

Sixteenth Biennial Report

OF THE

State Fish and Game Warden

TO THE

Governor of the State of Iowa

1904-1905

GEO. A. LINCOLN, WARDEN.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY

DES MOINES:
B. MURPHY, STATE PRINTER
1905

REPORT.

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

DEAR SIR: Pursuant to the provisions of section 2539, Code of Iowa, 1897, creating the office of fish and game warden, I submit herewith for your consideration, the sixteenth biennial report of the State fish commission, and the fourth biennial report of the State game warden.

GEO. A. LINCOLN,
Warden.

In submitting this report, I take pleasure not only in calling your attention to the work accomplished during the last biennial period, but also in calling attention to some matter, which I earnestly believe should have the careful consideration of Your Excellency and the general assembly of the State of Iowa. Changing conditions and past experiences have shown that there should be some changes in and additions to our State fish and game laws, and I trust that the recommendations herein, as well as the report of what has been accomplished, will receive careful consideration.

LAWS ENFORCED.

By reference to the summary of the work accomplished during the biennial period, which appears elsewhere in tabulated form, you will note from the number of prosecutions that the deputy wardens have been vigilant and while I am satisfied that there are many cases that are not reported to this office, at the same time the amount of fines and costs are double the amount of any similar period, and would have been more, except for this: I regret to say that in some instances and in some counties, those who should have been punished have been discharged by friendly courts and juries. In these cases there seems to have been a disposition on the part of the officials to serve politics first and justice last.

It is a notorious and much regretted fact that constables, sheriffs and police officers, who are sworn to enforce the provisions of the Code, are blind to the violations of the fish and game laws, and fail to render any assistance whatever in securing an enforcement of the same. For this reason I find myself compelled to depend entirely on deputies, without salary, to enforce the law. It is a miscarriage of justice where

such conditions prevail. And they prevail in some counties to such an extent that I have withdrawn prosecutions altogether. Where public sentiment is opposed to prosecutions, and where no assistance can be secured from the courts and police officers, it is useless to spend money to arrest violators of the law.

If such a law could be framed I would recommend that where the above conditions prevail the persons charged with the enforcement of the game and fish laws of the State may be granted on application a change of venue from one county to another, or that the State may be given the option of starting prosecutions in counties where the courts and police officers are at least friendly to the law, and are ready to have matters of this kind decided on their merits. In the majority of cases, however, I am pleased to say that courts and juries have rendered decisions according to law and evidence produced.

ENFORCEMENT OF GAME LAWS.

One of the most exhaustive and valuable reports ever issued by a State game and fish warden that has yet come to my notice is the second biennial report of W. F. Scott, State game and fish warden of the state of Montana. The report is a voluminous one and is filled with valuable information, splendidly illustrated with colored plates, and is replete in every way. It contains so much that is applicable to this State, that I have taken the privilege of quoting from that report some of the things Mr. Scott has to say in regard to the enforcement of game laws. He says:

"To the efforts of private individuals or organizations interested in game protection are primarily due not only the existence, but, what is more important, the enforcement of most of the laws now on the statute books. Probably no branch of criminal law depends so much for its enforcement on the interest and public spirit of the individual as that relating to the protection of game and birds. Experience has shown that under ordinary circumstances such measures are apt to become dead letters unless the regular officials charged with enforcing laws happen to be personally interested in game protection. For this reason special officers, known as game wardens or deputy wardens, are usually employed, and it is customary in many states, in case of conviction to pay part of the fine to the person instrumental in causing the arrest as an inducement to bring violators of the game laws to justice.

"Protecting game and apprehending violators of the game laws are not the easiest of undertakings even when clothed with the authority of the law, as many game wardens will certify. Yet the game must be protected and the law-breakers must be punished, and for

this reason men of courage should always be selected for the onerous duty. Now and again we find sportsmen who voluntarily enlist their services to protect game, and if they do not make the arrests themselves they secure the assistance of a warden and go after the law-breakers.

"In thirty-five states the enforcement of game laws is entrusted to game commissioners, wardens, or other State officers; in six others—Florida, Georgia, Kentucky, Louisiana Nevada and South Dakota—to county wardens; in Virginia to city and magisterial district wardens, and in others to sheriffs and similar local officers. Several national organizations are interested in the protection of birds and game of which three are really international. In addition, State associations and many local organizations co-operate in the work of protecting game in twenty-eight states. One of these associations was organized in 1844, and seven others were established more than twenty years ago. Similar organizations have been formed in Canada, of which one in Nova Scotia was established in 1853, and one in Quebec in 1859. Finally, thirty-six states have Audubon societies, all established during the last eight years, especially for the study and protection of non-game birds."

I heartily agree with Mr. Scott in what he says in regard to the efficient aid rendered by individuals or organizations interested in game protection. A large number of organizations have been formed in Iowa during the past two years, and they have rendered great assistance in the enforcement of the fish and game laws. I have encouraged the formation of such organizations in every way and trust that a large additional number will be organized in the years to come.

THE SUMMER CAMPER.

Mr. Scott continuing under this heading, says: "One of the greatest enemies of game is the summer camper. As a rule it is considered necessary to keep at least one gun in camp, and very often it is put to nefarious use. There are many citizens, otherwise law-abiding, who show no compunctions in violating the fish and game laws. To those unacquainted with the ethics of sportsmanship, the killing of quails and other game out of season induces no qualms of conscience, and when such persons are in the field all creatures are considered legitimate targets for their aim. If it were possible to erect notices in the vicinity of each camp, warning campers to observe the game laws or suffer the extreme penalty for an infraction thereof, some of the thoughtless persons who have been accustomed to partaking of quail on toast in the months of July and August might be induced to give more than passing notice to the warning, and finally develop into law-abiding citizens.

REPORT OF THE FISH COMMISSIONER.

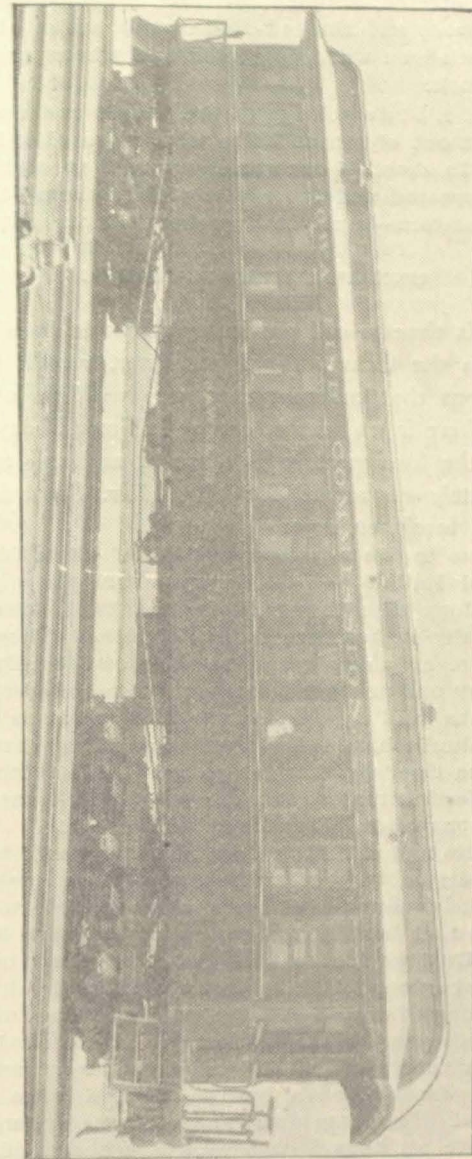
Many campers seem to consider that the illegal killing of game does not constitute a crime unless they are caught in the act, and actually boast of their nefarious slaughter. An experience in court would probably prevent further violations of the laws on their part, but unluckily for the best interests of our game, these individuals are brought to grief far too seldom.

"SOONERS."

"There are any number of men who will not, unless compelled to, be content to await the day when they can go afield legally. These men are of a selfish nature and care nothing for the rights of others, or for the law, if they believe they can violate it and not be apprehended. Men of this class are properly dubbed 'sooners' by law-abiding people, for they take advantage of every opportunity to get into the fields ahead of their neighbors and get the cream of the shooting. They keep posted on the whereabouts of the warden and his deputies and when they are in the other sections of the country looking after violators, they steal into the fields and, as quickly as possible, rob them of a goodly proportion of young birds they contain, and, although they may be seen in their unsportsmanlike work by their neighbors, they are seldom informed upon; not because they should not be, but because they are usually men of unsavory reputations and the law-abiding neighbor does not care to gain their ill will lest they, under the cover of darkness, or when he is absent from home, destroy his farm buildings, stacks of grain and feed, or injure his stock. Indeed, in not a few instances in the past has the law-abiding farmer received information in a round-about way from these men if he knows when he is well off he will 'close his eyes' or look the other way when he sees these men afield. The farmer knows full well what this means and rather than incur the displeasure of the 'sooners' who, in not a few instances, are neighbors, or friends of neighbors, the law violator is permitted to shoot when he pleases and as much as he pleases. And if a deputy warden 'gets wind' of what is going on in a certain neighborhood in his bailiwick and goes there to obtain information the law-abiding farmer 'knows nothing, has seen nothing and does not believe there is any truth in the report the deputy warden has received,' and the officer can get no tangible evidence upon which he can make an arrest.

"This is not a new condition of affairs; the same thing has been going on every season for years and is likely to continue for years to come unless wardens who are not personally known in a community are sent into these localities and, by their shrewdness, manage to entrap these 'sooners' and punish them in accordance with the extent of the crime committed.

"It is indeed to be regretted that all men are not law-abiding, but they are not, and therefore the deputy game warden is as much a necessity in nearly every community as is the peace officer, and if the



STATE FISH CAR HAWKEYE.

game is to be protected, staunch, fearless, able-bodied men must be selected for wardens, and the law-abiding sportsmen of a community must stand by such men when appointed and whenever possible assist them in their work.

"The game of a State belongs to the people and no one man has a right to take it out of season or to take more of it in season than the law allows. In short, if our game supply is to continue the game laws must be respected and those who violate them—the 'sooner' as well as other violators—must be apprehended and punished."

UNNATURALIZED FOREIGNER.

I desire at this time to call particular attention to what Mr. Scott says in regard to the unnaturalized foreigner, for he has accurately described conditions that confront the game wardens of Iowa at the present time. There is no greater enemy in Iowa today to game and song birds than the foreigners, who shoot at any and everything, and who have absolutely no regard for law. Mr. Scott in speaking of the unnaturalized foreigner, says:

"We now come to the worst proposition of all to handle, that is, the unnaturalized Italian and Greek. We find these people in our State scattered along all railroads, living in almost every conceivable way, but principally in box cars on work trains. They live huddled together like so many animals and do their own cooking. They are in one place today and another tomorrow. Almost every car contains several cheap guns, and as soon as the day's work is over some go out with these 'blunderbusses' looking for anything that has life and can be eaten. On Sundays they all go out and beat the country for miles around, divesting that section of every living creature; old birds with young and song birds, all suffer the same fate.

"They dynamite and seine the streams until everything that swims is destroyed or driven into other waters. When caught one takes the blame and the remainder of the gang contribute to pay his fine. They are vicious and brutal, and represent the very lowest type of beings in the civilized world, and they respect or know no law.

"What is to be done with the unnaturalized Greek and Italian?" is the wail that comes from all over the country. The following article from 'Forest and Stream' on this subject will be interesting:

"Our Boston correspondent records another personal encounter between a game warden and a foreign shooter. The warden came upon two Greeks killing song birds, and when he undertook to arrest them, received into his body a charge of bird shot, and was removed to the hospital. These Greek and Italian and other foreign-born shooters have become an unmitigated nuisance, a peril to life and a very considerable factor in the destruction of song and insectivorous and game birds. They are found all over the country. New England is full of them. New York has an army of them. New York city is the

fourth city in the world in its Italian population; only Rome, Naples and Milan are larger. All about the city, in outlying districts of Westchester county and on Long Island, the roads and fields and woodlands are infested with Italian bird shooters, both week days and Sundays. New Jersey has its quota. In Pennsylvania they have given so much trouble that the legislature has sought to check the evil by requiring the unnaturalized gunner to take out a gun license, for which he must pay a fee of \$10. But in Pennsylvania, as elsewhere, because of the inadequate execution of the law, the evil has been but partially checked. Secretary Kalbfus, of the game commission, relates a characteristic incident illustrating the lawless, wanton and murderous nature of this class.

"We have in this office information showing the shooting of five citizens during the past fall by these people, and for no other reason—all of them deliberate and willful. One gentleman living near, if not quite, inside the city limits of Pittsburg, saw three Italians shooting song and insectivorous birds in his orchard and ordered them off his land. One of the foreigners said: 'This is a free country; we don't have to go.' To this the owner replied: 'Yes you do,' and thereupon received two loads of shot in his stomach and legs; fortunately, not killing him, although he was compelled to stay in the hospital many weeks."

"In another Pennsylvania case a deputy game warden of Pittston, who undertook to arrest three Italians found killing birds on a Sunday afternoon, was fired upon by them and saved his life only because he was quicker than his antagonists and 'got the drop' on them. The story might be repeated again and again. The Italian immigration is bringing to us hordes of people who dream that America is a free country where every mother's son of them is free to carry a gun anywhere and at any time and to shoot anything that flies, without let or hindrance.

"It would be a great mistake to imagine that these foreignborn shooters and bird-snarers are confined to the neighborhoods of the large towns. On the contrary, they are scattered over the country, and their destructive work is not confined to any one climate zone. The south as well as the north has its Italians, and the killing of small birds there in the winter is on a greater scale than in the north, because certain birds which in the north are separated, in the south are congregated in flocks, and are more easily killed because in multitudes."

"How shall we control this pernicious element in its relation to the life of the field? Manifestly the remedy may be found in abridging the privileges of the man with the gun. The time will shortly come—if it is not already here—when the old-time freedom of carrying a gun must give place to such a system of licensing, regulation and control as will first keep out of the fields the irresponsible and lawless; and, second, secure to the responsible and the law-abiding the fullest privilege compatible with public interest. In short, we are reaching a point where shooting and the carrying of guns must be classed as priv-

ileges accorded under restriction, and not as rights exercised without leave ask of anyone."

"These depredations of Italians and other foreigners are just now engaging the attention of workers in the field of game protection very generally. In response to his recent paper on the depletion of bird life, President Alex. Starbuck, of the Cuvier club, has received a communication from Chief Deputy Game and Fish Warden Charles E. Brewster, of Michigan, who declares it to be his conviction: "The source of the greatest danger to our song birds is, in my judgment, our foreign element. They come to this country imbued with the idea that here they will enjoy perfect and absolute freedom. To them a robin or bluejay, a sparrow or a meadow lark is of as large value as an article of food as a game bird of equal size. In this regard the Italians and Finns have proven especially destructive in our state."

"As in New York and Michigan, so in Massachusetts, commissioners of fisheries and game are seeking to secure from the legislature now in session a search law to enable them more effectively to cope with the foreign gunner plague. Several pages of the current annual report are devoted to the exposition of existing conditions as an argument of the desirability of such a search law. I quote these salient paragraphs:

"The destruction of insectivorous birds is going on at a rate that threatens their extermination in the not distant future, or at least their serious decimation, to that degree that they can be of little practical value in checking the depredations of the numerous insect pests, prominent among which are the gypsy moth and the brown-tail moth."

"For several years recently natives of Southern European countries and Asia Minor have come to this state in large numbers. There is often a colony of them in the larger cities, and in cases where extensive industrial operations are being conducted in some of the country districts, as building railroads, reservoirs, etc., men of this class are often brought together; sometimes there are camps containing hundreds of them."

"Wherever they are, these men generally develop a remarkable tendency to hunt when they can get away from their work—to hunt regardless of law, as a rule; and especially are they noted for killing insectivorous birds. It is true they sometimes catch small birds in traps, or by the use of bird lime, but the usual thing is for them to get possession of a cheap gun, some powder and shot, and then go into the pastures and covers and shoot at anything that moves, although song and insectivorous birds are the special objects of their pursuit. It is not difficult to imagine the slaughter done by the groups who go out from the large cities, or by those who are temporarily assembled in the country towns; but it is a conservative estimate that if this destruction goes on much longer, practically unrestricted, the effect upon the numbers of our small birds will be seriously evident."

"Occasionally these men are caught in the act of shooting or trapping birds, and are brought into court, perhaps to be fined to the limit of the law if convicted, but more commonly with some other result.

But as the law now stands, one of these men may have all his pockets stuffed with birds, and boldly walk by one authorized to enforce the law against shooting; and the latter, though he suspects the true condition, must stand helpless in the face of one of the most injurious and least excusable violations of the fish and game laws."

"It will readily be seen that the chance of actually witnessing a violation of the law by shooting small birds is remote; and when there are so few active salaried deputies, little can be done to repress this illegal work until proper and necessary authority is given to the officers charged with the enforcement of law."

"Here is an editorial from another paper along the same lines:"

"We alluded the other day to the lawlessness of the Italian and other foreign bird-destroyers who are a pest and curse to the fields within reach of our large towns in the various parts of the country; and an illuminating incident affording an illustration of the ways of these imported bird-killers has just come to our knowledge from Massachusetts. One day last week a sportsman from Milford, who was hunting in the vicinity, came across a net in the woods, such as had never been seen in that country before. He immediately notified Deputy Fish and Game Warden, Mr. Arthur E. Smith, who repaired to the spot and laid plans for the capture of the culprits. The net was so concealed that unless a man should happen to stumble upon it accidentally, it would not be discovered. It was seventy-five feet long and six feet in height; it was fastened to a ground line and had another at the top, both drawn tight so that the net was firmly held in a perpendicular position. The main body of the net was of a six-inch mesh, and fastened by the top line and hanging loosely down on both sides was a second net of linen thread of one-inch mesh. A bird flying against this outer net would carry the smaller meshes through the larger one, and then drop down, and thus form a pocket from which nothing could escape. The first time the warden visited the net there were pocketed in it six robins, three bluejays and a woodpecker. Warden Smith ascertained that the net had been imported from Italy by an Italian of the neighborhood, and after a few days of patient waiting he captured the man. Because of the absence of any birds in the net at the time he was caught it was practicable to impose on him only a penalty of \$20. These engines of bird-destruction are not uncommon on the continent, and the Italians in particular are much given to securing birds in this way; but we have no room for them in this country, and we may well entertain the trust that for every net set up there may be a Warden Smith promptly on hand to destroy the net and nab the netter."

"This description of conditions existing in Massachusetts will be recognized as a truthful picture of the small bird-destroying Italians wherever he is herded together in temporary labor camps, or where he has opportunity to go abroad from the city tenements for the ravaging of suburban fields."

"Everywhere the foreign shooter is ubiquitous; and everywhere he

is a problem which must be coped with. What shall we do with him?

"I believe that the best and most expedient way to deal with these conditions in our state is to adopt a similar law to that passed in Pennsylvania. It classes the Italian and Greek with the non-resident and requires him to take out a shooting license before he may carry a gun into the field."

DISTRIBUTION OF FISH.

The following is the report on distribution of fish from Sabula in the State fish car, The Hawkeye:

1903.

No distribution—no appropriation.

1904.

Cresco—Turkey river.

Waukon—Yellow and Upper Iowa rivers.

Clear Lake—Clear lake.

Onawa—Blue lake.

Cedar Rapids—Cedar river.

Okoboji—Lake.

Lake View—Wall lake.

Grinnell—Lake.

Storm Lake—Lake.

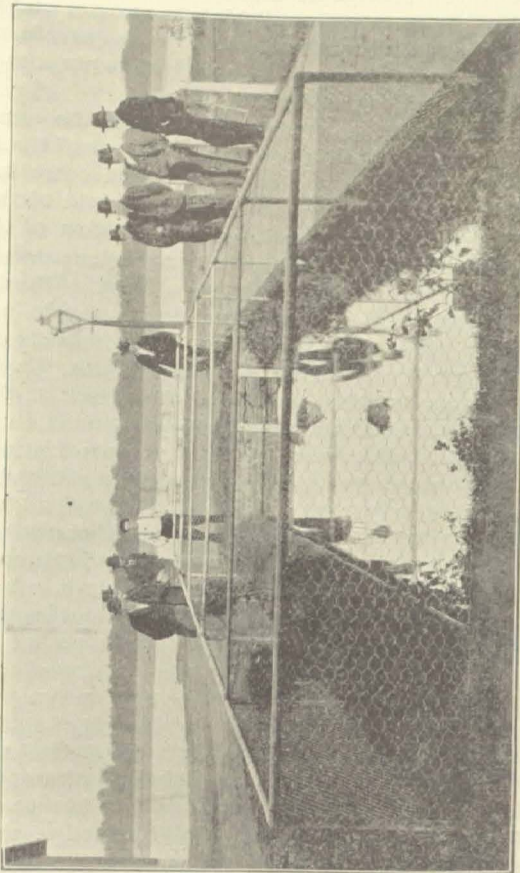
Waterloo—Cedar river.

Cedar Falls—Cedar river.

Car mileage—5,244 miles.

Estimated number of fish distributed—200,000.

The efficiency of this distribution of fish to the waters of the State is now shown by the varieties of fish taken from the lakes and rivers. The distribution has consisted of the fish native to the waters of the State, taken from the bayous near Sabula and have included game fish only, principally bass of all kinds, pike, perch, pickerel, catfish and crappies. They are of such size that they will live, while a majority of them will spawn the next season after being placed. They are healthy when taken from the bayous and the short time elapsing before they are again placed in the water of the State, does not detract from their condition. Therefore, I think this is the most practical as well as the cheapest method of restocking our inland waters. I am more than pleased with the results of the work as shown this year, by the large numbers of fish taken, even after the severe winter of 1904. The winter of 1904 was one of the severest known in many years. Lakes and rivers were frozen to the bottom and large quantities of fish perished. The work of distribution should be kept up at all times



CITY POND, SABULA.

and liberal appropriations made for the same. As for the State at large, it is the best work done by the commission.

In this connection your warden desires to call your attention to the city of Sabula and its officers, who do everything in their power to assist in this work of distribution, furnishing grounds for State ponds and free water for use of car from their artesian well. The thanks of the State are due to them for all courtesies extended.

FURNISHING FISH FOR PRIVATE PARTIES.

In this connection I would call your attention to the law as it now is interpreted in reference to furnishing fish to parties who have private ponds and desire fish for their own use. As I understand it, and as handed down by the supreme court in the Sac county case, I have no authority to take fish at the expense of the State from the public waters of the State and furnish private waters. Sections 2546. Taken by warden. 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 restocking other waters. "It is held that the word "waters" in this section means "public waters." If this is correct the law should be so amended that private parties desiring fish for their own use, and who construct ponds to receive them, can have them furnished through the commission.

DISTRIBUTION OF FISH BY THE UNITED STATES.

In the distribution of fish to the public waters of this State, I would call your attention to the great work done by the United States Fish Commission, under the direction of Mr. R. S. Johnson, superintendent at Manchester. He has filled every request made by your warden and others for fish as far as possible. The details of the distribution through Mr. Johnson will be found in tabulated form in the appendix. The thanks of your warden is hereby extended him for work done.

GATHERING FISH FROM BAYOUS.

Heavy rains and floods have overflowed the banks of the rivers and washed large numbers of fish into the ponds and bayous, where they would have perished unless returned to the rivers. This work has been done in many cases by the sporting clubs and deputies without pay. In many instances, however, your warden has employed men and furnished nets and in this way thousands of young fish have been saved and replaced in the public waters.

FISHWAYS CONSTRUCTED.

We have caused to be constructed in the different dams during the biennial period twenty fishways. There are still a great many owners of dams who have not yet complied with the provisions of the law. Notice has been served on these by the warden that the law must be obeyed. There has been but one case where the owner has refused to place a fishway, and the suit has been commenced to compel the observance of the law.

RISE OF WATERS IN LAKES.

The heavy rains for the past two years have caused the lakes of the State to become full and in some instances to overflowing. This is especially true at Spirit lake, when on July 4, 1905, the waters became so high that the old channel broke through and a large outlet was made between Spirit lake and East Okoboji, allowing the water to flow from Spirit lake through the chain of lakes into Lake Okoboji, thus making the water in the lakes of Dickinson county the highest known for years. The cry has gone forth that the lakes of Iowa were gradually drying up, the prediction being made that in a few years they would be nothing but dry land and sloughs. Much alarm was felt, for in many places smaller lakes did dry up. These smaller lakes have since filled up again with the heavy rains, and great catches of fish are being made from them.

GAME.

The feathered game of our State remains about the same as in my last report. Prairie chickens are more numerous than last year, but they are a bird that will gradually disappear as civilization advances, as is shown by the reports from the states more densely populated. Quail always will be with us. They are now more numerous than for many years. The short season for killing them, and the protection given them by the farmers, is responsible for this condition. Even the sportsman does not think it right to gather them in large numbers, hence they are with us, and the prospects are they will stay unless killed by severe winters, with sleet, which prove the most destructive to them. Ducks of all varieties are numerous. Many have nested in our State and the lakes and ponds in many localities are covered with them.

Resident licenses, unlike those issued to non-residents, are not intended so much to restrict hunting as to regulate it. The chief use they subserve is the raising of funds for the use of the commission, at the same time providing a system of identification of hunters. With the exception of the small fee allowed to the officers issuing the license, usually collected in addition to the regular license fee, the proceeds from such licenses are used in payment of wardens, and in the payment of expenses in connection with the employment of deputy wardens.

In the annual report of 1894, Hon. Chas. S. Hampton, fish and game warden of Michigan, said:

I am of the opinion that a law licensing all hunters, those of our own state being charged a nominal fee, while non-residents are compelled to pay \$25.00, is, for the present, the best restrictive measure. Any man carrying a gun and not having a license in his possession, or refusing to show it to any citizen on demand, should be subject to penalty.

In the above recommendation I heartily agree with him. As stated in my last report I can see no reason why the State of Iowa should pay out large sums for the protection of game for the benefit of the sportsman without deriving some revenues in return to assist in defraying the expenses of such protection. Should such a law as is now in force in other states be passed, your warden could secure deputies to be paid from the fund raised, who would fearlessly perform their duties, and not be compelled to look to convictions for their compensation as now provided by law. Under the present law they seldom receive any compensation, for parties convicted will pay their fines, but not the costs, out of which the deputies' fees are paid, knowing they will not be compelled to serve a term of imprisonment for costs.

I am of the opinion that the passage of a resident license law would prevent a large amount of unlawful hunting, and would place in the State treasury, for the benefit of a protection fund, not less than \$30,000 per annum. I would therefore recommend the passage of a resident hunters' license law.

NON-RESIDENT HUTNER'S LAW.

In connection with license laws will say that the non-resident license law should be amended, and in my opinion, if so amended, the State will reap some benefit from the same. Chapter 86, Acts Twenty-eighth General Assembly in relation to protection of game, provides: Section 1. License for Non-Residents. That it shall be unlawful for any person, not a *bona fide* resident of the State of Iowa, to pursue,

hunt, or kill any game bird or animal in the State of Iowa at any time, without first procuring a license therefor from the county auditor of the county in which said game is pursued, hunted or killed.

Section 2 makes the fee for license \$10 for one year, and 50 cents to the county treasurer for issuing the same. Section 4. Restrictions. Any such non-resident, who may thus have obtained such a license, shall be authorized thereby to hunt, pursue or kill game, in the "county" named therein. Section 5. Penalty. Not having above license \$25 to \$100 for each offense.

In my opinion the above was passed as a State license, as all other states have. But in reality it is a county license, only, compelling a non-resident hunter to take out a license in every county of the State if he desires to hunt in Iowa. The law is open to criticism by other states who allow hunters to hunt in their respective states as follows, and desire reciprocity:

Colorado—state fee, \$25.00.

Maine—state fee, \$15.00

Minnesota—state fee, large game, \$25.00.

Nebraska—state fee, \$10.00.

North Dakota—state fee, \$25.00.

Wisconsin—state fee, large game \$25.00; small game, \$10.00...

Illinois—state fee, \$10.00.

Michigan—state fee, \$25.00.

Minnesota—state fee, small game, \$10.00.

Montana—state fee, \$15.00.

Such a license as now is in force is no special hardship for those who desire to hunt in one county. But the game birds of Iowa are not so abundant that a sportsman can stay in one county should he desire to bag much game. Should he desire to extend his hunting trip, say from Allamakee to Lyon county, his license fee would be \$115.50, to say nothing of the time and trouble of procuring the necessary documents. I would recommend that the above law be changed so as to make the same a State non-resident license law, with proper license fee and penalties.

OPEN SEASON FOR GAME BIRDS.

In my opinion the changing of the laws relative to fish and game at every session of the legislature does not produce the best effect in enforcing the laws. And while there may be some minor defects, I believe that the laws as they now are, if rigidly enforced, and upheld by the different public officers who have to construe them will prevent unlawful work. There is one recommendation I would make in con-

nection with this. The attorney general has rendered an opinion that the law as it now stands does not include all classes of snipe, and that they have no closed season. Believing they should be protected during certain seasons, would recommend that section 2551 be amended so as to include snipe of all classes in a closed season.

FISH AND GUN CLUBS.

The organization of the many fish and gun clubs, etc., is noted with pleasure. All of these clubs have been of great assistance to your warden in helping to secure an enforcement of the fish and game laws of the State. Whenever notified I have assisted and encouraged the formation of these associations, for I believe it is a step in the right direction, and that much will be accomplished through them. They render valuable aid in selecting and recommending deputies, and do not hesitate to notify the wardens of unlawful work, and furnish evidence for the convictions of violators. If each county in the State would form such an organization, and the members thereof would be active and sincere, sentiment soon would be moulded for the enforcement of the law, and public opinion would be such that convictions could be had before any court. Every true sportsman should assist in organizing these associations for the protection they will afford.

SUMMARY OF WORK OF THE DEPARTMENTS.

Number of arrests reported of violations of the fish and game laws	396
Number of convictions	337
Acquittals	35
Jail sentences	24
Permits issued for scientific purposes	5
Fines and costs assessed and paid	\$11,088.40
Value of illegal fishing devices confiscated and destroyed (estimated)	1,260.00

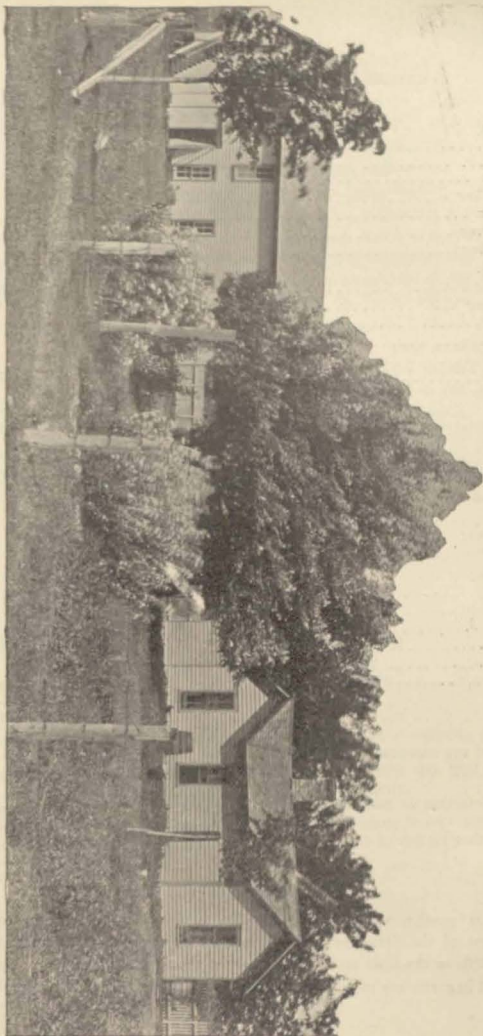
RECEIPTS AND EXPENDITURES.

The following table will show the receipts and expenditures for the biennial period:

RECEIPTS.

Deficiency appropriation, Senate file 25, 30 G. A. \$ 4,000.00

STATE HATCHERY AND ASSISTANT'S RESIDENCE.



EXPENDITURES.

1903.		\$177.15	
June		185.00	
July		227.53	
August		193.47	
September		291.05	
October		229.06	
November		198.79	
December			
1904.			
January		204.72	
February		308.76	
March		285.77	
April		588.74	
May		610.39	
June		594.48	3,994.91
			5.09
Appropriation, Chap. 13, 30th G. A.			13,500.00
1904.			
July		\$1,426.43	
August		749.74	
September		2,300.67	
October		924.94	
November		348.45	
December		294.88	
1905.			
January		292.33	
February		265.72	
March		383.75	
April		409.50	
May		312.57	
June		958.21	8,666.69
			\$ 4,833.31

Thus showing a balance of \$4,833.31 with which to continue the work of the commission until June 30, 1906.

ESTIMATE OF FUNDS NECESSARY FOR PERIOD, INCLUSIVE, JUNE 30, 1906, TO JUNE 30, 1907.

For protection of fish and payment of wardens	\$3,000.00
For protection of game and payment of wardens	3,000.00
For gathering fish at Sabula and fish car mileage	1,500.00
	\$7,500.00

ACKNOWLEDGEMENTS.

Your warden again desires to acknowledge his indebtedness to the press of the State for their untiring work and uniform kindness in publishing the laws and all notices sent them, and for endeavoring to assist in every way possible in upholding the laws and imparting useful

information for the guidance of their readers. To the railroad managers and officers for the practical way they have handled the State fish car, Hawkeye, in the distribution of fish to the public waters of the State. To the many fish and game clubs throughout the State, to whom I am under many obligations. To the large number of deputy wardens who have assisted me in many ways without fees and who have by their laborious work in many cases saved and transferred thousands of young fish and placed them in deep water so they would not be exterminated. To R. S. Johnson, superintendent at the United States hatchery at Manchester, Iowa, for the large number of fish planted in Iowa waters at the request of your warden. To Your Excellency and members of the executive council for your kindness and prompt action at all times. All these courtesies have assisted me in carrying on the work of the commission, and for which, to you one and all, I am indebted, and herewith respectfully submit my report.

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

DISTRIBUTION OF FISH BY UNITED STATES IN IOWA.

FISCAL YEAR 1904.

Totals.

BROOK TROUT FRY.

To applicants in Iowa	8,000	8,000
-----------------------------	-------	-------

BROOK TROUT YEARLINGS.

To applicants in Iowa	4,500	4,500
-----------------------------	-------	-------

RAINBOW TROUT FRY.

To applicants in Iowa	35,000	35,000
-----------------------------	--------	--------

RAINBOW TROUT YEARLINGS.

Canoe Creek, Decorah	21,000	
Maquoketa river, Forrestville	4,500	
To applicants in Iowa	16,500	42,000

RAINBOW TROUT ADULTS.

Spring Branch, Manchester	400	400
---------------------------------	-----	-----

BLACK SPOTTED TROUT FRY.

Spring Branch, Manchester	10,000	
Spring Branch, Forrestville	5,000	15,000

STEELHEAD TROUT YEARLINGS.

Lake Okoboji, Lake Okoboji	10,000	10,000
----------------------------------	--------	--------

PIKE PERCH FRY.

To applicants in Iowa	1,800,000	1,800,000
-----------------------------	-----------	-----------

YELLOW PERCH FRY.

Maquoketa river, Manchester	25,000	25,000
-----------------------------------	--------	--------

FISCAL YEAR 1904.

ROCK BASS YEARLINGS.

To applicants in Iowa	200	200
-----------------------------	-----	-----

CRAPPIE YEARLINGS.

Maquoketa river, Manchester	200	200
-----------------------------------	-----	-----

FISCAL YEAR 1905.

RAINBOW TROUT FRY.

Maquoketa river, Forrestville	10,000	
Honey creek, Manchester	5,000	
Village creek, Waukon	20,000	
To applicants in Iowa	46,000	81,000

RAINBOW TROUT YEARLINGS.

Shell Rock river, Mason City	5,000	
Village creek, Lansing	5,000	
Paint creek, Waukon Junction	5,000	
Maquoketa river, Forrestville	5,740	20,740

RAINBOW TROUT ADULTS.

Spring Branch, Manchester	600	600
---------------------------------	-----	-----

BROOK TROUT FRY.

To applicants in Iowa	46,000	46,000
-----------------------------	--------	--------

BROOK TROUT YEARLINGS.

Spring Branch, Manchester	2,300	2,300
---------------------------------	-------	-------

LOCH LEVEN TROUT ONE YEAR OLD.

Maquoketa river, Forrestville	200	200
-------------------------------------	-----	-----

FISCAL YEAR 1905.

LAKE TROUT TWO YEAR OLD.

Clear lake, Clear Lake	375	
Storm lake, Storm Lake	225	600

QUINNAT SALMON TWO YEAR OLD.

Lake Okoboji, Lake Okoboji	1,950	1,950
----------------------------------	-------	-------

STEELHEAD TROUT TWO YEAR OLD.

Shell Rock river, Germania	700	700
----------------------------------	-----	-----

ROCK BASS YEARLINGS.

To applicants in Iowa	500	500
-----------------------------	-----	-----

YELLOW PERCH FRY.

Maquoketa river, Manchester	25,000	25,000
-----------------------------------	--------	--------

REPORT OF THE FISH COMMISSIONER.

BLACK BASS YEARLINGS.

Maquoketa river, Manchester	8,000	
Cedar river, Waterloo	6,000	
Upper Iowa river, Iowa	16,500	
Shell Rock river, Iowa	18,000	
Iowa river, Iowa Falls	3,000	
Small Lakes, Fairfield	5,000	
Wapsipinicon river, Winthrop	7,000	
Volga river, Wadena	5,000	
Cedar river, Charles City	5,000	
Maquoketa river, Manchester	4,000	
To applicants in Iowa	5,000	82,500

FISCAL YEAR 1905.

CRAPPIE YEARLINGS.

Maquoketa river, Manchester	2,400	
Cedar river, Waterloo	3,600	
Upper Iowa river, Iowa	900	
Shell Rock river, Iowa	700	
Iowa river, Iowa Falls	5,000	
Small Lakes, Fairfield	5,500	
Wapsipinicon river, Winthrop	2,500	
Volga river, Wadena	5,000	
Cedar river, Charles City	5,200	
To applicants in Iowa	500	31,300

CATFISH YEARLINGS.

Maquoketa river, Manchester	6,000	
Cedar river, Waterloo	4,000	
Upper Iowa River, Iowa	1,800	
Iowa river, Iowa Falls	7,800	
Small Lakes, Fairfield	4,500	
Wapsipinicon river, Winthrop	3,000	
Volga river, Wadena	2,700	
Cedar river, Charles City	1,800	31,600

BREAM YEARLINGS.

Iowa river, Iowa Falls	100	
Wapsipinicon river, Winthrop	50	
Volga river, Wadena	300	
Cedar river, Charles City	500	950

FISCAL YEAR 1905.

YELLOW PERCH YEARLINGS.

Upper Iowa river, Iowa	150	
Iowa river, Iowa Falls	700	
Small Lakes, Fairfield	2,000	
Wapsipinicon river, Winthrop	1,200	
Volga river, Wadena	2,000	
Cedar river, Charles City	500	6,550

PIKE, YEARLINGS AND ADULTS.

Maquoketa river, Manchester	50	
Upper Iowa river, Iowa	25	
Iowa river, Iowa Falls	100	
Wapsipinicon river, Winthrop	150	
Small Lakes, Fairfield	70	395

REPORT OF THE FISH COMMISSIONER.

ESTIMATED NUMBER OF MISCELLANEOUS FISHES PLANTED IN MISSISSIPPI RIVER.

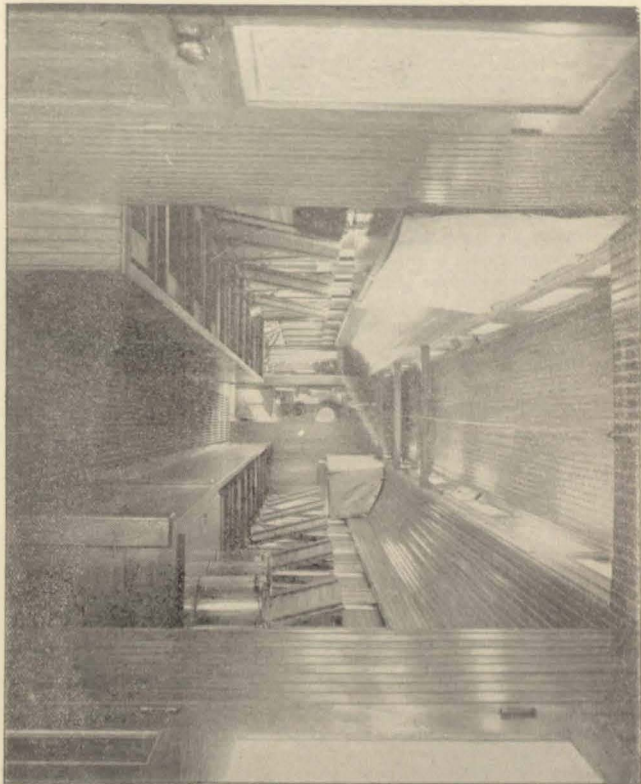
Black Bass	11,500	
Crapple	426,000	
Sunfish	205,000	
Yellow Perch	160,000	
Catfish	200,000	
Buffalo	136,000	
Pike	26,500	1,165,000

STATE FISH AND GAME OFFICERS.

Arizona—T. S. Bunch, Safford.
 California—W. W. Van Arsdale, San Francisco.
 Colorado—J. M. Woodward, Denver.
 Connecticut—Geo. T. Matthews, Thompsonville.
 Delaware—A. D. Poole, Wilmington.
 Idaho—Wm. M. Stephens, Rexburg.
 Illinois—Dr. J. A. Wheeler, Springfield.
 Indiana—Z. T. Sweeny, Columbus.
 Iowa—Geo. A. Lincoln, Cedar Rapids.
 Kansas—D. W. Travis, Pratt.
 Maine—L. T. Carleton, Augusta.
 Maryland—Col. J. W. Avirett, Cumberland.
 Massachusetts—Geo. W. Field, Sharon.
 Michigan—Chas. H. Chapman, Sault St. Marie.
 Minnesota—Uri L. Lamfey, St. Paul.
 Missouri—Joseph H. Rodes, Sedalia.
 Montana—W. F. Scott, Helena.
 Nebraska—Geo. L. Carter, Lincoln.
 New Hampshire—Natl. Wentworth, Hudson.
 New Jersey—Benj. P. Morris, Long Branch.
 New Mexico—Payo B. Otero, Santa Fe.
 New York—James S. Whipple, Salamanca.
 North Carolina—Dr. R. H. Lewis, Raleigh.
 North Dakota, No. 1—F. W. Schlechter, Fessenden.
 North Dakota, No. 2—William McKean, Sanborn.
 Ohio—Paul North, Cleveland.
 Oklahoma—Eugene Watrous, Enid.
 Oregon—J. W. Baker, Cottage Grove.
 Pennsylvania—William Kennedy, Pittsburg.
 Rhode Island—John H. Flannagan, Providence.
 Tennessee—Jos. H. Acklen, Nashville.
 Utah—John Sharp, Salt Lake City.
 Vermont—H. G. Thomas, Stowe.
 Washington—T. R. Kershman, Bellingham.
 West Virginia—J. H. Marcum, Huntington.
 Wisconsin—Henry Overbeck, Jr., Madison.
 Wyoming—D. C. Nowlin, Lander.
 British Columbia—B. Williams, Van Couver.

Manitoba—Chas. Barber, Winnipeg.
New Brunswick—L. B. Knight, St. Johns.
Newfoundland—Ell Dawe, St. Johns.
Northwest Territories—F. N. Willing, Regina.
Nova Scotia—L. G. Power, Halifax.
Ontario—E. Towseley, Toronto.
Quebec—N. E. Cormier, Ayimer.
Mexico—A. L. Herrera, City of Mexico.

INTERIOR STATE FISH CAR, SHOWING TANKS.



PROTECTION AND IMPORTATION OF BIRDS UNDER
ACT OF CONGRESS APPROVED MAY 25, 1900.
U. S. DEPARTMENT OF AGRICULTURE.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., July 13, 1900.

The act of May 25, 1900, commonly known as the Lacey Act, (1) places the preservation, distribution, introduction, and restoration of game and other birds under the Department of agriculture; (2) regulates the importation of foreign birds and animals, prohibiting absolutely the introduction of certain injurious species; and (3) prohibits interstate traffic in birds or game killed in violation of State law. The Act reads as follows:

An Act to enlarge the powers of the department of Agriculture, prohibit the transportation by inter-state 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 or 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 of the season when the same be lawfully captured, and the export of which is not prohibited by the 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 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 of not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of 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.

The object of placing this work in charge of an executive department of the federal government was merely to supplement and not to hamper or replace the work hitherto done by State commissions and organizations; in other words, to co-ordinate and direct individual efforts, and thus insure more uniform and more satisfactory results than could otherwise be obtained. Greater uniformity in State legislation and better enforcement of existing laws can be secured only by the most complete co-operation between the various forces now at work in the cause of bird protection.

PROPAGATION AND DISTRIBUTION OF GAME BIRDS.

No provision for distribution of birds.—The Act authorizes, but does not provide an appropriation for, the purchase and distribution of birds. The Department of Agriculture, therefore, has no quail, pheasants, or other game birds for distribution.

The department issues no permits for shipping birds *from one State to another*. In some states, as in California, the board of fish and game commissioners is authorized to issue permits for shipping birds for propagating purposes, and a few states, such as Michigan and New Jersey, make exceptions in their game laws in the case of birds captured for breeding purposes; but when a state forbids the exportation of birds without exception, interstate commerce in birds from that state is in violation of the Lacey Act, whether the birds are captured during open seasons or whether they are intended for propagation or not.

IMPORTATIONS OF FOREIGN ANIMALS AND BIRDS.

Persons contemplating the importation of live animals or birds from abroad must obtain a special permit from the secretary of agriculture, as required by section 2 of the Act. The law is mandatory and makes no exceptions besides those noted below. It applies to single mammals, birds, or reptiles, kept in cages as pets, as well as to large consignments intended for propagation in captivity or otherwise. But in order to avoid the unnecessary hardship and annoyance the list of species which may be admitted without permits will be extended at an early date.

Applications for permits.—Importers are advised to make application for permits in advance, in order to avoid annoyance and delay

when shipments reach the custom-house. Application blanks may be obtained from the department. Requests for permits may be made in the following form:

To the SECRETARY OF AGRICULTURE,

Washington, D. C.

Sir: I respectfully request that a permit be issued for the importation of which will probably arrive at the port of from on or about 1900, destined for These animals or birds will be (state whether the animals or birds are to be liberated or kept in captivity, and whether imported for propagation, exhibition, or other purposes).

Very respectfully,

Applications may also be made by telegraph, in which case the message should contain (1) the number and species of birds and animals for which a permit is desired, (2) the port of entry, (3) the country from which imported, and (4) the owner's name.

Exceptions.—Permits are *not* required for domesticated birds such as chickens, ducks, geese, guinea fowl, peafowl, pigeons, or canaries; for parrots (including cockatoos, lovebirds, macaws, and parakeets); or for natural history specimens for museums or scientific collections. Permits must be obtained for all wild species of pigeons and ducks, and when domesticated as well as wild birds are included in the same shipment all the species should be mentioned in the letter of application, in order to avoid any misunderstanding as to the term "domesticated."

Ruminants.—In the case of ruminants (including deer, elk, moose, antelope, and also camels and llamas), permits will be issued, as heretofore, in the form prescribed for importation of domesticated animals. Such animals will be subject to inspection and quarantine, as required under Order No. 56 of the bureau of animal industry, dated December 28, 1899, entitled "Regulations for the inspection and quarantine of horses, neat cattle, sheep, and other ruminants, and swine imported into the United States."

Species prohibited.—The introduction of the English or European house sparrow, the starling, the fruit bat or flying fox, and the mongoose, known also as the ichneumon or Pharaoh's rat, is absolutely prohibited, and permits for their importation will not be issued under any circumstances. Importers are cautioned against placing any of these species in cages with other birds or animals. Such action will render the shipment liable to detention at the custom-house, as the species

named must be exported or destroyed at the expense of the owner or agent.

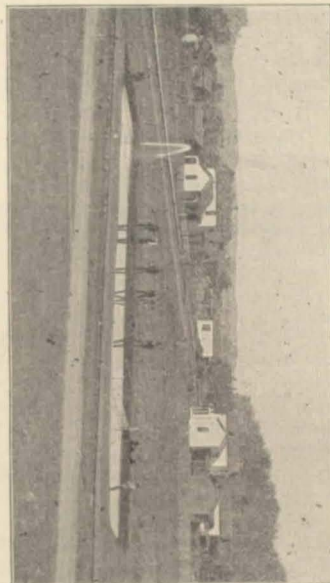
Permits.—Permits will be issued free of charge upon receipt and approval of applications. They will be made out in duplicate, one copy to be attached to the bill of lading, and the other forwarded by mail or delivered to the collector of customs at the port of entry for use in case the original is lost. Permits will be made out in the name of the owner or agent, will be accepted only at the port and for the shipment named therein, and will be void 30 days after the date set for the arrival of the shipment at the port of entry.

Customs regulations.—Under the regulations prescribed by the secretary of the treasury under date of June 28, 1900 (Department Circular No. 101, Division of Customs), persons who have not already secured permits will be allowed 10 days in which to secure them after the arrival of the shipment at the port of entry. In such cases an examination will be made at once; duties, if any, estimated and deposited; and a stipulation filed with the collector within 24 hours after arrival to produce the necessary permit within 10 days. Upon filing a voluntary bond with approved securities in double the invoice value (but not less than \$10), the importer may secure the delivery of the property upon condition that, in the event of failure to secure the necessary permit, it shall be redelivered to the collector within 10 days after date of entry. Property remaining in the custody of the officers of customs pending issue of the permit will be retained wholly at the expense of the importer.

In case of doubt as to whether animals or birds belong to prohibited species, or suspicion on the part of the collector that such species are being entered under other names, the shipment will be held at the risk and expense of the importer pending the receipt of special instructions from the Department of Agriculture, or until examined at the expense of the importer by a special inspector designated by the Secretary of Agriculture and the identity established to the satisfaction of the collector.

Special inspectors.—For the convenience of importers special inspectors will be designated at the ports of New York, Boston, Philadelphia, Baltimore, Washington, New Orleans, and San Francisco, who will examine shipments at the request of the owner or agent or who may be consulted in case of misunderstanding between owner and officers of the customs. The inspector will be entitled to a fee for such service (in ordinary cases not exceeding \$5 for each ship-

STATE RETAINING POND, SAVILA.



ment), which shall be paid by the importer before delivery of the property. These inspectors are designated merely for the convenience of importers, and owners or agents are under no obligations to employ them. But the identity of species must be established to the satisfaction of collectors and in case of refusal or neglect on the part of the owner or agent, or failure to obtain the permit within the specified time, delivery of the property will be refused and immediate exportation required. As representatives of this department, special inspectors will be authorized to settle all questions involving the identity of species, as to whether permits are necessary, or whether species are prohibited from introduction; and their decisions shall be accepted as final by officers of the customs.

TRANSPORTATION OF PROHIBITED SPECIES.

Attention is called to the clause in section 3 which makes it unlawful for any person or persons to deliver to any common carrier or for any common carrier to transport any foreign animals or birds the importation of which is prohibited by section 2. Of the species prohibited, the mongoose and flying fox have not yet gained a foothold in the United States. The European starling (*Sturnus vulgaris*) has been introduced at several points and is now present in the lower Hudson River Valley, N. Y.; at Pittsburg, Pa.; and at Portland, Ore. The English sparrow (*Passer domesticus*) has spread to most of the states and territories, but is present at comparatively few points in Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, and apparently has not yet reached Arizona or Nevada. The deliberate shipment of starlings or English sparrows from one State to another is now a violation of law and renders the shipper and carrier liable to the penalties provided in section 4. It may be possible, therefore, to prevent the spread of the English sparrow to states where the bird is now absent, while those states in which it has gained only a slight foothold have an opportunity to rid themselves of the pest by adopting vigorous measures for the destruction of the few sparrows within their limits.

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 the 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 reports 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 they now lack and which will be the most effective for the purpose of breaking up this 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.

PRESERVATION AND IMPORTATION OF BIRDS IN CHARGE OF THE BIOLOGICAL SURVEY.

The division of biological survey is hereby placed in charge of all matters relating to the preservation and importation of animals or birds under this Act, and until further notice the assistant chief of that division will have immediate charge of the issue of permits for the importation of animals and birds from foreign countries. All inquiries regarding bird protection and all requests for publications on the uses or preservation of birds should be addressed to the chief of the biological survey.

JAMES WILSON,
Secretary.