

Fifteenth Biennial Report

OF THE

# State Fish and Game Warden

TO THE

Governor of the State of Iowa

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1902-1903

GEO. A. LINCOLN, Warden

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## REPORT.

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*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 fifteenth biennial report of the state fish commissioner and the third biennial report of the state game warden.

The failure of the Twenty-ninth General Assembly to make any appropriation for the prosecution of the work of the commission has retarded the work materially, and compelled your warden to abandon many plans outlined for the distribution of fish and the protection of both fish and game. But I have endeavored to use the small amount of funds left over from the appropriation of 1900-1901, to the best advantage in promoting the distribution and protection of fish and game.

### UNPRECEDENTED RAINFALL.

The years of 1902-1903 have been unprecedented in heavy rainfall, and the waters in the lakes and rivers of the state have, at nearly all times, been high to overflowing. This was especially true of the rivers, whose banks have overflowed with each successive rainfall, and large quantities of fish have found their way into the ponds and bayous, and in some cases, corn-fields. It has been a large undertaking to place these fish back into the running waters, to prevent them from perishing. But through the good work of many of the deputy wardens and permit holders, thousands of fish have been saved that would otherwise have perished.

In all the rivers and streams tributary to the Mississippi river, large quantities of fish have, during the high waters, found their way up these waters, and fishing was never better than at the present time, and large numbers are taken daily.

## SEINING PERMITS.

Under the provisions of the law passed by the Twenty-ninth General Assembly, allowing the taking of certain kinds of coarse fish from the public waters of the state, under the supervision and in the presence of the warden, or one or more of his regularly constituted deputies, without expense to the state, numerous permits have been issued from this office, and large numbers of this variety of fish have been taken for food purposes; and numerous private ponds have been stocked with food fish, thus giving the people of the state a source of inexpensive food that could not be had in any other manner, as this class of fish do not bite at the hook and line as voraciously as do the game varieties, and should be taken out of the water. The granting of permits to take these fish under the provisions of the law, has in many cases, prevented unlawful acts, as parties holding lawful permits, and who are compensating the deputy warden for his services, make complaints at once of parties who are taking fish unlawfully. Objections have been made as to the workings of this law, on account of the seines disturbing the spawn, during the spawning season; and in some cases, this objection is good. But if permits are so issued that they can only be used during certain months, not covering the said season, the object of the law will be accomplished, and great quantities of food fish distributed to the people of the state.

## GATHERING FISH AT SABULA.

The state ponds at Sabula are in good condition and are under the personal charge of Mr. Chas. H. Swift. The ponds are supplied with water furnished by the city of Sabula, free of charge to the state. The state launch is also located at this place, and through the kindness of the Chicago, Milwaukee & St. Paul Railway Company the state fish car, "Hawkeye," has been placed on a private spur track, close to the ponds, and kept there at all times, except while in use distributing fish.

During the fall of 1901, fifteen carloads, and in 1902, nine carloads—about 25,000 in each car—of black, silver and rock bass, crappie, pike, pickerel, catfish, perch and sunfish, were seined from the bayous and ponds of the Mississippi river, and distributed to the lakes and rivers of the state from Sabula (see appendix, for lakes and rivers supplied). More would have

been distributed in 1902, had there been any funds for that purpose, but owing to the failure of the Twenty-ninth General Assembly to make an appropriation, work had to be stopped, and during the fall of 1903, the work will be abandoned for the same cause. Your warden regrets the stoppage of this work, for the good results of the work of this distribution of fish can be seen in all the waters of the state. And while the rivers of the state have received many fish from their tributary rivers below, during the high waters, the great lakes have not been so fortunate, having no inlets from the waters that contain fish, and must depend on propagation for their supply, until funds are provided by the state for this work.

## DISTRIBUTION OF FISH BY THE UNITED STATES.

In this connection, your warden would call your attention to the work done by the United States fish commission under the direction of Mr. R. S. Johnson, superintendent of the hatchery at Manchester, Iowa, by request of your warden and others, and in connection with the work of distributing fish to the waters of the state. As far as possible, he has filled every requisition made, and has furnished the number of fish, and at the places shown in Appendix. The fish furnished by the United States are all small fry, or fingerlings, while those distributed by the state from Sabula, are from fingerlings to those that are full grown, and will spawn the next season. The United States is now building a large building at McGregor, to promote the work of taking fish from the Mississippi river and bayous for distribution, the same as the State of Iowa has done for the past five years, recognizing that the results of this kind of work are of the best.

## PENALTY FOR DYNAMITING.

The penalty fixed by the Twenty-ninth General Assembly for dynamiting, has shown good results, and but few cases have been reported of this crime, as but few care to risk conviction, with the heavy penalty attached.

## PRAIRIE CHICKEN—BUT FEW LEFT.

The season of 1902-1903 has been detrimental to the propagation of the prairie chicken. The wet season coming at the time of hatching in both years, has destroyed their nests and

drowned their young, and in many points in the state, I am informed, there are but few chickens left, and they are liable to become extinct. And after carefully gathering reports from over the state, I feel that the prairie chicken will be a bird of the past, unless measures are taken to prevent their being killed, or taken in any manner, for a specified time, and would recommend that the law be so amended, that it will be unlawful to kill pinnated grouse or prairie chicken for three years from the first day of July, 1904.

#### QUAIL—CHANGE IN SEASON.

Quail did not fare as badly as prairie chicken, and are numerous all over the state, and I am still of the opinion that the open season on same should be changed from its present limits, namely, the first day of November to the first day of January, to read as follows: From the fifteenth day of October to the first day of December.

#### DUCKS, CHANGE OF SEASON.

Ducks in large numbers have nested and hatched within the state as the continuous rains have kept the low and marshy lands full of water, making a complete hatchery for this class of birds.

I would again call your attention to the open season on ducks, geese and brant and would recommend that spring shooting of the same be abolished, and the law so amended that the open season be from the first day of September to the first day of January. The states of Minnesota and Wisconsin, at the last session of their legislatures, so amended their laws as to cover this same period.

#### RESIDENT HUNTERS LICENSE.

At the session of the Twenty-ninth General Assembly, there was a draft of a law presented for its consideration, to license all resident hunters with a nominal license fee. While it never came before the general assembly for action, I am still of the opinion that it should be taken up and passed at this coming session. Wisconsin passed such a law at its regular session in 1901, and the receipts by the state for licenses amounted to over \$50,000.00, and as I am informed, prevented in a great many cases, the use of a gun by the small boy who goes out with his

gun and shoots everything that comes in his way, from a game bird down to the smallest song bird. The Minnesota legislature, at its regular session in 1903, passed a resident license law for all hunters, and I am informed that the results are beneficial both to the game and the state. The Illinois legislature, also at its regular session in 1903, passed a resident hunters license law, and the state is deriving a large revenue from the same. I see no reason why the state of Iowa should pay out large sums for the protection of game for the benefit of the sportsmen, without deriving some revenues in return, to assist in defraying the expenses of such protection, and your warden believes that every sportsman in this state desires such a law passed. Should such a law 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, and which they seldom receive, as parties convicted will pay their fines, but not the costs, out of which the deputies' fees are paid, knowing they will not have to serve a term of imprisonment for costs. I am of the opinion that the passage of such a law would place in the state treasury, for the benefit of the game fund, not less than \$30,000.00 per annum, and I would recommend the passage of a resident hunters license law.

In this connection, I would call your attention to the laws of the following states which have resident hunters license laws, and the amount of license charged, to-wit: Colorado, Idaho, Illinois, Indiana, Maine, Minnesota, Nebraska, South Dakota, Washington, Wisconsin, Wyoming, one dollar each; Michigan and North Dakota, seventy-five cents each.

#### GAME AND FISH FOR PROPAGATION.

Requests have been made from game wardens of other states for specimens of birds and fish for propagation, but your warden can find no provision of the law that will allow the securing of birds and fish for the purpose named. All other states have provisions for this kind of work, and I would recommend that the law be so amended that your warden can comply with these requests lawfully, and secure in return, when needed, specimens from the surrounding states.

#### SUNDAY HUNTING.

Your warden finds that a great portion of the violation of the game law is confined in the main to pot-hunters and the igno-

rant classes, who go out of the cities on Sundays and holidays and slaughter all kinds of game and song birds, an evil that unless checked, will do more to exterminate our game and song birds than all the market hunting combined. While we have a Sunday law on our statute books, the wording of the same is such that it is almost impossible to convict for offenses of this class. Hence your warden urges the passage of a resident hunters license law containing such provisions as will tend to prevent the above unlawful acts. The state of Massachusetts makes the Lord's day a closed season for anyone to hunt or destroy birds or game of any kind, with heavy penalties; and a statute of Connecticut, section 2132, provides, that no person shall on Sunday, shoot, or hunt, or have in possession in the open air, the implements for shooting, with the penalty of a fine of from \$10.00 to \$50.00, and an additional fine of \$10.00 for each bird in possession.

#### OPEN SEASON FOR GAME BIRDS.

Your warden would recommend that the law be so amended as to make an open season for all kinds of snipe, commencing on September 1st, and closing on April 15th. This recommendation is made, for the reason that it is an open question whether snipe are included in our laws in any manner, and in my opinion, they should be protected. I further recommend that the words "turtle-doves" be stricken from section 2561, entitled "Protection of birds," and they be placed in section 2551, entitled "Game protected," with an open season from September 1st to April 15th.

#### SLAUGHTER OF GAME BIRDS.

The Eighteenth General Assembly acted wisely in limiting the number of game birds that could be killed in any one day, but in your warden's opinion did not go far enough when it named only pinnated grouse or prairie chicken, woodcock, quail, ruffed grouse or pheasant, and would recommend that the law be so amended as to include ducks, geese, brant or other variety of aquatic fowl, and that it shall be unlawful for any one person to kill or take more than fifty of such last named birds in any one day. Under our present law there is no limit placed on the killing of ducks, geese and brant, but it is unlawful to ship them, either within or without the state; and under these

restrictions it is a slaughter of birds to allow more to be killed, as parties have no way of disposing of the said birds, only by selling them to other parties who unlawfully endeavor to ship them out of the state for sale and cold storage purposes. This has been done in several instances, and while your warden cannot prevent the shipment, as it is always done from small railway points, the said birds have been seized in Chicago and other points of destination by the United States game warden there located, and such evidence furnished that convictions have been made and penalties paid by the shippers. These shipments are made under various devices, with the hope of evading non-export laws. Game has been shipped in trunks, butter kegs, barrels of hides, or in boxes marked "dressed poultry," "household goods," or in packages bearing cipher addresses or numbers. It is also a common practice to forward game by express under an assumed name, with the hope of evading suspicion. While the Lacy act is a great check on these kinds of shipments—as the game is confiscated and the parties shipping same are liable to heavy penalties, not only under our state laws, but under the United States laws—the shipments can never be stopped until such time as the common carrier and its agents are compelled by law, first, to know who the shippers are of every package offered them for transportation, and, second, to require the shippers to make a sworn statement of the contents thereof; and any false statement made as to the contents of any package, if said package should contain game birds, should be made punishable by a fine in excess of the penalties provided by statute for shipping game birds.

#### FISH AND GAME WARDENS.

I would call your attention to the law on deputy fish and game wardens, section 2562: "The fish and game warden may appoint such number of deputies as he may deem necessary, who shall serve without expense to the state, and whose duties shall be to report to the warden all violations of the fish and game laws, and aid him in the enforcement thereof."

At this time I have nearly 200 deputies who have sought the appointment, expecting there was some direct compensation for the work, and have been grievously disappointed when they found out they would have to depend mostly on the fees collected from convictions for their compensation. These fees are

their only compensation, except when they are ordered on special work by your warden. The system is wrong and should be changed. Few men care to prosecute their neighbors, or even to give information, without some compensation assured them, and in some districts in the state they do not care to risk the enmity of those they would have to prosecute for fear of retaliation. Again, the deputies who are heartily in favor of prosecuting all unlawful acts find great difficulty, in many cases, to convict, and even if conviction is obtained, the fees, which are part of the costs, are not paid.

This state is of large dimensions, and failure to enforce the law is often laid at the door of your warden by persons who do not stop to consider the vast extent of this domain, and its varied conditions and the complications that arise in almost every new trial. To give personal attention to each request would be impossible, and your warden is compelled to depend on the deputies, peace officers and the persons interested to prosecute these cases. And, in many cases, satisfactory results have not been obtained. A remedy for this can be had by so amending the law that a resident license will be demanded of each person who hunts, said license money to be paid into the state treasury, with all fines paid in the same manner, to create a fund for the payment of deputy wardens, in such number as may be necessary to enforce the laws of our state.

#### BONAPARTE DAM.

In my last report I recommended legislation authorizing the purchase or condemnation of the Bonaparte dam, as at that time the people of the state were powerless to obtain any relief through the courts, and the obstruction by the dam affected so large a part of the state in its available supply of fish that in my judgment action should be taken. The Twenty-ninth General Assembly passed the following law:

#### LAWS OF IOWA.

AN ACT to provide for the condemnation of a fishway and for the erection of a fishway in the Bonaparte dam. Also making an appropriation for the expenses thereof and prescribing penalties for injuring or destroying such fishway.

*Be it enacted by the general assembly of the state of Iowa:*

SECTION 1. That the attorney general of this state is hereby authorized and directed within six months from the passage of this act, to institute proceedings in the name of the state of Iowa against the owners and parties in

possession of the dam across the Des Moines river at Bonaparte, Iowa, to condemn and appropriate for the use of the state the right to erect and maintain a fishway in the river and dam sufficient to afford free passage for fish from the river below said dam to the waters in the river above the same, and to take all necessary steps to carry out the purposes of this act.

SEC. 2. The condemnation proceedings hereby authorized shall be the same, so far as practicable, and the same notice shall be given as is now provided by law for taking and holding real estate by railway corporations organized in this state and the parties shall have the same right of appeal as in cases of condemnation proceedings instituted by a railway corporation.

SEC. 3. When the amount of damages in such condemnation proceedings shall have been ascertained in the manner herein provided and duly certified to the auditor of state, he shall draw his warrant for the amount thereof on the state treasurer in favor of the party or parties entitled thereto.

SEC. 4. As soon as said damages shall have been assessed by the jury selected for such purpose and the amount thereof paid, it shall be the duty of the State Fish and Game Warden to cause to be erected a substantial and permanent fishway in said dam, of suitable capacity and facilities to afford a free passage of fish up and down the same while the water is running over such dam, and of the most approved pattern.

The warden shall personally superintend the construction of such fishway and shall certify the cost of the same to the state auditor who shall thereupon draw his warrant on the state treasurer for the amount thereof.

SEC. 5. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, a sufficient sum to pay the warrants herein authorized. But no money shall be expended for any purpose provided by this act until approval by the governor of the state who shall determine whether the amount fixed in the condemnation proceedings shall be paid or refused.

SEC. 6. Any person who shall wilfully injure or destroy the fishway so erected or maintained, shall be guilty of a misdemeanor and upon conviction thereof shall be subjected to the same penalties as are provided in section 2550 of the Code.

SEC. 7. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the *Iowa State Register* and the *Des Moines Leader*, newspapers published in Des Moines, Iowa.

Approved April 2d, 1902.

The attorney general commenced condemnation proceedings under and by virtue of said act of the legislature, and the jury awarded the sum of \$40,000.00 for the right to erect a fishway over the dam. The award of the jury was so excessive that the state appealed, and the case is now pending. Since the rendering of the award for damages, the unprecedented rains of this year raised the Des Moines river at Bonaparte to such an extent that the greater portion of the dam has been carried away, and it is now a complete wreck, and the

openings are of such an extent, that there is now a free passage for all fish up and down the river. Your warden is informed by good authority, that should the owners attempt to repair the said dam, or to rebuild it, the state could enforce the laws relative to fishways.

#### PROSECUTIONS.

There have been 124 prosecutions, which resulted in eighty-five convictions. The fines and costs paid aggregated \$4,311.41. The state lost eighteen cases. Jail sentences were given to twenty-one persons. There were seized and destroyed nets, seines and other unlawful devices, to the estimated value of \$700.00.

#### ESTIMATE OF FUNDS NECESSARY FOR 1904-1905.

For protection and distribution of fish .....	\$ 5,000.00
For payment deputy fish wardens .....	3,000.00
For assistant's salary .....	500.00
For gathering fish at Sabula .....	3,000.00
For railway transportation, fish car .....	1,000.00
For protection of game .....	2,500.00
For payment deputy game wardens .....	1,000.00
<b>Total .....</b>	<b>\$ 16,000.00</b>

#### RECEIPTS.

Balance on hand July 1, 1901 .....	\$ 10,445.36
Returned to state treasurer March 1, 1902 .....	977.04
<b>Balance .....</b>	<b>\$ 9,468.32</b>

#### EXPENDITURES.

1901.	
July .....	\$ 484.49
August .....	537.95
September .....	474.68
October .....	1,211.89
November .....	812.84
December .....	458.20
1902.	
January .....	445.03
February .....	480.85
March .....	767.78
April .....	164.72
May .....	235.57
June .....	247.75
July .....	299.64
August .....	379.05
September .....	407.84
October .....	813.88
November .....	148.48
December .....	260.82

1903.	
January .....	180.20
February .....	172.72
March .....	174.81
April .....	150.79
May .....	208.84
<b>Total .....</b>	<b>\$ 9,468.32</b>

June, \$177.15—Approved by executive council, not paid, appropriation expended.

#### ACKNOWLEDGMENTS.

Your warden desires to acknowledge his indebtedness to the press of the state for their uniform kindness in publishing all notices sent them, and for their untiring endeavor to uphold the laws and impart to the public useful information for their guidance; to the railroad managers for the practical way they have proven their interest in the work of distribution of fish with the state car "Hawkeye;" to the various fish and game clubs throughout the state who have worked in cordial relations with me for the upholding of the law in every detail; to the many deputy wardens who have worked night and day, and without pay or price, in prosecuting unlawful acts, and saving thousands of fish from being exterminated during the floods of the last two seasons; to Your Excellency, and members of the Executive Council for your kindness at all times, and for your acts and assurances, that have enabled me to carry on the work of the commission, until the meeting of the Thirtieth General Assembly.

For all of the above courtesies I am deeply indebted, and I respectfully submit my report.

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

APPENDIX.

Distribution of fish from Sabula by State Fish Car "Hawkeye."

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.

1902.

- Storm Lake at Storm Lake.
- Maquoketa River at Dundee.
- Clear Lake at Clear Lake.
- Big Sioux River at Sioux City.
- Big Sioux River at Akron.
- Wall Lake at Lake View.
- Spirit Lake at Spirit Lake.
- Okoboji Lake at Okoboji.
- Cedar River at Cedar Rapids.

Car mileage, 1901.....	8,203 miles
Car mileage, 1902.....	4,248 miles
Total .....	<u>12,451 miles</u>
Estimated number of fish distributed, 600,000.	



DISTRIBUTION OF FISH BY UNITED STATES.

FISCAL YEAR 1902.

BROOK TROUT Yearlings—		
To applicants in Iowa		6,000
<b>RAINBOW TROUT Yearlings—</b>		
Upper Iowa River	5,300	
Turkey River	5,300	
Wapsipinicon River	5,300	
Cedar River	5,300	
Shell Rock River	5,300	
Mill Creek, Bellevue	5,000	
Maquoketa River, Forrestville	5,000	
To applicants in Iowa	11,000	
Total		47,500
<b>BROOK TROUT Fry—</b>		
Maquoketa River, Manchester	5,000	
Spring Branch, Manchester	5,000	
Total		10,000
<b>RAINBOW TROUT Fry—</b>		
Maquoketa River, Forrestville	50,000	
Upper Iowa River, Decorah	25,000	
Turkey River, Fort Atkinson	25,000	
Wapsipinicon River, Ionia	25,000	
Red River, Charles City	25,000	
Des Moines River, Emmetsburg	30,000	
Maquoketa River, Manchester	5,000	
Spring Branch, Manchester	5,000	
To applicants in Iowa	25,000	
Total		215,000
<b>LAKE TROUT Fry—</b>		
Lake Okoboji	15,000	
Spirit Lake	15,000	
Total		30,000
<b>GRAYLING Fry—</b>		
Village Creek, Lansing	25,000	
Clear Creek, Lansing	25,000	
Total		50,000
<b>QUINNAT SALMON Fry—</b>		
Lake Okoboji		4,000
<b>BLACK BASS Fingerlings—</b>		
Maquoketa River, Manchester	3,000	
Cedar River, Cedar Rapids	4,000	
Wapsipinicon River	3,880	
To applicants in Iowa	6,300	
Total		16,680

<b>CRAPPIE Fingerlings—</b>		
Maquoketa River, Manchester	800	
Cedar River, Cedar Rapids	800	
Wapsipinicon River	720	
To applicants in Iowa	12,200	
Total		14,520
<b>CATFISH Fingerlings—</b>		
Maquoketa River, Manchester	3,000	
Cedar River, Cedar Rapids	7,000	
Wapsipinicon River	4,820	
To applicants in Iowa	500	
Total		15,320
<b>SUNFISH Fingerlings—</b>		
Maquoketa River, Manchester	1,500	
Cedar River, Cedar Rapids	2,500	
Wapsipinicon River	60	
Total		4,000
<b>RINGED PERCH Fingerlings—</b>		
Maquoketa River, Manchester	500	
Cedar River, Cedar Rapids	300	
Wapsipinicon River	300	
Total		1,100
<b>PICKEREL Fingerlings—</b>		
Maquoketa River, Manchester	200	
Wapsipinicon River	105	
Total		305

ESTIMATED NUMBER OF FISH PLANTED IN THE MISSISSIPPI RIVER.

Black Bass	1,000
Crappie	700,000
Sunfish	600,000
Pickrel	500
Catfish	43,500
Carp	35,000
Buffalo	200,000
Pike	500
Total	1,580,500

FISCAL YEAR 1903.

<b>RAINBOW TROUT Yearlings—</b>		
Honey Creek, Manchester	4,000	
Volga River, Fayette	10,000	
Upper Iowa River, Decorah	10,000	
Turkey River, Cresco	10,000	
Wapsipinicon River, Ionia	10,000	
Red Cedar River, Charles City	10,000	
Shell Rock River, Nora Junction	10,000	
Little Sioux River, Spencer	10,000	
West Fork Des Moines River, Estherville	10,000	
Village Creek, Lansing	5,000	
Maquoketa River, Forrestville	13,000	
Applicants in Iowa	1,000	
Total		103,000

QUINNAT SALMON Yearlings—		2,700
Lake Okoboji.....		
STEELHEAD TROUT Yearlings—	20,000	
Clear Lake.....	20,000	
Shell Rock River, Mason City.....	2,500	
Spirit Lake.....		42,500
Total.....		
BROOK TROUT Fry—	30,000	
Village Creek, Lansing.....	20,000	
Clear Creek, Lansing.....	25,000	
Canoe Creek, Decorah.....	20,000	
Maquoketa River, Forrestville.....	5,000	
Spring Branch, Manchester.....		100,000
Total.....		
BROOK TROUT Two Years Old—		346
Spring Branch, Manchester.....		
BROOK TROUT Adults—		49
Spring Branch, Manchester.....		
RAINBOW TROUT Fry—	24,000	
Honey Creek, Manchester.....	40,000	
Maquoketa River, Forrestville.....	30,000	
Wapsipinicon, McIntire.....	40,000	
Upper Iowa River, Decorah.....	30,000	
Little Cedar River, Little Cedar.....	30,000	
Des Moines River, Algona.....	30,000	
Shell Rock River, Mason City.....	10,000	
Volga River, Fayette.....	20,000	
Bear Creek, Edgewood.....	5,000	
Spring Branch, Manchester.....		250,000
Total.....		
LOCH LEVEN TROUT Fry—		4,360
Spring Branch, Forrestville.....		
LAKE TROUT Fry—		9,700
Spirit Lake.....		
QUINNAT SALMON Fry—		7,000
Clear Lake.....		
PIKE PERCH Fry—		800,000
Applicants in Iowa.....		
BLACK BASS Fingerlings—		
Wapsipinicon River, Quasqueton.....	350	
Cedar River, Cedar Rapids.....	150	
Maquoketa River, Manchester.....	350	
Volga River, Volga City.....	330	
Applicants in Iowa.....	3,250	
Total.....		4,430
CRAPPIE Fingerlings—		
Wapsipinicon River, Quasqueton.....	3,500	
Cedar River, Cedar Rapids.....	2,000	
Maquoketa River, Manchester.....	2,200	
Volga River, Volga City.....	3,385	
Applicants in Iowa.....	500	
Total.....		11,585

CATFISH Fingerlings—		
Wapsipinicon River, Quasqueton.....	1,900	
Cedar River, Cedar Rapids.....	2,000	
Maquoketa River, Manchester.....	4,000	
Volga River, Volga City.....	2,930	
Applicants in Iowa.....	100	
Total.....		11,930
BREAM Fingerlings—		
Wapsipinicon River, Quasqueton.....	1,200	
Cedar River, Cedar Rapids.....	2,500	
Maquoketa River, Manchester.....	2,100	
Volga River, Volga City.....	2,560	
Total.....		8,360
PIKE PERCH Fingerlings—		
Wapsipinicon River, Quasqueton.....	200	
Cedar River, Cedar Rapids.....	50	
Maquoketa River, Manchester.....	150	
Volga River, Volga City.....	15	
Total.....		415
PIKE Fingerlings—		
Volga River, Volga City.....		15

ESTIMATED NUMBER OF FISH PLANTED IN THE MISSISSIPPI RIVER.

Black Bass.....	4,000
Crappie.....	350,000
Sunfish.....	400,000
Ring Perch.....	25,000
Catfish.....	75,000
Pike Perch.....	3,300
Carp.....	50,000
Buffalo.....	200,000
Total.....	1,107,300

## STATE FISH AND GAME OFFICIALS.

Arizona	W. L. Pinney	Phoenix.
California	W. W. Van Orsdale	San Francisco.
Colorado	J. M. Woodward	Denver.
Connecticut	Geo. T. Matthewson	Thompsonville.
Idaho	Wm. V. Irons	Hagerman.
Illinois	A. J. Lovejoy	Roseoe.
Indiana	Z. T. Sweeney	Columbus.
Iowa	Geo. A. Lincoln	Cedar Rapids.
Maine	L. T. Carleton	Augusta.
Maryland	John W. Avirett	Cumberland.
Massachusetts	Joseph W. Collins	Boston
Michigan	Chas. H. Chapman	Sault Ste. Marie.
Minnesota	Uri L. Lamproy	St. Paul.
Missouri	John W. Revelle	Lutesville.
Montana	Wm. F. Scott	Helena.
Nebraska	Geo. L. Carter	Lincoln.
New Hampshire	Nath. Wentworth	Hudson.
New Jersey	Benj. P. Morris	Long Branch.
New Mexico	Page Otero	Santa Fe.
New York	DeWitt C. Middleton	Watertown.
North Dakota	H. C. Stenshore	Valley City.
Ohio	J. Lynn Rogers	Columbus.
Oklahoma	J. A. Gould	El Reno.
Oregon	J. W. Baker	Cottage Grove.
Pennsylvania	Wm. M. Kennedy	Allegheny.
Rhode Island	F. H. Peckham, Jr.	Providence.
Tennessee	Joseph H. Aeklen	Nashville.
Utah	John Sharp	Salt Lake.
Vermont	Henry G. Thomas	Stowe.
Washington	T. R. Kershaw	Whatcom.
West Virginia	Frank Lively	Hinton.
Wisconsin	H. Overback, Jr.	Madison.
Wyoming	D. C. Nowlin	Big Piney.
British Columbia	F. S. Haney	Victoria.
Manitoba	C. Barber	Winnipeg.

## UNITED STATES LAWS.

## THE LACEY ACT.

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 domesticated 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 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 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 1 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 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.

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 other 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 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.

In order to secure a more general observance of the act of May 25, 1900, entitled "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," the Department invites attention to the provisions of the Federal and State laws relating to shipment of birds and game. These laws are intended to preserve for the common good certain animals and birds that are valuable as food, for sport, or as destroyers of pests. They are generally supported by public sentiment but are frequently violated through ignorance, as comparatively few persons realize the rapid increase in protective legislation or the numerous restrictions which have been imposed on the trade in game. Sportsmen, market hunters, game dealers, commission merchants, railroad and express agents, and all other persons concerned should familiarize themselves so far as possible with the regulations now in force. Copies of State laws may be obtained from fish and game wardens or secretaries of state, and a summary of the Federal, State, and county laws (published as Farmers' Bulletin No. 160) may be had on application to this department. The most important provisions of the various laws may be briefly stated as follows:

(1) *Shipment*.—It is unlawful for any person to deliver to any common carrier for transportation from one state or territory to another, or for any common carrier or consignee knowingly to receive any wild animals or birds killed in violation of local laws. This prohibition applies not only to game killed out of season but to that captured in an illegal manner (by traps, nets, etc.), or for illegal purposes, as, in some states, for sale or shipment.

(2) *Packages must be marked*.—Every package containing game or birds, or any parts thereof, when shipped by interstate commerce, must bear a statement of the contents and the shipper's name plainly marked on the outside. Inattention to these details renders the shipper liable not only to loss of his game, but also to heavy penalties for evasions of the law.

(3) *Evasions*.—Shipping game in trunks, butter boxes, or egg cases; concealing it among other goods; marking it "butter," "dressed poultry," or "household goods;" addressing it with a tag made specially to hide the shipper's name and statement of contents; or resorting to any other device to conceal the nature of the shipment—are all evasions of the law and subject the shipper to the same penalties as for its direct violation. False marking of packages is treated as a serious offense under some state laws and is punishable by special penalties.

(4) *Special restrictions.*—Four-fifths of all the states and territories prohibit export of deer at any season; all of those in which quail occur, except three in the south, prohibit export of these birds at all seasons; and practically every state where prairie chickens are found prohibits their export. As a result of these restrictions it is almost impossible in the west to ship quail or prairie chickens to market outside of the state without violating some law.

(5) *Western game.*—All the states and territories west of the Mississippi river except six prohibit export of all game protected by local laws. Of the six exceptions, Louisiana and Texas prohibit export of all game except a few birds, while Arkansas, Missouri, Montana, and Wyoming either prohibit export of certain species or practically cut off export trade in game by means of other restrictions. Eastern dealers in ordering or receiving such game from these states encourage direct violation of local laws and may render themselves liable to the penalties provided for violating the Federal law.

(7) *Game for propagation.*—States which prohibit export of dead game frequently allow shipment of live birds intended solely for propagation, in some cases under permit from state authorities. Persons contemplating shipment of live birds should inform themselves fully as to all local regulations. No permits for the shipment of game from one state to another are issued by this department.

(8) *Game for private use.*—Some states, especially those which issue nonresident hunting licenses, permit sportsmen to carry a limited amount of game out of the state for private use. In some cases this game must be tagged, carried openly, and accompanied by the owner. To insure safe transit of game, careful attention should be paid to such local regulations.

(9) *Insectivorous birds.*—Robins, swallows, cedar birds, meadow larks, flickers, night hawks or bull bats, and a few other insectivorous species, as well as such birds as longspurs, snow buntings, and shore larks, which are useful in destroying seeds of weeds, are occasionally killed as game. They are however, generally protected, and under no circumstances should they be sent to market or shipped out of the state.

(10) *Birds for millinery purposes.*—Statutes even more stringent than those protecting game birds have recently been enacted by many states for the preservation of birds which are not included in the game list. Under these statutes birds which are in demand for millinery purposes are protected throughout the year, and sale and possession, as well as killing, are prohibited. It should be remembered that the principal centers for millinery supplies are nearly all located in states which have such laws, and the purchase of native song birds, as well as of herons, pelicans, gulls, terns or sea swallows, grebes, or other plume birds, should be avoided. The shipment of these birds or any part of their plumage is prohibited by the provisions of the Federal law. Ostrich feathers are not subject to these restrictions and their use should be encouraged.

JAMES WILSON,  
Secretary.

## TENTH BIENNIAL REPORT

OF THE

# Bureau of Labor Statistics

FOR THE

STATE OF IOWA

1901-1902

EDWARD D. BRIGHAM

COMMISSIONER



DES MOINES:  
R. MURPHY, STATE PRINTER  
1903