-birds from the raids of the pot-hunters.

MEANDERED LAKES.

The question of the shore-line of the meandered lakes of the state is causing a great deal of controversy, as parties, who own land contiguous to the lakes where the water has dried up and receded have in some cases extended their fences in to the water edge as it now is. They then have claimed ownership of this land, endeavoring to prevent trespassing upon the same under the law, section 2560, "Hunting upon cultivated or inclosed land." Under section 2549 of the code, cities, towns, and counties have the right to condemn property and build dams across the outlet of any lake in their county both for the purpose of keeping the water to the ordinary level of the lake and to prevent the escape of fish. In many cases this has been done, the water thus being brought back to the ordinary level, with the result that some of the shore line as it was in low water has been covered. Your warden finds that in several cases the dams have been blown up and in others torn down. While this matter does not technically come under my duties as warden, yet the destruction of the fish placed in these waters at the expense of the state compels me to take notice of the same. Could the meandered lines of these lake be remeandered and permanent posts set, the trouble could be avoided. I would recommend that an appropriation be made for the purpose of defining the lines of the different lakes and making the same permanent. The following is a list of Iowa's meandered lakes, showing the extent of the interests involved and the necessity for some action:



WHITE OR SILVER BASS (*Roccus argenteus*).



THE CRAPPIE (*Pomoxis annularis*.)

IOWA'S MEANDERED LAKES.

A statement of the meandered lakes of Iowa, their locality, area and shore line, as shown by the meander notes of the government survey of same.

1901]

REPORT OF THE FISH COMMISSIONER.

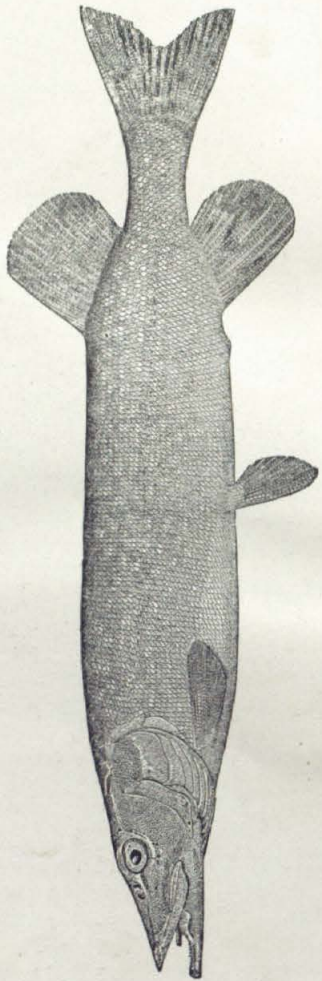
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LAKE.	LOCALITY OF LAKE.			Estimated area in acres.	ESTIMATED SHORE LINE.		
	Township.	Range.	COUNTY.		Miles.	Chains.	Links.
Loose lake, in sections 28, 29, 32 and 33.....	N 83	E 5	Clinton	301.55	2	65	48
Scatline slough, in sections 7, 17, 18, 20, 21, 28 and 29..	N 74	W 2	Louisa	570.00	10	31	40
Mud lake	N 75	2 and 3	Louisa	152.00	2	16	11 1/2
Clun lake, in sections 26, 27, 28, 29, 31, 32 and 33....	N 68	3	Lee	271.00	2	46	37
Green lake, in sections 13, 22, 23, 24, 26 and 27.....	N 76	3	Muscatine	454.00	5	26	33
Keokuk lake, in sections 1 and 2.....	N 96	3	Allamakee	163.86	2	50	68
Lake, in sections 16, 20 and 21.....	N 88	4	Delaware	44.25	1	52	27
Lake, in sections 13, 24 and 25.....	N 100	4	Allamakee	200.00	3	33	33
Two in lake	80 and 81	7	Johnson	45.00	1	10	55
Swan lake, in sections 4, 5, 8, 9, 16 and 17.....	N 99	3	Allamakee	670.00	6	10	39
Lake, in sections 30 and 31.....	N 81	7	Johnson	62.73	2	6	42
Star lake	N 96	22	Cerro Gordo	3,643.37	13	35	35
Lake Rice	N 99	22 and 23	Worth and Winnebago	600.00	7	56	75
Over lake, in sections 14 and 15.....	N 100	22	Worth	318.00	3	8	95
Light's lake, in sections 7, 8 and 17.....	N 100	22	Worth	155.00	2	18	50
Wa lake, in sections 14, 15, 22, 23, 24, 25 and 26.....	N 88	23	Hamilton	886.84	6	34	13
Ul lake, in sections 9, 10, 15 and 16.....	N 80	24	Hamilton	304.56	2	67	2
uro lake, in section 27.....	N 87	24	Hamilton	142.00	2	1	55
alled lake, in sections 2, 3, 10, 11, 14 and 15.....	N 90	24	Wright	1,382.00	8	53	43
Wrenna lake, in sections 9 and 16.....	N 92	24	Wright	986.85	5	73	91
Corin lake, in sections 21, 22, 27 and 28.....	N 92	24	Wright	332.42	7	71	97
win lake, in sections 28 and 29.....	N 93	24	Wright	450.38	1	67	32
Lake, in sections 19, 20, 29 and 30.....	N 94	24	Hancock	107.07	1	4	20
Lake	N 96	24 and 25	Hancock	103.00	3	4	20
Lake	N 96	24 and 25	Hancock	160.00	5	22	84
Duck lake, in sections 20 and 21.....	N 100	24	Winnebago	915.00	1	27	40
Lake, in section 24.....	N 96	25	Hancock	71.30	1	7	47
Lake, in sections 9, 10, 15 and 16.....	N 97	25	Hancock	59.00	1	7	47
Impassable marsh.....	91 and 92	27	Humboldt	252.68	2	63	13
			Humboldt	1,743.20	9	22	15

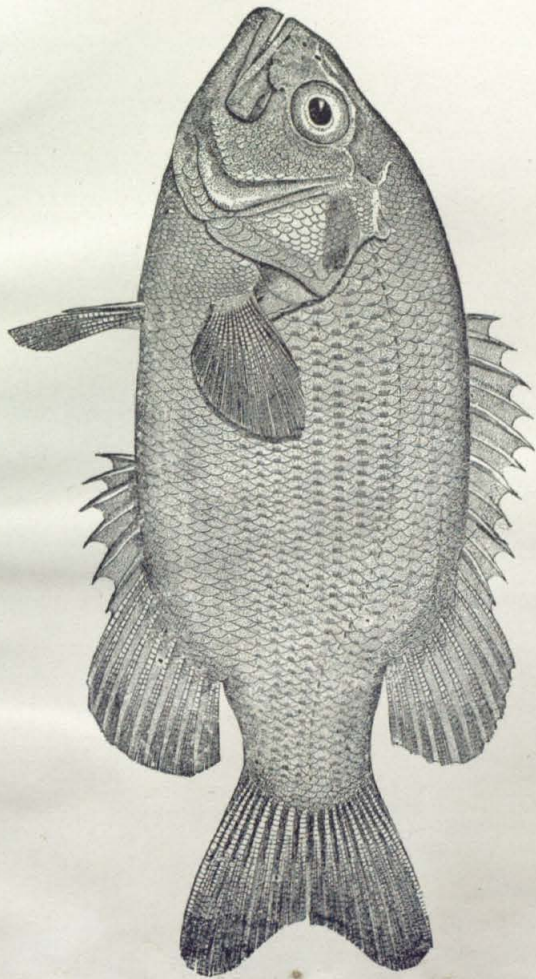
IOWA'S MEANDERED LAKES—CONTINUED.

LAKE.	LOCALITY OF LAKE.			Estimated area in acres.	ESTIMATED SHORE LINE.		
	Township.	Range.	COUNTY.		Miles.	Chains.	Links.
lake, in sections 21, 22, 27 and 28	90 and 91	27	Humboldt	772.14	4	65	
ss lake	90 and 91	29	Webster and Humboldt	211.00	3	40	
ancroft lake, in sections 10, 14 and 15	100	29	Humboldt	208.00	2	60	87
lake	84	30 and 31	Kossuth	125.00	3	60	79
lake, in section 17	100	30	Greene	715.00	3	68	73
lake, in section 28	100	20	Kossuth	76.43	1	35	
lake, in sections 9 and 10	100	30	Kossuth	147.40	2	40	
ard lake, in sections 22 and 27	91	31	Kossuth	48.00		75	
na lake, in sections 11, 12 and 14	100	31	Pocahontas	252.38	2	75	75
ed lake	88 and 89	32 and 33	Emmet	285.00	3	42	75
(medium)	66 and 67	32 and 33	Calhoun	571.00	6	32	51
lake (seven or eight miles long)	99	32 and 33	Palo Alto	980.00	12	57	21
Okoboji, in sections 10, 11 and 12	100	32	Emmet	2,300.00	22	30	70
mont lake	100	32 and 33	Emmet	147.00	3		
lake, in section 10	86	33	Calhoun	160.84	2	10	6
lake, in sections 1, 2, 11 and 12	88	33	Calhoun	490.00	4	3	79
h lake, in sections 11, 12 and 13	98	33	Emmet	401.00	4	41	59
lake, in sections 14, 15 and 23	98	33	Emmet	337.00	4	70	29
van lake, in sections 27, 28, 33 and 34	99	33	Emmet	442.28	5	40	
lake, in sections 16 and 17	100	33	Emmet	177.20	2	68	
w Head lake, in sections 23 and 24	89	34	Calhoun	195.05	2	16	6
ear lake	91 and 92	34	Pocahontas	170.00	3	2	62
two lakes, in sections 9, 15, 16 and 17	93	34	Pocahontas	616.00	7	15	28
ush lake, in sections 20 and 21	94	34	Palo Alto	501.15	4	1	20
Silver lake, in sections 18, 19, 21, 28 and 29	95	34	Palo Alto	656.00	5	71	23
Lake, in sections 29 and 30	96	34	Palo Alto	102.57	7	29	35
Lake, in sections 17, 19, 20 and 21	96	34	Palo Alto	458.49	7		
Eagle lake, in sections 11, 14 and 23	100	34	Emmet				
Lost Island and Pelican lakes	96 and 97	35 and 36	Palo Alto and Clay	3,425.00	28	3	15
Trumbull lake	95 and 97	35	Clay	1,773.00			
twelve Mile lake, in sections 20, 21 and 29	98	34	Emmet	300.95	3	27	23
beaver lake, in sections 20, 21 and 29	99	34	Emmet	316.43	1	74	10
Lake	99	34 and 35	Emmet and Dickinson	219.00	1	60	32
Lard lake, in sections 4, 5, 8 and 9	89	35	Sac	216.19	2	48	31
Rush lake, in sections 8 and 17	89	35	Sac	63.60	1	26	5
Lake	93 and 94	35	Buena Vista and Clay	172.97	2	13	60

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THE PIKE (*Esox lucius*).



THE ROCK BASS OR RED EYE (*Ambloplites rupestris*).

Lake, in sections 25 and 26.....	94	35	Clay	235.23	2	22	62
Lake	95 and 96	35	Clay	300.00	1	40	95
Lake, in sections 8, 9, 16, 17 and 20	97	35	Clay	219.00	4	32	97
Lake, in sections 7 and 18.....	99	35	Dickinson	127.00	1	63
Lake	99	35 and 36	Dickinson	110.00	2	7	75
Lake, in sections 22, 23, 26 and 27.....	100	35	Dickinson	375.15	4	38	73
Wall lake	86 and 87	36	Sac.....	907.00	9	30	30
Spirit lake.....	100	36	Dickinson	5,000.00	23	73	86
Okaboji, east	99 and 100	36	Dickinson	1,842.00
Okaboji, west	99	36 and 37	Dickinson	3,993.00	38	38	7
Gar lakes, in sections 29, 30 and 32.....	99	36	Dickinson	465.00
Two lakes	99 and 100	36	Dickinson	194.00	3	32	84
Lake, in sections 5, 6, 7 and 8	99	36	Dickinson	293.42	3	7	85
Lake, in section 23	99	36	Dickinson	130.37	2	1	20
Lakes (four), just west of Spirit lake.....	100	36	Dickinson	900.00	12	25	25
Storm lake.....	90	37	Buena Vista.....	3,224.47	9	61	67
Lake, in sections 31 and 32.....	99	37	Dickinson	143.00	3	12	24
Lake, in sections 30 and 31.....	99	37	Dickinson	157.10	2	62	24
Diamond lake, in sections 10, 11, 14 and 15.....	100	37	Dickinson	164.55	2	4	15
Lake, in sections 23, 24, 25 and 26.....	100	37	Dickinson	70.90	1	24	20
Lake	100	36 and 37	Dickinson	50.00	1	14	21
Silver lake, in sections 27, 28, 29, 32, 33 and 34.....	100	38	Dickinson	1,047.40	6	41	79
Lake on Minnesota state line	100	39	Osceola	165.90	2	1	70
Rush lake.....	100	40	Osceola	357.53	3	33	61
Wabansie lake, in sections 2 and 3	70	43	Fremont	260.00	1	67	38
Lake, in sections 29 and 32.....	74	43	Pottawattamie	72.48	1	53	50
Lake, in sections 11, 14, 15, 22 and 23.....	75	44	Pottawattamie	430.79	6	39	40
Lake, in sections 2, 3, 10 and 11.....	76	44	Pottawattamie	234.63	4	19	77
Boyer lake, in sections 21, 22, 27 and 28.....	76	44	Pottawattamie	503.00	5	10	25
Lake	77 and 78	45	Pottawattamie and Harrison.....	76.78	2	4	85
Lake, in section 22, 23 and 26 (Soldier)	78	45	Harrison.....	256.91	4	48	99
Lake, in sections 2, 11, 14, 15, 22 and 27.....	80	45	Harrison.....	532.00	8	20
Lake, in sections 13, 14, 23 and 24.....	80	45	Harrison.....	416.88	3	25	60
ee Lake	83 and 84	45 and 46	Monona	1,598.60	10	28	63
ke, in sections 10, 11, 12, 13, 14, 23, 24, 26, 27 and 34.....	86	47	Woodbury	991.27	13	8	59

*Goose Lake, in Clinton county, was drained, surveyed, and approved as swamp land and patented to the county as swamp land, October 7, 1886.
 †The "Impassable Marsh," in Humboldt, has been surveyed, approved, and patented to the state as swamp land, and patented by the state to Humboldt county.

ESTIMATE OF FUNDS NECESSARY FOR 1902 AND 1903.

For protection, distribution, and reproducing fish for two years..	\$ 4,000.00
For payment of deputy fish wardens.....	3,000.00
For payment of deputy game wardens	1,000.00
For assistant's salary.....	500.00
For gathering fish at Sabula for the purpose of restocking rivers and lakes.....	4,000.00
For railway transportation, fish car.....	1,000.00
For protection of game.....	2,500.00
	\$16,000.00

RECEIPTS AND EXPENDITURES.

The last biennial report gave the exhibit of receipts and expenditures from April 1, 1898, to November 30, 1899. The balance of the expenditures for the fiscal year ending March 31, 1900, is as follows:

EXPENDITURES.

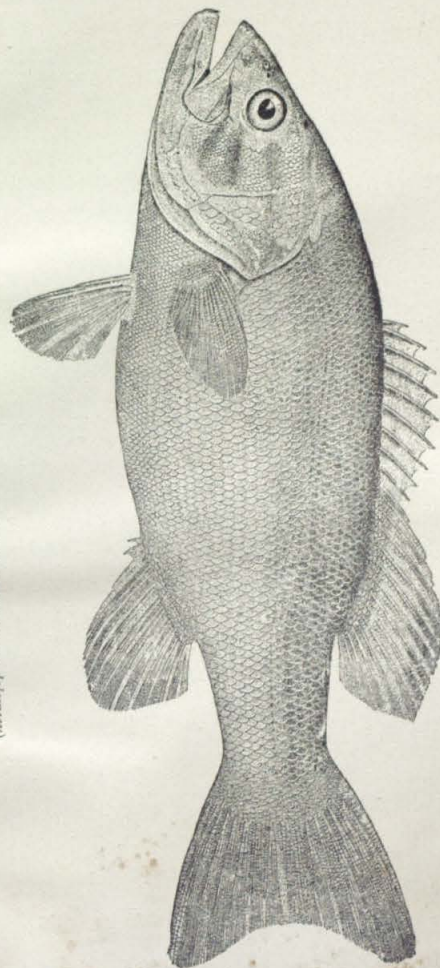
December, 1899.....	\$ 363.43
January, 1900.....	141.27
February, 1900.....	136.13
March, 1900.....	724.40
	\$ 1,365.23
Amount accounted for in reports of 1898 and 1899.....	6,724.47
	\$ 8,089.70
Appropriation by the Twenty-eighth general assembly..	\$15,000.00

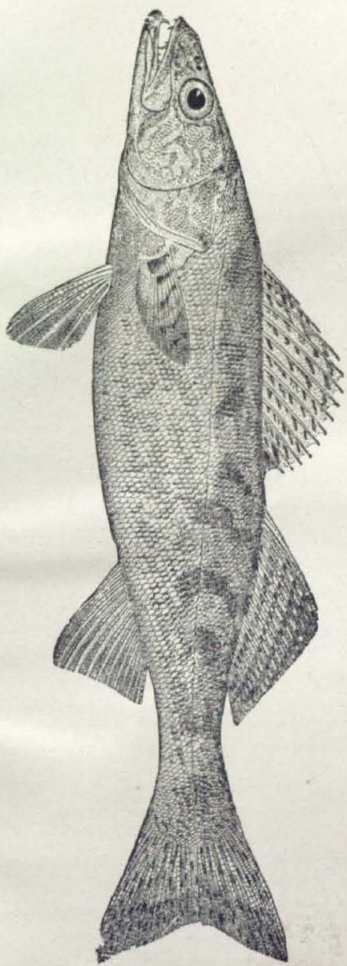
EXPENDITURES.

April, 1900	277.91
May, 1900.....	401.50
June, 1900	238.04
July, 1900	754.69
August, 1900.....	714.76
September, 1900 ..	275.92
October, 1900	286.61
November, 1900	281.32
December, 1900.....	178.19

EXPENDITURES.

January, 1901.....	\$ 86.32
February, 1901.....	85.38
March, 1901.....	145.37

THE SMALL-MOUTH BLACK BASS (*Micropterus dolomieu*).



THE WALL-EYED PIKE (*Sticostedion vittatum*.)

April, 1901.....	323.02
May, 1901.....	288.95
June, 1901.....	229.51
July, 1901.....	434.49
August, 1901.....	537.95
September, 1901.....	474.68
October, 1901.....	1,211.89

Total	\$ 7,226 50
Balance undrawn.....	\$ 7,773.50

An itemized report may be found on file with the auditor of state. The unexpended balance shown above is largely on account of the retarding of the work at Sabula in the fall of 1900 by high water in the Mississippi. While, as before, noted, only one car-load of fish was shipped during that year, in the ordinary good season there should be placed not less than twenty to twenty-five carloads of food fish in the various interior waters of the state.

DISTRIBUTION OF FISH FROM SABULA BY STATE FISH CAR
"HAWKEYE."

1900.

Spirit Lake at Orleans.

1901.

Turkey river at Elkader.
Des Moines river at Ottumwa.
Raccoon river at Perry.
Clear lake at Clear Lake.
Nodaway river at Corning.
Wall lake at Lake View.
Des Moines river at Humboldt
Maquoketa river at Maquoketa.
Storm lake at Storm Lake.
Spirit lake at Orleans.
Boone river at Webster City.
Turkey river at Elgin.
Turkey river at West Union.
Okoboji lake at Okoboji.
Wapsie river at Independence.

Each of the above places has been visited by the fish-car, and except Independence, furnished by courtesy of United States fish car a full load, consisting of black, silver and rock bass, crappie, pike, pickerel, catfish, perch, and sunfish has been deposited in the lakes and rivers. The car in this work has made mileage of over 8,000 miles.

WARDEN NO AUTHORITY TO FURNISH FISH TO PRIVATE PARTIES.

On a former page of this report reference has been made to the advisability of furnishing fish to stock private ponds. In order that this may be done there will have to be some action taken by the legislature, since by a recent decision of the supreme court, in the case of the State of Iowa against Fred Sears, appellant, from Sac county (opinion hereinafter given in full), your warden is prevented from furnishing fish of any kind for food, propagation, or other purposes to private parties. In many cases private individuals, at a large expense, have built ponds on their grounds for the purpose of raising food-fish, and your warden has considered it a part of his duties to supply fish to these parties, believing that as the United States, and most of the states of the Union other than Iowa, foster this kind of industry among its people, whereby they can raise their own food-fish, and also understanding that this was the intent of our own state law, had promised many parties shipments of fish this fall. Under this decision, these promises can not be lawfully kept. I would recommend that the law be so amended that your warden will have the power to furnish private parties with fish as hereinbefore indicated.

The following is the text of the decision in full:

STATE OF IOWA vs. FRED SEARS, Appellant.

(Appeal from the District Court of Sac County.)

S. M. ELWOOD, Judge.

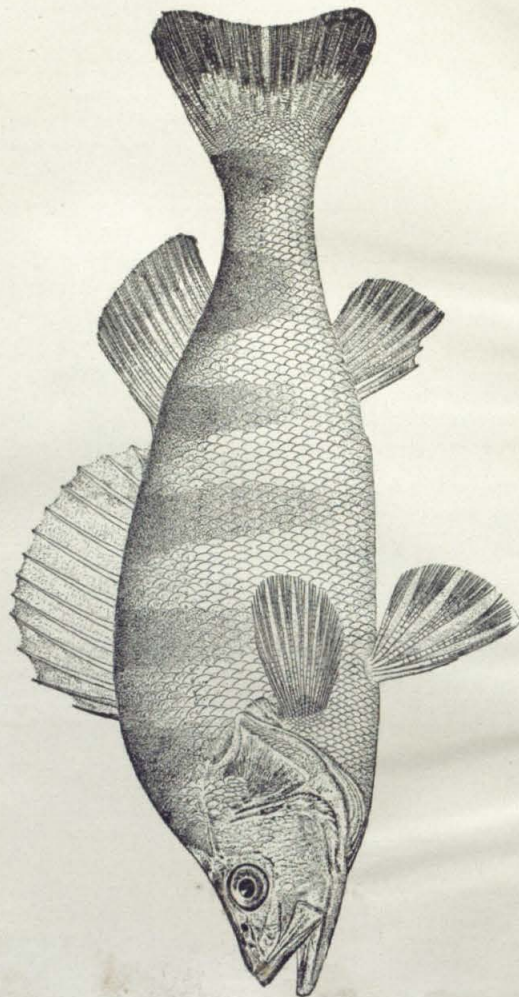
The defendant was accused and convicted in (Justice) Court of catching ten young pickerel with a seine from Wall Lake. Upon appeal to the district court, it was admitted the fish were caught in the manner alleged, but by virtue of the following permit signed by the state fish and game warden: "By the power invested in me as fish and game warden of the state of Iowa, I hereby grant Mr. Fred Sears the privilege of drawing a seine in the public waters of the state, for the purpose of seining some young game-fish for his pond, and no other purpose whatever. This permit to expire November 15, 1898."

GEORGE E. DELAVAN.

This was adjudged to be in excess of that officer's authority and to afford no protection. The defendant appeals from judgment imposing statutory penalties.

HASTINGS & BRASTED and WILL E. JOHNSTON, for appellant,
MILES W. NEWBY, for appellee.

LADD, J.—Unless the fish and game warden of the state had authority to permit citizens to take fish from public waters with a seine to stock private ponds, the defendant was properly convicted. By section 2546 of the code: "The warden may take from any of the public waters of the state, at any time and in any manner, any fish for the purpose of propagating or restock-

YELLOW PERCH (*Percia flavescens*).

ing other waters, or exchanging with fish commissioners of other states or of the United States."

The accepted canons of construction limit the words "other waters" to the kind previously mentioned, i. e., public waters. Some of a designated class having been spoken of, others must be presumed to have reference to those of the like kind. But a different construction is said to have been given this statute in usage for many years. An examination of the record does not sustain this claim. The particular provision first appeared in Chapter 34 of the acts of the Twenty-third General Assembly, reading: "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." Up to that time the removal of fish from some of the streams and lakes of the state to restock others was not contemplated by any of the legislation on the subject. Thus the object stated in chapter 50 of the acts of the Fifteenth General Assembly was, "to forward the restoration of fish to the rivers and waters of this state." Chapter 70 of the acts of the Sixteenth General Assembly directed the distribution of the fish produced in the hatchery only. By chapter 80 of the acts of the Seventeenth General Assembly it was made the duty of the fish commissioner, "to forward the restoration of fish to the rivers and waters of the state and to stock the same with fish from said hatching-house and elsewhere." "Elsewhere" as here used cannot have meant from the very rivers and waters proposed to be restocked. Certainly no authority has ever been given this officer to remove fish from the very waters it was his duty to restock and give to private parties. Nor is there any showing that such has ever been the practice of the fish commissioner. Whether he may distribute fry from the hatchery to owners of private ponds is a different question and not now before us. It may be remarked, however, that his authority to do this, under the present code, is at least doubtful. As the fish and game warden had no authority himself to take fish from the public waters for private ponds he could not empower the defendant to do so. The information in charging the acts of defendant to have been unlawful negated the suggestion that he may have been taking the fish for some lawful purpose.

Affirmed.

ARRESTS AND PROSECUTIONS.

During the period between April 1 and August 30, 1901, arrests have been made, parties fined, and seines, spears, and other illegal devices destroyed or forfeited to the state in the following counties:

Buena Vista	Jefferson	Polk
Woodbury	Van Buren	Monona
Pottawattamie	Dickinson	Scott
Jackson	Palo Alto	Boone
Howard	Kossuth	Lee
Marshall	Lyon	Floyd
Clinton	Cherokee	Calhoun
Winneshiek	Harrison	Jasper
Cerro Gordo	Chickasaw	Butler
Wright	Greene	Sac
Humboldt	Page	Iowa
Dubuque	Grundy	

BONAPARTE DAM.

With respect to the dam obstructing the Des Moines river at Bonaparte, my predecessor co-operated in the attempt made by legal proceedings to secure a fishway, but the results of litigation have been adverse to the state, and the recent decision of the supreme court recognizes in the owners of the dam the absolute right to forever maintain it without fishways. The people of the state are powerless to obtain any relief through the courts; they must rely upon the legislature, and, in view of the fact that a vested right to maintain the dam without fishways is established as a result of the decision referred to, the only means available under the law, as announced, is appropriate legislation authorizing the purchase or acquisition of a property by condemnation proceedings. So large a part of the state is affected, and the available supply of fish so greatly depleted by the obstruction of the river, that the matter is of very great public concern. I therefore recommend legislation authorizing the purchase or condemnation of the dam, as the only adequate means of restoring to the people of the state the benefits otherwise denied to them.

ACKNOWLEDGMENTS.

To the League of American Sportsmen, which has a large number of members in this state, and which was active in securing the enactment of the Lacey game law, I wish to extend thanks for the assistance that has been given me through its membership in preventing the slaughter of game-birds, and also for its good work, successfully done, in cultivating public sentiment for the better enforcement of the laws. I feel grateful, also, to the numerous fish and gun clubs that have rendered much valuable assistance in unearthing violations of the law and which have rendered it possible for me to obtain in many cases evidence sufficient to secure convictions. Finally, I wish to thank the press of the state, which has at all times assisted me in every way to uphold the laws, and whose utterances have tended to increase public interest in the protection of our fish and game. In our work we have no better friends than the railroad managers of the various lines in the state. They have proven their interest in many practical ways and have placed me under many lasting obligations.

Respectfully submitted,

GEO. A. LINCOLN,
Fish and Game Warden.