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IOWA

Fish and Game Laws

1931-1933

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Fish and Game Commission

W. E. ALBERT

State Game Warden

Des Moines, Iowa

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IOWA FISH AND GAME LAWS

Chapter 85 D1, Code of 1931

1703-d1. Purposes. The purpose of this chapter is to provide an adequate and flexible system for the propagation, protection, development and use of forests, fish, game, fur-bearing animals, protected birds, lakes, streams, plant life, and other outdoor resources in the State of Iowa.

1703-d2. Commission created, appointment, tenure. To carry out the purpose of this chapter and other acts for like purposes, there is created a state fish and game commission of five members, to be appointed by the governor by and with the approval of the senate by a two-thirds vote of the members present in executive session, not more than three from one zone, and not more than three from the same political party. The term of office for each member of the commission shall be four years, provided that of those first appointed, two shall be appointed for two years and three for four years, from and after May 1st, 1931, and further provided that all of those first appointed shall serve, in addition, from their appointment to May 1st, 1931.

1703-d3. Regular appointments. During February in each odd-numbered year, beginning in 1933, two or three members, as the number to be appointed may be, shall be appointed and approved for a full term.

1703-d4. Qualifications and prohibitions. The commissioners appointed shall be citizens of the state and persons having a knowledge of and interest in conservation. No person appointed as such commissioner shall, during his term as such commissioner, hold any other state or federal office.

1703-d5. Vacancies. In case of death, removal from the state, resignation, or removal from office, as hereinafter provided, or inability to act, the Governor shall appoint a successor for the unexpired term and the said successor shall be confirmed by the senate in the same manner as the original appointments.

1703-d6. Salaries and expenses. The members of the state fish and game commission shall receive no compensation for their services, but shall be allowed their actual necessary traveling and hotel expenses while absent from their homes in attendance upon meetings of the commission and in discharge of their official duties, as delegated and authorized by the commission; said expenses to be paid from the state fish and game commission fund.

1703-d7. Qualifications and bond. Members of said commission shall take the usual constitutional oath of office before entering upon the discharge of their duties, and each shall execute a surety bond to the State of Iowa in the amount of five thousand dollars, subject to the approval of the attorney general, to be filed in the office of the secretary of state, for the faithful performance of his duties; the expense of said bonds to be paid out of the state fish and game commission fund.

1703-d8. Organization. Within ten days after their appointment and confirmation said state fish and game commissioners shall qualify and shall meet at the state capitol and organize by electing from their own membership a chairman, vice-chairman and secretary. The officers provided for in this section shall hold office for a term of one year at the discretion of the commission.

1703-d9. Meetings and quorum. The commission shall meet regularly on the first Tuesday of January, April, July and October of each year, and at such other times and places as the commission shall deem necessary. Meetings may be called by the chairman and shall be called on the request of any two members. Three members of the commission shall constitute a quorum to transact business at all meetings.

1703-d10. Office and furnishings. The commission shall keep its office at the state capitol and the executive council shall provide suitable rooms for that purpose, and shall furnish the necessary furniture.

1703-d11. General duties. It shall be the duty of the commission to protect, propagate, increase and preserve the fish, game, fur-bearing animals and protected birds of the state and to enforce by proper actions and proceedings the laws, rules and regulations relating thereto. The commission shall collect, classify, and preserve all statistics, data and information as in its opinion shall tend to promote the objects of this chapter; shall conduct research in improved conservation methods and disseminate information to residents of Iowa in conservation matters.

1703-d12. Specific powers. The commission is hereby authorized and empowered :

1. To expend any and all moneys accruing to the fish and game commission fund from any and all sources in carrying out the purposes of this chapter; any act, or acts, not consistent with this provision are hereby repealed so far as they may apply to the fish and game commission fund;

2. To acquire by purchase, condemnation, lease, agreement, gift and devise lands or waters suitable for the purposes hereinafter enumerated, and rights-of-way thereto, and to maintain the same for the following purposes, to-wit:

a. Public hunting, fishing and trapping grounds and waters to provide areas in which any person may hunt, fish, or trap in accordance with the provisions of the law and the regulations of the commission;

b. Fish hatcheries, fish nurseries, game farms and fish, game, fur-bearing animal and protected bird refuges;

3. To extend and consolidate lands or waters suitable for the above purposes by exchange for other lands or waters and to purchase, erect and maintain buildings necessary for the work of the commission;

4. To capture, propagate, buy, sell, or exchange any species of fish, game, fur-bearing animals and protected birds needed for stocking the lands or waters of the state, and to feed, provide and care for such fish, animals and birds;

5. To temporarily regulate, shorten or close seasons on any species of fish, game, fur-bearing animals and protected birds in any particular locality, or localities, or throughout the state, when it shall find, after investigation that such action is reasonably necessary to assure the perpetuation or preserve a proper balance, or maintain an adequate supply of any such fish, game, fur-bearing animal and protected bird. The statutes governing such subjects shall continue in full force and effect, except as further restricted and limited by the rules and regulations promulgated by the commission as herein provided;

6. To temporarily establish, regulate and close to hunting and trapping or fishing, fish, game, fur-bearing animal and protected bird refuges, and to close and regulate such other lands, streams, or waters, or portions thereof to hunting, fishing and trapping as in its judgment may be deemed best to perpetuate any kind of fish, game, fur-bearing animals and protected birds to maintain an adequate supply thereof;

7. To pay the salaries, wages, compensation, traveling and other necessary expenses of the state fish and game commission, state game warden, deputy state fish and game wardens and other employes of the commission, and to expend money for necessary supplies and equip-

ment, and to make such other expenditures as may be necessary for the carrying into effect the purposes of this chapter.

1703-d13. Rules and regulations. The state fish and game commission is hereby authorized to make, formulate and execute such rules and regulations and to establish such services as it may deem necessary to accomplish the purposes of this chapter. All rules and regulations of the commission shall have the effect of law and shall be published in at least two newspapers of general circulation in the territory to be affected at least two weeks prior to the time the rules or regulations become effective, except in case of an emergency, when the commission shall give such advance notice as it may deem reasonable.

1703-d14. Violations. Any person violating any rule or regulation of the commission shall be punished by a fine not to exceed one hundred dollars for each offense, or by imprisonment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, under the same legal procedure as prescribed for violations of the fish and game laws of the state.

1703-d15. Interpretation and limitations. The foregoing sections shall not be construed as authorizing the commission to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to promulgate any open season on any fish, animal or bird contrary to the laws of the state of Iowa, or to extend any open season or bag limit on any kind of fish, game, fur-bearing animal or of any birds prescribed by the laws of the State of Iowa or by federal laws or regulations, or to contract any indebtedness or obligation beyond the funds to which they are lawfully entitled.

1703-d16. State fish and game warden. The commission shall as soon as practicable select and employ a state fish and game warden who shall have charge of all activities under the jurisdiction of the commission. Said warden shall be a person having executive ability and experience, special training and skill in conservation work.

1703-d17. Tenure and salary. Said warden shall continue in office at the pleasure of the commission, and his salary shall be fixed by the commission.

1703-d18. Official qualification. Said warden shall take oath of office prescribed by the constitution, and shall execute a surety bond to

the State of Iowa in the sum of not less than ten thousand dollars, conditioned for the faithful performance of the duties of his office, and file the same with the secretary of state; provided, however, the present state fish and game warden shall serve his unexpired term to March 1, 1933.

1703-d19. Warden as administrative head. Said warden shall be administrative head of the state fish and game commission and shall be responsible to the commission for the execution of its policies; he shall employ, by and with the advice and consent of the commission, such technical and administrative assistants as may be necessary for the execution of such policies and shall exercise the powers of the commission in the interim of its meeting, but subordinate thereto.

1703-d20. Deputy wardens. The state fish and game warden shall employ not to exceed fifty suitable and qualified persons, to serve as deputy state fish and game wardens. Said deputy fish and game wardens may be removed by said warden at any time. All appointments of deputy game wardens and other employes made after the taking effect of this chapter, shall be with the advice and approval of the commission; provided, however, that such approval shall not be required for the deputy game wardens now in the service.

1703-d21. Official qualifications. Before entering upon their duties such wardens shall take the constitutional oath of office and execute a surety bond to the state of Iowa in the penal sum of five hundred dollars for the faithful performance of the duties of their office. This bond shall be subject to the approval of the warden and shall be filed in the office of the secretary of state.

1703-d22. Salary and expense. The deputy fish and game wardens shall receive a salary not in excess of two thousand dollars per annum, payable monthly and such incidental expenses as may be allowed by said warden.

1703-d23. Reports to state treasurer. The state fish and game warden shall at least once a month make a return of all moneys received by the department to the state treasurer, to be deposited in the fish and game commission fund.

1703-d24. Reports of deputy wardens. Each deputy state fish and game warden shall keep a daily record of his official acts, receipts and expenditures and at the end of each month shall, under oath, make a summary of such record and report to the state fish and game warden.

1703-d25. Report as to incompetency. The state fish and game warden shall report to the commission any negligence, dereliction in duties, or incompetence on the part of any deputy, or other employee, with facts relating thereto. He may dismiss any employee, subject to the approval of the commission.

1703-d26. Transfer of powers and duties. All duties, liabilities, authority, power and privileges now imposed or conferred by law upon the state game warden are hereby imposed and conferred on the state fish and game commission, excepting as provided for in sections 1703-d16 to 1703-d22 inclusive.

1703-d27. Transfer of funds and records. All moneys now credited or belonging to the state fish and game protection fund, the books, records, files and all properties of every kind of the fish and game department is hereby transferred to the commission created herein and the state treasurer is hereby directed to make such necessary change and transfer on the books of his office. From and after such transfer all moneys received from whatsoever sources by the commission shall be deposited in said fish and game commission fund.

1703-d28. Penalties. Any member of the state fish and game commission, the state fish and game warden, the deputy fish and game warden, or any employee of the state fish and game commission, who shall give, solicit, or accept any bribe, political favor, or other thing of value, in connection with the performance of duties entrusted to him or her, or who shall violate, or consent to, or permit, a violation of the rules and regulations of the commission, or the fish and game laws of the state shall be guilty of a felony, and upon conviction shall be fined an amount not to exceed five hundred dollars, or be imprisoned for a term not to exceed two years in the state penitentiary, or both such fines and imprisonment, and shall be removed from office.

1703-d29. Constitutionality. The provisions of this chapter shall be severable, and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this chapter. It is hereby declared as a legislative intent that this chapter would have been adopted by the general assembly had such unconstitutional provisions not been included therein.

1703-d30. Repeal. All laws, or parts of laws, in conflict with any or all of the above are hereby repealed.

1704. State ownership and title—exceptions.

The title and ownership of all fish, mussels, clams, and frogs in any of the public waters of the state, and in all ponds, sloughs, bayous, or other waters adjacent to any public waters stocked with fish by overflow of public water, and of all wild game, animals, and birds, including their nests and eggs, found in the state, whether game or nongame, native or migratory, except deer in parks and in public and private preserves, the ownership of which was acquired prior to April 19, 1911, are hereby declared to be in the state, except as otherwise in this chapter provided.

1705. Conclusive presumption. Any person catching, taking, killing, or having in possession any of such fish, mussels, clams, frogs, game, animals, or birds, their nest or eggs in violation of the provisions of this chapter, shall be held to consent that the title to the same shall be and remain in the state for the purpose of regulating and controlling the catching, taking, or having in possession the same, and disposing thereof after such catching, taking, or killing.

1706. Private preserves. Any person desiring to engage in the business of raising and selling game birds or animals in a wholly inclosed preserve or inclosure, of which he is the owner or lessee, may make application in writing to the state game warden for a license so to do. The state game warden, when it shall appear that such application is made in good faith, shall upon the payment of an annual fee of two dollars issue to such applicant a breeder's license permitting him to breed and raise any of such game birds or animals on such preserve or inclosure, and to sell the same for breeding or stocking purposes on or within such preserve or inclosure, and kill, use, or sell the same for food. Such license must be renewed annually upon payment of the fee as above provided, and the possession of such license shall exempt the licensee from the penalties of this chapter for killing, having in possession, or selling such game birds or animals, or any of them; provided such licensee shall raise or breed such birds or animals upon or within such preserve or inclosure, or secure the same by purchase from without the state, or from a licensed breeder within the state.

1707. Private fishing preserve. Persons who raise or propagate fish upon their own premises, or who own premises on which there are waters having no natural inlet or outlet through which such water may become stocked or replenished with fish, are the owners of the fish therein and

may take them therefrom or permit the same to be done. Any person taking said fish without the consent of such owner shall be liable to such owner for three times the value thereof.

1708. State game warden appointment. Repealed by 44 G. A.

1709. Fish hatcheries—game farms—distribution of fish and game. The state game warden shall have the right to establish and control the state hatcheries and game farms, which shall be used for the purpose of stocking the waters of the state with fish and the natural covers, with game birds to the extent of the means provided for that purpose; and impartially and equitably distribute all birds, eggs, and fry raised by or furnished to the state, or for it through other sources, in the streams, lakes and natural covers of the state.

1709-a1. State game refuges. Whenever any land, stream, or lake has been declared by the state board of conservation to be a public park and has been taken for public park purposes, or where any land is now owned and used by the state of Iowa, the state game warden shall have the right and power to establish state game refuges or sanctuaries on such land where the same is suitable for this purpose.

1709-a2. Hunting on game refuges. It shall be unlawful to hunt, pursue, kill, trap or take any wild animal, bird, or game on any state game refuge so established at any time of the year, and no one shall carry firearms thereon, providing, however, that predatory birds and animals may be killed or trapped under the authority and direction of the state game warden.

The warden shall have the authority to specify the distance from a state game refuge where shooting may be prohibited, and shall have notice of same published in one newspaper in the county so affected, provided, however, this prohibition shall not apply to owners or tenants hunting on their own land outside of game refuge.

1709-a3. Notice of establishment. Whenever any such refuge or preserve is established by the state game warden, he shall publish one notice of such establishment in an official newspaper in the county in which the refuge is located and shall post notices in conspicuous places around the said refuge.

1709-c1. Spawning grounds. The state game warden shall have the right to set aside certain portions of any state waters for spawning grounds where the same are suitable for this

purpose for such length of time as he may deem advisable by the placing of notices around such area, and it shall be unlawful for any person to fish or to in any manner interfere with the spawning of fish in this area. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

1710. Reports and accounting. At the time provided by law, the state game warden shall make a report to the governor of his doings for the preceding biennial period, including therein an itemized statement of all receipts and disbursements; also all contracts for the taking of soft fish from the waters of this state, with the profits accruing from such contracts; also such other information upon the subject of the culture of fish and the protection of game as may be of value. All funds derived under said contracts shall be paid into the state fish and game protection fund.

1711. Monthly accounting. (Repealed.)

1712. Assistant and deputy wardens. The state game warden may appoint three assistant game wardens and such a number of deputies as he may deem necessary. Such assistants and deputy wardens shall act under the advice and direction of the state game warden, and perform such duties in relation to their offices as may be required of them.

1713. Arrests—assistance of peace officers. Assistant and deputy game wardens may arrest without warrant any persons violating the provisions of this chapter. They may serve and execute any warrant or process issued by any court in enforcing said provisions, in the same manner as any peace officer might serve and execute the same, and they shall receive the same fee therefor. They may call to their aid any peace officer or other person, whose duty shall then be to enforce or aid in enforcing the provisions of this chapter.

1714. Seizure of unlawful game. It shall be the duty of the state game warden, his assistants and deputies, and police officers of the state, to seize with or without warrant and take possession of any fish, furs, birds, or animals, or mussels, clams, and frogs, except for bait, which have been caught, taken, or killed at a time, in a manner, or for a purpose, or had in possession or under control or offered for shipment, contrary to the provisions of this chapter.

1715. Seizure of unlawful devices. Any nets, seines, traps, spears, contrivances, materials, and substances whatever, while in use or in possession or kept or maintained for the purpose of

catching, taking, killing, trapping, or deceiving any fish, birds or animals contrary to any of the provisions of this chapter, are hereby declared to be a public nuisance; and it shall be the duty of the state game warden, his assistants and deputies, sheriffs, constables, and police officers of the state, without warrant or process, to take or seize any and all of the same, and confiscate and sell or destroy any and all of the same without warrant or process, and no liability shall be incurred to the owner or any other person for such seizure and destruction, and said warden or his assistants or deputies, or other peace officers, shall be released from all liability to any person for any act done or committed, or property seized or destroyed, under or by virtue of this section.

1716. Search warrants. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that any fish, mussels, clams, frogs, birds, furs, or animals caught, taken, killed, had in possession, under control, or shipped, contrary to any of the provisions of this chapter, or hidden or concealed in any place, shall issue a search warrant and cause a search to be made in any place therefor. The property so seized under such warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in any trial, and if such trial results in a conviction the property seized shall be confiscated by the state game warden, his assistants or deputies.

1717. State fish and game protection fund. The assistant and deputy game wardens shall pay to the state game warden, on or before the fifteenth day of each month, all license fees and other moneys collected by them in the discharge of their duties. All such sums and all license fees, penalties, and forfeitures from other sources, including all funds realized from any fish, game, animal, or other property confiscated and sold under the provisions of this chapter, shall constitute the state fish and game protection fund, which shall be kept separate by the state treasurer, and out of which shall be paid the compensation, traveling, contingent, and office expenses of the state game warden, his assistants and deputies, including the expenses of the propagation of fish and game, gathering and distributing fish in the waters of the state, and all expenditures necessary for the enforcement of the provisions of this chapter; and all which expenses shall not exceed in any one year the amount collected and placed to the credit of said fund. The fish and game

protection fund shall be paid out only on verified vouchers approved by the state board of audit.

1718. License to hunt. No person shall hunt, pursue, kill or take any wild animal, bird, or game in this state in any manner, without first procuring a license.

1718-c1. License to trap. No person shall trap any fur-bearing animal in this state, in any manner, without first procuring a trapping license. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

1719. License to fish. No male person over the age of eighteen years shall fish in any state waters without first procuring a fishing license.

1719-a1. License for non-resident. Nor shall any non-resident fish in any state waters without first procuring a fishing license.

1720. Exceptions. No license shall be required from owners or tenants of farm lands, their wives or children for hunting, trapping, or fishing at any time when the same shall be lawful upon lands owned or occupied by them.

Any person under seventeen years of age may capture, during the open season, and confine for the purpose of training for pets, not more than two of any game bird or fur-bearing animal and persons having such birds and animals for this purpose shall be exempted from securing the license required by section 1706, Code, 1931. It shall constitute a misdemeanor to sell or dispose of for profit any game bird or fur-bearing animal, or increase therefrom, so taken or confined.

1721. Consent of parent or guardian. No license shall be granted any person under eighteen years of age unless the written consent of parents or guardian is attached to the application.

1722. Application blanks to be furnished to recorders. The state game warden shall furnish county recorders with application blanks for a license, and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license shall bear a facsimile signature of the state game warden, and the seal and signature of the recorder of the county in which it is issued.

1723. Authority of license. The license shall authorize its holder to fish, trap and hunt in accordance with the provisions of this chapter in any county of the state, but not on private waters, or on inclosed or cultivated lands with-

out permission of the owner or the tenant, nor hunt, trap or shoot upon any public highway or railroad right-of-way, except that owners or tenants may shoot gophers and ground squirrels along the highway adjacent to their own land.

1724. Application for license. An applicant for a license to fish, trap and hunt shall fill out an authorized application blank, subscribe and swear to it before the county recorder, a notary, or a justice of the peace. Such application blanks shall be furnished by the county recorder to any person requesting same. The application shall then be presented to the county recorder who shall issue all hunting, trapping and fishing licenses, the issuance of which is not otherwise provided for in this chapter, but no duplicate hunting, trapping or fishing license may be issued.

1724-c1. Issuance at other than county seat. The county recorder may sign and seal in blank licenses to hunt, and licenses to fish, and deposit the same with fit and responsible adult persons not residing at the county seat. Each such depositary shall not at any one time have possession of more than fifty of each of said classes of blank licenses. Said depositary shall have authority to take applications for licenses, to fill the blank in the license with the name of the licensee, to deliver said license, and to receive the license fee therefor, which fee together with the duly executed application for the license shall be forwarded by the depositary to the county recorder within twenty-four hours after receiving the same. The recorder shall be responsible for all fees which are not so accounted for. The use of a license so signed and sealed in blank without the actual, good faith issuance thereof as herein contemplated shall constitute a misdemeanor. All such blank licenses shall be surrendered to the recorder on his demand.

1725. Fees—Accounting. Before any license is issued to any applicant the following license fees shall be paid to the county recorder:

1. For resident of the state for fishing with hook and line and hunting, \$1.00.
2. For non-resident or resident alien, over sixteen years of age, for fishing with hook and line in any state waters, three dollars.
3. For non-resident or resident alien, for hunting, fifteen dollars.
4. For a resident of the state for trapping fur-bearing animals with not more than ten traps, one dollar; with the use of more than ten traps, ten dollars, provided that no person, resident or non-resident, shall at any time use more than thirty-five traps.

5. For non-resident or resident alien of the state for trapping fur-bearing animals, twenty-five dollars.

Of these fees, the county recorder shall retain five cents from each of said fees for the general fund of said county and remit the balance at the end of each month to the state treasurer, who shall place same to the credit of the fish and game commission fund. Provided that no county shall retain more than five hundred dollars per year from such fees.

1726. License record. The county recorder shall keep a record of the licenses he issues which shall show the date of issue, the name and address of the person to whom issued, and the date of revocation, if revoked.

1727. Terms of license. Each license shall be signed in ink by the licensee.

A license issued to a resident, non-resident or resident alien shall entitle such person to either fish with hook and line, or to hunt, pursue, and kill wild animals, birds, or game, or to trap fur-bearing animals, within the state at any time when same shall be lawful.

A license shall not entitle the person to whom issued to fish, to trap fur-bearing animals, nor to hunt, pursue, or kill wild animals, birds, or game, in this state without having such license upon his person at the time of so doing and exhibiting it for inspection and permitting it, on demand, to be examined by any person. All resident fishing licenses, all trapping licenses and all hunting licenses shall be void on and after the first day of April next succeeding the issuance thereof. All non-resident or resident alien fishing licenses shall be void after the last day of December of the year in which the same are issued. No license shall be required to fish in unstocked streams.

1728. Non-resident—Restrictions. A non-resident holding a valid license may take from the state not to exceed fifteen game birds or animals, provided they are so carried as to readily be inspected and his license is shown on request.

1729. Revocation. A license in the possession of any person other than to whom first issued, and, on complaint, the license of any person hunting or trapping on inclosed or cultivated lands without permission of the owner or tenant shall be revoked by the county recorder.

1730. Fishing zones. For the purpose of the next succeeding section the state shall be divided into two zones as follows:

1. The northern zone shall embrace all coun-

ties of the state north of the township line which divides the townships of Range 81 N. from those of Range 82 N. except such portions of Cedar and Clinton counties as are north of such township line.

2. The southern zone shall embrace all counties south of the township line which divides the townships of Range 81 N. from those of Range 82 N. and those portions of Cedar and Clinton counties lying north of said township line.

1731. Closed seasons on fish. It shall be unlawful for any person to take from the waters of the state:

1. Any game fish in the northern zone from December first to May fourteenth; except as provided in section 1751 when using licensed nets and seines.

2. Any black bass, crappie, bluegill, or sun fish in the northern zone from December first to June fourteenth.

3. Any game fish in the southern zone from November sixteenth to April thirtieth, except as provided in section 1751 when using licensed nets or seines.

4. Any black bass, crappie, bluegill, or sun fish in the southern zone from November sixteenth to May thirty-first.

All dates in this section are inclusive.

1732. Catch limits. It shall be unlawful for any person at any time to take from the waters of the state in any one day more than fifteen salmon, trout, black bass, pike, crappie, pickerel, catfish, perch, sun fish, bluegills, in the aggregate, of which total number not more than eight shall be pike or bass, except as otherwise provided in this chapter when using licensed nets or seines; in addition to other fish taken, it shall be lawful to take not more than twenty-five bullheads by any one person in any one day.

1733. Size limits. No person shall at any time kill, destroy, have in possession or under control, for any purpose whatever, any pike or pickerel less than fourteen inches, blue, yellow or channel catfish less than twelve inches in length, any bass less than twelve inches in length, except rock or silver bass which shall not be less than seven inches in length, or any trout or crappie less than eight inches in length, or any perch less than seven inches in length, or any sun fish less than four inches in length, except as otherwise provided in this chapter, when using licensed nets or seines. Any such fish taken shall be handled only when the hands are wet and shall be immediately returned to the water with as little injury to the fish as possible.

1733-c1. Measuring fish. The size of all fish referred to in this chapter shall be determined by measurement from the tip of the nose to the tip of the tail.

1734. Tackle restrictions—Trot lines. No person shall at any time take from the waters of the state any fish, except as otherwise provided in this chapter, except with hook, line and bait nor shall any person use more than two lines with one hook on each line in still fishing or otherwise except when using a trot-line in a manner provided in this section or in trolling or casting a spoon-hook or other artificial bait. No person shall use more than two trot-lines or throw-lines and no trot-line or throw-line shall contain more than fifteen hooks. No person shall fish with trot-lines or throw-lines in any stocked lake, nor within three hundred feet of any dam or fishway. Persons so fishing shall not leave the immediate vicinity of their lines but shall be in attendance of them at all time.

1735. Prohibited articles. The possession of a spear, trap, net, or seine, for fishing, shall be unlawful, except where the use of such is permitted by this chapter.

1736. Minnows for bait. In taking minnows for bait one-quarter inch mesh seine not exceeding five yards in length may be used, and longer seines not exceeding thirty feet in length may be used if approved in writing by the state game warden in inland lakes or boundary waters of the state. If any game fish shall be taken, they shall at once be restored unharmed to the water whence taken. "Minnows" as used in this section shall not include young bass, pike, crappie, trout, salmon, or fry of any game fish, native or otherwise.

1737. Trolling from launches and steam boats. No fish may be taken by trolling from any gasoline, oil, or electric launch or steamboat propelled by such power, from any of the inland waters of the state. The foregoing clause relative to launches and steamboats shall not apply to or be effective on the Mississippi or Missouri rivers.

1738. Explosive—drugs. It shall be unlawful for anyone to place in the waters of the state any lime, ashes, or drugs of any kind, or other substance, or explode dynamite, gun cotton, giant powder, or other compound or preparation, or use electricity in any way, with the intent to kill or to so affect any fish that it may be taken.

1739. Fishing through ice. It shall be un-

lawful for anyone to have, erect or use, while fishing on or through the ice, any house, shed or other protection against the weather, or have or use any stove or other means for creating artificial heat.

1740. Stocked waters. No person shall fish for or by any means catch any fish in any waters of the state which have been stocked with brood fish one or two years old, within one year from the date of stocking thereof, if notice of such fact is by the authority of the state game warden posted around such waters.

1741. Dams—fishways. It shall be unlawful for any person, firm, or corporation to place, erect, or cause to be placed or erected, any dam or other device or contrivance in such manner as to hinder or obstruct the free passage of fish up, down, or through such waters, except as otherwise provided in this chapter. Dams for manufacturing or other lawful purposes may be erected across the waters of the state. No dam or obstruction across such waters shall be erected or maintained which is not provided with a fishway, nor shall any pumping station or plant except sand pumping and dredging machines, in or connected with such waters be constructed or operated which is not provided with screens to prevent fish from entering the pumping station or plant. Such fishways and screens shall be constructed and used according to the plans and specifications prepared and furnished by the state game warden. Any dam, obstruction, or pumping plant which is not so constructed is a public nuisance and may be abated accordingly.

1742. Injury to dam. It shall be unlawful for any owners or his agent to remove or destroy any existing dam, or alter it in any way so as to lower the water level, without giving written notice to the state game warden ten days prior to such removal or change.

1743. Fish dams—condemning property for. Any city or town, bounded in whole or in part by any meandered lake or chain of lakes, or the board of supervisors of the county in which such waters are situated, may construct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish, the same to be of earth, masonry, or other material to the natural and ordinary level of the lake, above and across the entire width to be an open network of bars or wire with the necessary supports, so arranged as to prevent as far as may be the escape of fish. For this purpose, upon the petition of a majority of the resident taxpayers of any city or town, so much land as

is situated within the corporate limits as may be necessary may be purchased or condemned in the same manner provided for the appropriation of private property for streets and other municipal uses, and paid for out of the general fund.

1744. Taking by warden for stocking and exchange. The state game 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, or exchanging with fish commissioners or wardens of other states or the federal government.

1745. Removal of undesirable fish. It shall be the duty of the warden, so far as is possible, to remove from the inland waters of the state at any time and in any manner, provided that he shall do so with minimum injury to the lake or stream or the other fish, the following undesirable and injurious fish; carp, gar and dogfish. All gar and dogfish removed shall be destroyed or disposed of so as to eliminate them, so far as is possible, from the inland waters of the state. The proceeds, if any, from the sale of these fish shall be credited to the state fish and game commission fund.

The warden shall enter into written contract for taking by seine or net from the public waters of this state, buffalo, carp, quillback, dogfish, gizzard, shad and gar, but no other fish. All such contracts shall be let to the highest bidder. Bids shall be made in percentages of gross receipts for the sale of the fish so taken, to be paid to the state, but no contract shall be let until the warden shall have advertised for such bids once each week for two consecutive weeks in three newspapers of the state of Iowa for general circulation.

Said advertisement for bids shall state the date, time and place at which such bids will be received. Upon receipt of the bids the warden shall submit all bids received, together with the proposed contract, to the treasurer of the state for his approval, and if the treasurer of state finds that any one of the bids received from any bidder is a fair and proper bid and is one advantageous to the state, and that the person making such bid is competent and reliable, and that the contract protects the interests of the state, then he shall approve the bid and contract, but if he finds that such bid is not fair, proper and advantageous to the state or that the person making the bid is not competent and reliable, or that the contract does not fairly protect the interests of the state, he shall reject all bids and contracts; and then the state

game warden shall re-advertise in the same manner and for the same length of time as heretofore provided, and the bids and contracts shall again be submitted to the treasurer of state for his approval as heretofore provided, until a fair, proper and advantageous bid and a competent and reliable bidder is received and found. All contracts for the removal of rough fish from any waters of the state shall not be for more than one year and shall specify:

1. The particular waters from which such fish are to be taken.

2. The compensation to be paid the state, and the times and terms of payment.

3. That no fish shall be taken except in the presence and under the supervision of some regularly employed representative of the fish and game commission.

4. That all expense incurred by the commission in connection with such contract shall be paid by the person holding such contract.

5. That such contract may be forfeited and cancelled by the state in the event of a breach thereof.

6. Such other provisions for the protection of the state's interest as the warden may require.

1746. Bond. The holder of such contract shall, prior to the taking of any fish thereunder, file with the treasurer of state a corporate surety bond payable to the state of Iowa in the penal sum of one thousand dollars. Said bond to be approved by the treasurer of state. No contract shall be issued unless the bond required herein is attached to said contract and delivered to the treasurer of state. Such bond shall be conditioned for the faithful performance of the contract, the payment of all damages resulting from a breach thereof, and such other conditions as to the warden may seem right and proper.

1747. Net and seine license for certain streams—bond. It shall be unlawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of this state any fish with nets or seines upon procuring from the state game warden an annual license for the use of such nets and seines. Before any such license shall be issued, the applicant, if a resident of this state, shall execute and deliver to the state game warden a surety bond running to the state of Iowa in the penal sum of two hundred and fifty dollars; if a non-resident of this state, five hundred dollars with two sureties to be approved by the state game warden conditioned that the licensee shall faithfully com-

ply with all the laws of this state regulating the use of nets and seines for fishing.

1748. License fees for nets and seines. No license shall be issued for the use of any seine or net having less than two and one-half inch mesh, bar measure, provided, however, a license may be issued for use in the Mississippi River of a seine or net having a mesh not less than three inch stretch measure. Fee for licenses shall be as follows:

1. For each five hundred lineal feet of seine, or fraction thereof, fifteen dollars.
2. For each pound net having one hundred feet or more lead on each side, six dollars.
3. For each pound net having less than one hundred feet lead on each side, three dollars.
4. For each bait net, dip net, hoop net, and fyke net, one dollar.

All seine and net licenses shall expire on the first day of March following their issuance.

No license shall be issued for the use of any seine or net having less than three inch mesh, stretch measure.

1749. Report by licensee. Written reports shall be made to the state game warden, on forms prepared and furnished by him for that purpose, by each licensee at the expiration of such license, stating in detail the amount and kind of fish caught, the amount for which same were sold and the total value of each kind. The state game warden may refuse to issue subsequent licenses until such reports are filed.

1750. License tags for nets and seines. The state game warden shall furnish to each such licensee, at an expense not to exceed ten cents each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred feet of seine; and it shall be unlawful to use any seine or net without having a tag thus procured attached thereto.

1751. Season and size limits when using licensed seine or net. It shall be unlawful for any person to take with any nets or seines, when permitted to use same in the Mississippi or Missouri Rivers, any game fish at any time, except that catfish may be taken during the open season as provided in Section 1731, and that carp, buffalo, pickerel, sheepshead, rock sturgeon and sand sturgeon may be taken at any time. Nor shall any of the following fish be taken in lengths less than as follows, to-wit:

Catfish, thirteen inches; carp, fifteen inches; buffalo, fifteen inches; pickerel, eighteen inches; sheepshead, ten inches; and the following fish

weighing less than as follows, to-wit: Sand sturgeon, one pound; or rock sturgeon, three pounds.

1752. Wholesale fish market or peddlers license. It shall be unlawful for any person, firm, or corporation to operate a wholesale fish market, jobbing house, or other place for wholesaling, marketing, peddling, or distributing fish, without first procuring a license for such purpose from the state game warden. The license fee shall be ten dollars per year, and the license shall expire on the thirty-first day of December following its issuance.

1753. Reports required. Each holder of a wholesale fish market or peddlers license shall make to the state game warden, within thirty days after the expiration of the license, a report in writing, upon blanks furnished by the state game warden, of all fish caught or taken from the waters under the jurisdiction of this state, which were handled by such licensee. Failure on the part of a holder of such license to make report as herein required shall prevent such licensee from securing a subsequent wholesale fish market or peddlers license.

1754. Possession and sale of black bass. It shall be unlawful for any commercial institution, commission house, restaurant, or cafe keeper, or fish dealer, to have in possession, buy, sell, or barter, or offer to buy, sell or barter, any black bass, whether caught or taken within or without the state, or lawfully or unlawfully taken.

1755. Taking of mussels licensed. It shall be unlawful to take, catch, or kill mussels for commercial purposes without a license issued by the state game warden.

1756. Mussel license. The state game warden shall upon application issue a license to take, catch, or kill mussels. On making application for such license, residents of this state shall pay to the state game warden a fee of two dollars, and non-residents a fee of twenty-five dollars. All such licenses shall expire on December thirty-first following their issuance and shall be numbered consecutively as issued and a record thereof kept in the office of the state game warden. Each license shall show the name and address of the licensee and the amount paid for such license, whether the licensee is a resident or non-resident, and what waters of the state are closed against the taking of mussels under such license.

1757. Reports required of licensees. On or before December thirty-first of the year in

which any license is issued, the holder thereof shall make a written report to the state game warden on blanks furnished by him, stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such a report, the state game warden shall not issue another license until such report shall be made.

1758. Manner of taking regulated. Any person, firm, or corporation to whom a license under the provisions of the preceding section has been issued:

1. May operate not more than one boat for each license, or one rig in taking, catching, or killing mussels for commercial purposes. Any such person, firm, or corporation may use one additional boat for purposes of towing only when no apparatus for taking, catching, or killing is used or kept thereon.

2. It shall be unlawful to have in possession in the waters while engaged in taking, catching, or killing mussels for commercial purposes, more than four crowfoot bars, or for more than two of such bars to be in the water at the same time, or for any crowfoot bar to be of greater length than twenty feet.

A pitchfork may be used for gathering mussel shells.

1759. Legal size of mussels. It shall be unlawful to take, catch, or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than one and three-fourths inches in greater dimensions. Undersized mussels shall be immediately culled and returned to the water whence taken, without avoidable injury, excepting that the so-called pigtoes may be retained.

1760. Restricted areas prescribed. The state game warden may from time to time, as may be required for the conservation of the mussel resources of the state, prescribe by written or printed order, areas in any part of the state from which mussels shall not be taken for such period as may be specified by the warden, but at no time to exceed five-year periods nor shall more than one-half of the mussel producing waters of the state be closed at the same time.

1761. Publication of orders. The state game warden shall cause the orders referred to in the preceding section to be published once in a newspaper of general circulation published within each county containing or having on its boundary, waters affected by such orders. Such orders shall take effect at the time fixed therein

which shall not be less than thirty days after the publication thereof. The state game warden may extend the time at which such order shall take effect.

1762. Territorial jurisdiction—reciprocity of states. Any person licensed by the authorities of Illinois or Wisconsin to take mussels from or in the waters forming the boundary between such states and Iowa may take them from that portion of said waters lying within the territorial jurisdiction of this state without having procured a license therefor from the state game warden of this state, in the same manner that persons holding Iowa licenses may do, if the laws of Illinois or Wisconsin, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

1763. Terms defined. As used in this chapter the words:

1. "Mussels" shall mean and embrace the pearly, fresh water mussels or clams, or naiad, and the shell thereof.

2. "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of the mussels.

3. "Dredge" shall mean any mechanism of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crowfoot bar.

4. "Commercial purposes" shall mean and be presumed to be the taking, catching, killing, or having in possession mussels, unless the contrary is proven.

5. "Rig" shall mean one boat equipped with not more than four crowfoot bars, one boat equipped with power and one barge.

1764. Protection of deer. It shall be unlawful for any person other than the owner or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, except when distrained by law. A violation of the provisions of this section shall be punishable by a fine of not less than one hundred dollars or more than five hundred dollars or imprisonment in the county jail for not less than thirty days or more than one hundred fifty days, or both.

1765. Deer—killing or capture. When it shall become necessary in the opinion of the state game warden or his deputies to kill or capture any deer now running at large within this state, it shall be done under the authority and direction of the state game warden, who

shall distribute such deer so killed or captured within this state and the expense of said killing or capture and distribution shall be paid by the person receiving such deer.

1766. Fur-bearing animals—trapping regulations. Except as hereinafter provided, no person shall kill, trap or ensnare any beaver, mink, otter, muskrat, raccoon, skunk, opossum, red fox, or civet, except where such killing, trapping, or ensnaring may be for the protection of public or private property, nor shall any person injure any muskrat house or destroy any skunk or fox den, except for the protection of public or private property, nor shall any person have in his possession any of the animal's described in this section, nor the carcasses or skins thereof, whether lawfully or unlawfully taken within or without this state. The provisions of this section shall not apply to green hides which are in the process of manufacture.

1766-a1. Zones—closed seasons. For the purposes of this act, the state is divided into two districts, to be known as the northern district and the southern district.

For the purposes of the next succeeding section the state shall be divided into two zones as follows:

1. The northern zone shall embrace all counties of the state north of the township line which divides the townships of 81 N. from those of 82N. except such portions of Cedar and Clinton counties as are north of such township line.

2. The southern zone shall embrace all counties south of the township line which divides the townships of 81 N. from those of 82 N. and those portions of Cedar and Clinton counties lying north of said township line.

It shall be lawful for any person to kill, trap or ensnare opossum or raccoon in the northern district, from October twentieth to December first; in the southern district from November first to December twentieth, and any of the other animals named and described in this act in the northern district, from November tenth to January fifteenth of any year, and in the southern district, from November twentieth of any year, to the succeeding January fifteenth of the next year. It shall be lawful for any person to have in his possession during the open season provided herein, and for ten days thereafter, the carcass of, or the hide or skin from any animal named and described in this act. Provided that the state fish and game warden may extend the open season in any county of the state on red foxes, for a period of thirty days longer

than the time specified hereinbefore, if petitioned therefore by more than one hundred residents of a county.

1766-a2. Inventory of animals trapped or killed—shipment. Every person who traps, kills or ensnares any of the animals named and described in this act, shall within ten days following the close of the open season on said animals as herein provided, file with the State Fish and Game Department of the state, an inventory, under oath, naming or describing each of said animals trapped, killed or ensnared by him during said open season.

Any person who has trapped, killed or ensnared any of the animals named and described in this act, and who desires to sell or ship the skins or hides thereof to dealers or buyers outside of this state, shall first obtain a special permit tag authorizing the same, from the State Fish and Game Department. This department shall immediately furnish all such tags on request.

1766-c1. Inventory by dealers. Dealers in or buyers of any skins or hides of any of the animals named and described in this act shall, upon the last day of each month during the open season on said animals prepare and file with the State Fish and Game Department, an inventory, under oath, stating therein the license number and name of the seller and a record of the shipments by the dealer, of all skins or hides purchased, received or shipped by him during said month.

1766-c2. Report of violations. It shall be the duty of each dealer or buyer of any of the skins or hides of the animals named and described in this act, to report to the State Fish and Game Department, the name of any person who sells or attempts to sell any skins or hides which appear to have been illegally possessed or taken by said person.

1766-c3. License required of dealers—regulations. Every dealer in or buyer of skins or hides of fur-bearing animals, shall first obtain a license from the state fish and game commission, and file with the commission, a corporate surety bond in the penal sum of five hundred dollars, conditioned upon the faithful obedience to and observance of the provisions of law relative to the possession, dealing in, and buying and selling of such skins or hides.

The state fish and game commission shall prescribe and furnish a proper certificate to licensed dealers in or buyers, as defined herein, to be carried by the traveling representative or

agent of such dealer or buyer, which shall show therein, the name and address of the dealer or buyer licensed by the commission and for whom the possessor thereof is agent. It shall also show the name and address of the agent. The fee for any such license shall be ten dollars, which shall be collected by the state fish and game warden, and shall be credited to the state fish and game commission fund. The license and certificates shall expire March thirty-first following their issuance.

The term "dealer" or "buyer" as used in this section shall mean any person, partnership, or corporation who maintains an established place of business for buying or dealing in skins or hides of any animals named in this act or makes a practice of buying or soliciting the sale of any such skins or hides.

1766-c4. Possession of skins—permit. Every licensed and bonded dealer of skins or hides of the animals named and described in this act, may have in his possession at all times, skins or hides of said animals which have been legally taken. Any trapper desiring to hold any skins or hides of any of the animals named and described in this act, beyond the period authorized by this act, shall file with the State Fish and Game Department, an application for a permit so to do, which shall be accompanied by an affidavit describing said skins or hides, and stating that they have been taken legally by him.

1766-d1. Violations. Any person violating the provisions of the seven preceding sections shall be guilty of a misdemeanor and shall be fined not less than ten dollars or more than one hundred dollars or be imprisoned in the county jail not more than thirty days, or both.

1767. Closed seasons for game birds and animals. Every person is prohibited from trapping, shooting, killing, or taking any of the following named birds, or animals during the following named closed seasons:

1. Wild duck, goose or brant, rail, plover, sandpiper, marsh or beach birds, Wilson or jacksnipe, from January first to September fifteenth, both dates inclusive.

2. Woodcock, from December first to September thirtieth, both dates inclusive.

3. Pinnated grouse or prairie chicken and quail, at all times.

4. Ruffed grouse or pheasant or wild turkey, from December first to October thirty-first, both dates inclusive; and at all time prior to November 1, 1932.

5. Mongolian, ringneck, English, or Chinese pheasants, Hungarian partridge, or other imported game birds in this state, at all times, except as otherwise provided.

6. Gray, fox or timber squirrel, from January first to September thirtieth, both dates inclusive.

1767-c1. Ferrets prohibited. No person shall at any time use a ferret in hunting, taking, killing, or capturing any wild animal.

1767-c2. Shooting or spearing. No person shall shoot with shot gun or spear any beaver, mink, otter or muskrat, or have in his possession any of said animals or the carcasses, skins or parts thereof that have been killed with shot gun or speared.

1767-a1. Imported game birds—open season. The state game warden, when petitioned, in writing, by at least one hundred fifty farmers and land owners in the county who have been damaged by Mongolian, ringneck, English, or Chinese pheasants, may authorize the killing or capture of any such birds in such county for such period as he may determine, providing that such open period shall not exceed five days, and during such period it shall be lawful to kill not to exceed three birds per day. The state game warden or his duly authorized agent may capture alive any such birds without limitation as to the number captured.

1767-a2. Notice. Said warden shall publish notice of said authorization in one of the official newspapers of the county in which the petitioners reside, which notice shall specify the dates between which the killing or capture is authorized.

1767-a3. Bounties. In case of such authorization, the warden may offer a bounty of not exceeding one dollar (\$1.00) for each bird captured and delivered alive to the warden. All birds captured and delivered alive to the warden shall be distributed to such other parts of the state as the warden may determine.

1767-a4. Expenses. All expense necessarily incurred under the three (3) preceding sections shall be paid from the state fish and game protection fund.

1768. Bag limits and possession. No person shall shoot or kill to exceed the following numbers of game birds or animals in any one day, respectively:

Fifteen ducks, three imported pheasants, and fifteen other game birds or animals. Nor shall any one person, firm or corporation have in his or its possession at any one time to exceed

twenty-one waterfowl, ten imported pheasants, and fifteen of either of the other kinds of game birds or animals named in this chapter, unless by a common carrier for the purpose of lawfully shipping as provided in this chapter.

Nothing in this section shall apply to such animals as are considered fur-bearing animals. It shall be unlawful to have any game birds or animals named in this chapter in possession during the periods when killing thereof is prohibited, except during the first ten days of the closed season for them, respectively.

1768-c1. Duty to exhibit game. Any person who shall have in his possession any fish, game, animals, furs or birds shall upon request of the state game warden, his assistant or deputies, exhibit the same to said officer and a refusal so to do shall constitute a misdemeanor.

1769. Buying or selling game prohibited. Except as otherwise provided in this chapter, it shall be unlawful for any person, firm, or corporation to buy or sell, dead or alive, any game birds or animals named in this chapter, but nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter.

1770. Regulations on killing game birds. No person shall kill or attempt to kill any bird named in this chapter with the aid or use of any sneak boat or sink box, or from any sailboat, gasoline, or electric launch or steamboat, or any other water conveyance, except propelled by oar or paddle, or any other device used for concealment in the open water; nor pursue, for the purpose of killing or capture, any such bird by motor vehicle or aircraft; nor use any artificial light, battery, or deception, contrivance or device with intent to attract or deceive such bird, except that in hunting wild ducks and geese, decoys and duck or goose calls may be used and artificial ambushes erected and used on land, provided no false bottom is used and only natural materials are used in its construction. No person shall at any time hunt or shoot any game bird between sunset and one-half hour before sunrise of the following morning.

1771. Swivel gun and poison prohibited. It shall be unlawful for any person to use a swivel gun, or any other firearm, except such as is commonly shot from the shoulder, or any poison or medicated or poisoned food, for the purpose of capturing or killing any of the birds or animals protected by this chapter.

1772. Carrying firearms in motor vehicles. No person shall carry a gun or any firearms,

except a pistol or revolver, in or on a motor vehicle unless the same be unloaded in both barrels and magazine, and taken down or contained in a case.

The provisions hereof shall not apply, however, to peace officers while on duty.

1772-c1. "Gun" defined. The word "gun" as used in Chapter 85-d1, Code of 1931, shall include every kind of gun or rifle, except a revolver or pistol.

1772-c2. Use of rifles. No person shall at any time shoot any rifle on or over any of the public waters of the state.

1773. Traps, nets, and snares. No person shall capture or take or attempt to capture or take, with any trap, snare, or net, any of the game birds named in this chapter.

1774. Nongame birds—sale of plumage prohibited—game birds defined. No person shall, within the state, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this chapter.

No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the state.

All species of wild birds, either resident or migratory, except as specified in this section shall be considered nongame birds.

The following are declared to be game birds:

1. The Anatidae, commonly known as swans, geese, brant, and river and sea ducks.
2. The Rallidae, commonly known as rails, coots, mud-hens, and gallinules.
3. The Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews.
4. The Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail.

1775. Nests and eggs. No person shall destroy, have in possession or under control, for any purpose whatever, except specimens for scientific use as provided in this chapter, the nests or eggs of any nongame bird, but nothing herein shall be construed to prevent the removal of nests from buildings.

1776. Birds and fowls not protected. It shall not be a violation of the provisions of this chap-

ter to take, shoot, or kill the following birds or fowls:

1. The English starling, the English or European house sparrow, blackbird, blue-jay, crow, sharp-shinned hawk, Cooper's hawk, and great horned owl.

2. Grebe, loon, gull or tern, merganser, bittern, known as blue crane, poorjoe or cranky, little blue heron, and black crowned night heron, on the grounds and waters of any public or private fish hatchery within the state by the owner, superintendent, or employee thereof.

1777. Parrots and canaries. This chapter shall not be construed to forbid the selling or shipping of parrots, canaries or any other cage birds which are imported from other countries or not native to any part of the United States.

1778. Using birds as targets. No person shall keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting.

1779. Certificates of permission for scientific purposes. Certificates may be granted by the state game warden to any properly accredited person of the age of eighteen years or over, permitting the holder thereof to collect fish, game, wild animals and birds, their nests or eggs, for scientific purposes only.

The applicant for the same must present to said officer written testimonials from two well known zoologists who must be residents of Iowa, certifying to the good character and fitness of said applicant to be intrusted with such privilege, and must pay said officer two dollars to defray the necessary expenses attending the granting of such certificate.

On proof that the holder of such certificate has taken or killed any fish, game, animal, or bird whether game or nongame, or taken the nest or eggs of any such bird, for other than strictly scientific purposes, his certificate shall become void.

The certificates shall expire on December thirty-first of the year issued and shall not be transferable.

1780. Transportation for sale prohibited. It shall be unlawful for any person, firm, or corporation to offer for transportation or to transport by common carrier or vehicle of any kind, to any place within or without the state, for the purposes of sale, any of the fish, game, ani-

mals, or birds taken, caught, or killed within the state, or to peddle any of such fish, game, animals, or birds.

It shall be unlawful to ship from the state any birds caught, taken, or killed in the state, or to take, ship, or carry from the state for any purpose any such fish, game, animals, or birds unless lawfully caught, taken, or killed by a non-resident licensee under the provisions of this chapter, who may take or carry such birds as have been lawfully caught, taken or killed, or take, carry, or ship such fish, game, or animals as have been lawfully caught, taken, or killed to his place of residence as indicated on such license.

1781. Transportation regulations and restrictions. Any person, firm, or corporation desiring the shipment or transportation of any fish or animals shall deliver to the common carrier to which the shipment is offered, a statement under oath, in duplicate, showing the name and address of the shipper, the date and number of his license, where and by what officer issued, the name and residence of the consignee to whom the shipment is made, the kind and number of fish or animals in the shipment, that the same have not been unlawfully killed, bought, sold, or had in possession, and are not being shipped for the purpose of market or sale, and that such shipment does not contain a greater number of fish or animals than may be lawfully shipped in one day. One copy of such affidavit shall be retained by the common carrier receiving such shipment, for the period of twelve months thereafter, and the other copy shall be attached in a secure manner to the package or container of such fish or animals.

1782. Oaths—administration of. In addition to all officers authorized by law to administer oaths, the agent of any common carrier receiving for transportation any fish, animals, or birds, as in this chapter provided, is hereby authorized to administer the required oath.

1783. Limit of shipment. No person except as otherwise provided shall ship, carry or transport in any one day, game, fish, birds, or animals, except fur-bearing animals, in excess of the following numbers, respectively: Thirty water fowl, ten imported pheasants, and fifteen of either of the other game birds or animals, and forty fish, including all varieties shipped, except as otherwise provided under license to fish with seine or net or under permit from the state game warden.

1784. Shipping restrictions. It shall be unlawful for any common carrier to receive for

transportation any game, fish, animals, or birds in greater numbers or in any other way or manner than in this chapter provided.

1785. Exceptions. The foregoing provisions regarding the possession and transportation of fish shall not apply to such fishing as is done under written permits from the state game warden or to such fishing as is permitted with nets or seines in certain boundary waters of the state or fishing done on private fishing preserves.

1786. Common carrier—regulations. It shall be unlawful for any person, firm or corporation to ship any fish taken with licensed nets or seines unless there is attached to each container a tag stating the name and address of the consignor and consignee, the amount of each kind contained therein, the waters from which taken, and that same were taken with licensed nets or seines.

1787. Entire shipment contraband. In the shipping of fish, game, animals, birds, or furs, whenever a container includes one or more fish, game, animals, birds or furs that are contraband, the entire contents of the container shall be deemed contraband, and shall be seized by the state game warden, his assistants or deputies.

1788. Game brought into the state. It shall be lawful for any person, firm, or corporation to have in possession any fish or game lawfully taken outside the state and lawfully brought into the state, but the burden of proof shall be upon the person in such possession to show that such fish or game was lawfully killed and lawfully brought into the state.

1789. Violation. Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell, ship, or transport any fish, mussels, birds, their nests, eggs, or plumage, fowls, game, or animals in violation of the provisions of this chapter or whoever shall use any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same at a time, place or in a manner or for a purpose prohibited, or do any other act in violation of such provisions for which no other punishment is provided, shall be fined not less than ten dollars nor more than one hundred dollars or be imprisoned in the county jail not more than thirty days.

Each fish, fowl, bird, birds' nest, egg or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offense.

1790. Violations relating to dams. Whoever shall erect any dam or other obstruction prohibited by this chapter or at a place or in a manner prohibited, or shall injure or destroy any dam lawfully erected, shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not more than one hundred days.

1791. Violations by common carrier. Any common carrier which shall violate any of the provisions of this chapter relating to receiving, having in possession, shipping or delivering any fish, fowls, birds, birds' nests, eggs, or plumage, game or animals, in violation of the provisions of this chapter or contrary to the regulations and restrictions therein provided, and any agent, employee, or servant of such corporation violating such provisions, shall be fined not less than one hundred dollars nor more than three hundred dollars, and any such agent, employee, or servant may be imprisoned not exceeding thirty days.

1792. Duty of attorney general and county attorneys. It shall be the duty of the attorney general, when requested by the state game warden, to give his opinion in writing upon any question of law arising under this chapter; and it shall be the duty of all county attorneys in this state when requested by the state game warden or any deputy, to prosecute all criminal actions brought in their respective counties for violations of the provisions of this chapter. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any of the provisions thereof.

1793. Information—venue. In all prosecutions under this chapter, any number of violations may be charged in one information, but each charge shall be set out in a separate count if more than one charge is included in one information.

Prosecutions for violations may be brought in the county in which any fish, fowl, bird, birds' nest, eggs, or plumage, or animals protected by this chapter were unlawfully caught, taken, killed, trapped, ensnared, bought, sold, or shipped unlawfully, or in any county into or through which they were received, transported or found in possession of any person.

1794. Presumptive evidence. It shall be presumptive evidence of a violation of the provisions of this chapter for any person:

1. To fail to have a license upon his person at any time required by law, or then refuse to

exhibit the same on request of any person desiring to examine it.

2. To have in his possession any fish, game, furs, birds, birds' nests, eggs or plumage, or animals, which have been unlawfully caught, taken, or killed.

3. To be in possession of such fish, game, furs, birds, or animals at a time when or place where it shall be unlawful to take, catch, or kill the same, except game, birds or animals, during the first ten days of the closed season.

4. To have in his possession any implements, devices, equipment, or means whatever of taking fish, birds, or animals protected by this chapter at any place where the possession or use thereof is prohibited.

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