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The Bounty System in Iowa¹

DAVID W. WALLER AND PAUL L. ERRINGTON

Abstract. A study of the history and functioning of the bounty system in Iowa demonstrates the legal weaknesses, costliness, and general ineffectiveness of this method of controlling undesired wildlife. The bounty laws have developed by trial and error. Early laws were simplified and primarily intended for the protection of livestock from the larger predators, notably wolves. After 1900, the program was expanded to include nuisance species and, more recently, in intended behalf of game protection. Bounty rates were changed many times in response to changes in attitudes toward troublesome wildlife and the cost of maintaining the program. Because of bounty frauds, wastefulness, and the technical ineffectiveness of this type of program in wildlife management, it is advocated that more modern methods be used, such as extension teaching programs in localities where troubles with wildlife are serious.

INTRODUCTION

The bounty system has long been commonly used to encourage attempts to control wild animals regarded as harmful or annoying to man. At times, it has even been illegal not to destroy undesired wildlife. In what is now Hungary, for example, an eighteenth-century order obliged people to deliver quotas of certain birds, and failure to comply was punishable by fines and even beatings.

Bounty traditions became established in America as Europeans settled here. During early times the laws were simple and limited, becoming more complex as settlement advanced.

The history and functioning of the bounty in Iowa may demonstrate the development and some of the effects of a typical system. Most of the legal materials included in the following discussions were taken from the codes of Iowa, reprintings of legislative acts, resolutions, and other legal documents, journals of legislative bodies, and reports of governmental agencies as listed in the cited literature. The authors would like to thank all who contributed ideas and advice to this study.

SECTION I. IOWA'S BOUNTY LAWS

The wolves, coyotes, and other predators turned increasingly to the unprotected, available livestock of the Iowa settler

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as the populations of natural prey species diminished. The settler felt he had to control or eliminate them to preserve his livelihood. Furthermore, his centuries-old hatred of predators—especially wolves—gave him additional incentive.

Early Bounty Traditions up to 1838. The region comprising Iowa was acquired by the United States as a part of the Louisiana Purchase in 1803. From then until 1838, when the Territory of Iowa was established, its laws were those of whichever government happened to be in control at the time.

Each of these governments had an influence on the formation of Iowa's first laws, including its bounty legislation. Two types of bounty programs are found in these early laws: specific regional programs and those having broader, locally optional powers. For most of these programs the county government was the administering agency, and this practice was carried over into Iowa's bounty laws.

Even before the Louisiana Purchase there were bounty laws affecting the Iowa region indirectly, and some mention of these may be made for background. These appeared in the codes of Northwest Territory in 1795 and 1799.

The 1795 law was copied from the Pennsylvania code; it required counties to offer rewards of \$2 for adult wolves (prairie wolves or coyotes, *Canis latrans*, and timber wolves, *Canis lupus*), \$1 for wolf whelps, 25c for adult foxes (red foxes, *Vulpes fulva*, and gray foxes, *Urocyon cinereoargenteus*) and "wildcats" (bobcat, *Lynx rufus*, and probably lynx, *Lynx canadensis*), and 12½c for young foxes and "wildcats". A claimant was to present the head of the animal to a justice of the peace and state under oath who had killed the animal and that it had been taken within inhabited portions of the county. The justice was to make out an order on the county treasury for payment and cut off the ears and tongue of the bountied animal so that it could not be used again to claim bounty.

In 1799, the legislative council passed "An Act to encourage the killing of wolves." This law was more detailed than the one before. Although many of its restrictions were left out of following laws, most of them reappeared much later during the development of Iowa's bounty laws.

The 1799 law required counties to pay bounties only for wolves taken within six miles of settlements. Rates were lowered to \$1.25 for adults and 50c for whelps under 6 months old. The head was to be presented to a justice of the peace, who removed the ears. The claimant had to swear, in addition to the other details, that he had killed a *wild* wolf and had "not

spared the life of any bitch wolf . . . with a design of encreasing the breed. . ." A payment order was obtained with a certificate made out by the justice and could be used to pay county taxes.

The area represented by the Louisiana Purchase was virtually without law from 1803 to 1804. At that time, it was divided into the Territory of Orleans and the District of Louisiana. The latter contained the region of Iowa. The Territory of Indiana, a government derived from the Northwest Territory, controlled the district until 1805. Although Indiana Territory had adopted the 1799 bounty law of Northwest Territory when it was established in 1801, this law was repealed in 1803. Later, in 1807, it was re-enacted, but with a lower reward of 75c for adult wolves.

Louisiana District became a territory in 1805. No bounty laws were enacted by this government.

The first bounty offered in Iowa came into effect in 1817, five years after the region had become a part of the Territory of Missouri. The law was like that of the Northwest Territory, but was not as detailed. Two dollars were to be offered for adult wolves and "panthers" (mountain lion, *Felis concolor*) and 50c for "wild-cats," if the animals were taken within ten miles of settlements. The payment certificates, called "wildcat certificates," were legal tender for all debts. Paying for this bounty must have been too expensive, for the territory repealed the law in 1818.

The birth of the State of Missouri in 1821 set Iowa adrift—it had no constitutional government for 13 years thereafter. Finally, in 1834, the region was attached to the Territory of Michigan. At that time an 1833 law allowed the electors of Michigan townships "to make provisions for the destruction of wolves, bears, panthers, wild-cats, and foxes. . ." A preceding law in 1827 required counties to offer rewards for wolves and panthers at optional rates up to \$5.

Iowa became a part of Wisconsin Territory at its establishment in 1836. This government enacted no bounty laws during its short life. When Wisconsin attained statehood in 1838, Iowa finally became a separate territory.

Bounty Law Development, 1838 to 1900. Governor R. P. Lowe signed "An Act to encourage the destruction of wolves" during the first session of the territorial legislature in 1840. It was optional and even more simplified than the bounty law of Missouri Territory. Counties could offer 50c to \$3 for wolves over 6 months old and 25c to \$1.50 for younger animals, at the

discretion of the commissioners. A claimant was to present the scalp of his kill to a justice of the peace and swear an oath giving the barest details of the claim—that the animal had been killed wild, in the county, and within a stated number of days. The justice then was to destroy the proof and to issue a certificate redeemable at the county treasury. For witnessing the claim, the justice was to receive 12½c.

There were soon difficulties. Paying wolf bounties, even at a 50c minimum, was too expensive for meager county funds, and not many counties chose to offer the reward. Consequently, in 1844, the legislature passed a new bill requiring all counties to pay wolf bounties. Moreover, the new law distinguished between the coyote and the timber wolf and their relative potentialities for damage; it set rates of \$2 for adult timber wolves, \$1 for timber wolves under 6 months old and for adult coyotes, and 50c for coyotes under 6 months old. Five of the eastern counties could halve the rates if they wished. Claiming procedures were the same.

Although this law was mandatory throughout the territory, some counties still could not stand the financial burden. In 1845, the legislature enacted a bill which allowed certain eastern counties to offer the bounty optionally.

No further changes in the bounty occurred in territorial days. Either the amendment of 1845 appeased the counties, or the government became more concerned with the problem of acquiring statehood. The State of Iowa was admitted to the Union in 1846.

In spite of their weak treasuries, some counties still paid bounties after 1846, probably under pressure from local groups. At the same time, there was agitation for a more effective state-wide bounty for wolves and for a widening of the program to include other predators. Especially active were the representatives of sheep-raising regions, where losses from predation were serious.

At the 6th General Assembly in 1856, a bill "to protect the wool-growers from the destruction of wolves" was introduced. The Senate passed the bill, but some senators thought the demands exorbitant. A satirical amendment was proposed, providing for other measures — calling out the state militia and federal troops — to oppose any "enemy to our Republican institutions." The bill died on the table of the House of Representatives.

In 1858, wolf depredations were taken more seriously, and the first bounty law of the State of Iowa, "an act allowing a

Bounty on the scalps of certain Animals," was enacted. The law was more elaborate than the territorial laws. All counties were to pay without age distinctions \$3 for timber wolves and \$1.50 for coyotes, "wild cats" (bobcats), and lynx. A claimant was to present his animal's scalp to a justice of the peace or the county judge within ten days after taking the animal. As before, he was to swear an oath stating the details of the claim. The proof was to be destroyed or defaced. The witness could not charge for his service.

Again, the increased expense strained county budgets. The legislature in 1860 leveled the rates to \$1 for all species, and "swifts" (red and gray foxes) were added to the list. Coyotes and timber wolves were lumped under the term "wolf" and were never again distinguished in Iowa's bounty laws. The time limit for filing claims was also dropped.

This bounty law was in effect for three decades. In 1872, the duty of witnessing claims was assigned to justices of the peace and county auditors, but no other changes were made.

Although the \$1 bounty eased the financial pressure, many people considered the rate inadequate. They petitioned individual counties for higher bounty. To legalize a higher bounty, the legislature in 1864 enacted a bill allowing boards of supervisors to offer additional bounties up to \$5 on the scalps of wild animals.

Agitation for an increase in bounty rates began again in the late 1880's, culminating with intense pleas from the State Sheep-Breeders' and Wool-Growers' Association. Their demands for a \$20 bounty on wolves led to a compromise act in 1892.

The new law increased rates for wolves and renewed age distinctions: \$5 for adults and \$2 for whelps. Bounties for "swifts," "wild cats," and lynx remained at \$1. Whole skins were required for proof, and only the county auditor could receive claims. To deter fraud, anyone who presented a false claim was to be fined from \$50 to \$100 — a provision that continues to the present time.

When the Code of Iowa was recast in 1897, the \$1 bounty on "swifts" was dropped. The state-wide bounties of 1892 were otherwise accepted as adequate and were not changed for the next two decades.

The Expansion of Bounties after 1900. By 1900, Iowa was thickly settled, and the larger and more vulnerable predators became reduced as all conceivable means were used to seek out and kill them. With the intensification of farming, Iowa

expanded the bounty system to mere nuisances while continuing the war against the predators.

The expansion began in 1907 with a law allowing counties to offer an optional 10c bounty for pocket gophers (*Geomys bur-sarius*). Requirements were patterned after those set up in earlier bounty laws. The claimant was to present the forefeet of his animals to the witnessing official and to swear an oath stating the details of the claim. Either the county auditor or an authorized registrar could receive claims, which had to be filed within 30 days. The witness destroyed the proofs and paid the claimant with a certificate or cash. Optional bounties of 25c for groundhogs (*Marmota monax*) and 50c for rattlesnakes (*Crotalus* spp.) were added in 1909; claiming procedures were the same as for the pocket gopher bounties.

Many counties did not offer the pocket gopher bounty for the same reason that they resisted the first territorial bounty for wolves. Gophers were so plentiful and became such a reliable and popular source of income that the drain on county funds was heavy. Yet, in 1911, the legislature enacted a bill requiring all counties to offer a 10c gopher bounty. This law remained in effect despite much complaining from the counties.

Troubles with the wolf bounty also arose. Professional bounty hunters saw that their livelihood was destroying itself. To maintain their income, they exploited the bounty system more and more by trying to manage the wolf population. "Wolf-farming" became a common practice. By this method, only some whelps and male animals were "selectively harvested" and a breeding stock left to insure next year's crop.

To urge wolf eradication to the utmost, the 1913 legislature enacted a state-wide law increasing bounty to \$20 for adult wolves and \$4 for whelps — the highest rates in Iowa's history. At the same time, another bounty law was effected, allowing counties to offer an optional bounty up to 10c for crows (*Corvus brachyrhynchos*).

The increased rates for wolves drew many complaints from counties, but payments were not reduced until 1919, when the rate for adults was cut to \$10.

By this time, Iowa's bounty laws had grown to a lengthy and inconsistent list. Each new species was treated with a separate law. Some of the rates were fixed, while others were sliding. Claiming procedures for the larger predators required no 30-day time limit and allowed only the auditors to receive claims, unlike those for the other species bountied.

In 1923, the whole Iowa Code was recast. Bounty laws were reclassified by topics. Optional bounties were all assigned flat rates, and claiming was standardized with a 30-day time limit. Only the county auditors could receive claims. Changes after 1923 were executed within this framework.

Under the pressure of petitions and bills asking for a reduction, the legislature in 1933 halved all the state-wide bounty rates to \$5 for adult wolves, \$2 for whelps, 50c for "wildcats" and lynx, and 5c for pocket gophers.

The legislature effected a state-wide bounty of 10c for crows and starlings (*Sturnus vulgaris*) in 1937. After much defrauding on the starling bounty, the 1939 legislature withdrew the crow and starling from the state-wide bounty and placed them in the optional category, with the rate for starlings reduced to 5c. A final compromise on bounty rates for pocket gophers in 1939 allowed counties to offer an additional 5c, if they chose.

In 1945, wolf bounty rates were doubled to their 1919 rates of \$10 and \$4, which remain in effect at the present time, with no discrimination between large wolves and coyotes. Actually, very few if any *bona fide* large wolves have been taken in Iowa during the past three decades — though large wolf-like dogs indubitably have been bountied as wolves.

In recent years, emphasis on predator control to protect game animals led to the renewal of a bounty on foxes. Unsuccessful agitation for this began as early as 1919. Strong pressures culminated at the assembly of 1951 and resulted in the passage of a bill providing a state-wide bounty of \$2 for red and gray foxes.

Since its enactment, the fox bounty has been opposed frequently, especially by representatives of counties suffering losses from fraud. On the other hand, a bill asking an increase of the rate to \$5 per fox was presented to the 1959 legislature.

The most recent change in Iowa's bounty program increased in 1959 the optional rate for rattlesnakes from 50c to \$1.

SECTION II. THE BOUNTY SYSTEM IN ACTION

Insofar as a bounty rewards a usually unwitnessed act, it is difficult to know if a claim is lawful or fraudulent. Although no laws can ever eliminate fraud from a situation so inherently susceptible to it, many requirements were enacted in Iowa's bounty laws to attempt effective operation with a minimum of loss from false claims. Most of these appeared in the 1799 law of Northwest Territory. When Iowa began its own program, requirements were cut down to a few of the more obviously

necessary; then more were added, one by one, until most were included by 1923.

Frauds of Bounty Laws. There are only a few cases of large-scale fraud known in Iowa. But much can be inferred from the weaknesses in the laws, from commonly known methods of defrauding, and from abnormal disproportions in bounty payments.

The claimant's oath is the only proof available for requirements such as taking animals wild, within a certain area and time limit. As a result, these requirements are most frequently circumvented in false claims, despite penalties for trying to do so.

Claiming bounty for animals taken in another county (or even in another state) is an easy and popular form of fraud. Since Iowa bounty funds have traditionally come from county taxes, distance restrictions are made to protect the taxpayers. Bounty animals may be imported because the rewards elsewhere are not offered or are lower, or because bounty has already been collected. Operations are usually on an individual scale, but syndicates may be set up, with local citizens as "fronts" for filing claims with imported proof. At several times in the past, there has been brisk transcontinental trade in wolf and coyote scalps (Allen, 1954).

One case of large-scale fraud in Iowa related to the state-wide 10c starling bounty of 1937. Petersen (1940) noted that, "During 1938 the Johnson County officials refused to honor the bounty on European starlings when the figure mounted so high it became apparent that the number submitted far exceeded the actual numbers in the county." The legislature withdrew the starling from state-wide bounty in 1939.

A parallel situation is suggested by the experience of some counties with fox bounties. Since the listing of foxes for the state-wide bounty in 1951, payments in all counties have totalled as much as \$117,000 in one year (1955). An article in the *Des Moines Register* of February 9, 1961, reported that Appanoose County, on the south-central Iowa border, stopped paying fox bounties in 1959. Wayne County, its neighbor to the west, also stopped soon afterward. At the time of the article, Lucas County, just north of Wayne, was refusing to pay fox bounties, too, because of low funds. County officials suspected that bounty was being collected for foxes brought in from Missouri and Kansas, or from the neighboring counties where claims were being refused. The *Register* article also pointed out the high bounty payments for foxes — from \$1300 to \$3000 — in counties near the Iowa-Missouri border in 1959.

High fox bounty payments were concentrated in these border counties in other years, too. Although the habitat there may be favorable to foxes, certain variations among the counties themselves could signify large-scale fraud. In 1957, when the average was \$1013 per county for the state, 13 of the more southern counties, including those mentioned in the *Register*, had totals exceeding \$1200. Wapello County alone paid almost three times the state average. A county's annual payments for foxes may increase or decrease two or three fold, while totals in adjacent counties remain the same.

Border counties are evidently defrauded the most, but interior ones may also suffer. Interstate travellers, such as truck drivers, often claim payment for fox scalps taken from road kills, wherever found.

Another requirement verified mainly by oath is that of taking a non-domesticated animal of the species bountied. With different rates for adult and young animals, the hunters of the 1800's often raised wolf whelps in captivity to a more valuable age. This amounted to domestication, since the animal was not free to do harm. Time limits for filing claims were originally designed to prevent this type of fraud, though they are unenforceable.

"Wolf-farming" (selective harvesting) was also popular before the populations fell very low. Even today, selective harvesting is attempted by fox hunters who believe that it will insure the continuance of their sport.

All bounty laws require some sort of concrete evidence — usually a stipulated part of the bountied animal — to verify a claim. Falsification of proof may therefore be an important type of bounty law fraud. While a claimant may not correctly identify an animal he has killed, intentionally false proofs are often presented, and often with fair success; the officials may not know the bountied wild animals well enough for identification. If a proof is questionable, bounty may be paid anyway, because an individual fraud seems paltry.

Requirements of submitting only a part of an animal for bounty make defrauding even easier. Although whole skins are prescribed for bounty claims on the larger predators, the county auditors prefer to have scalps. Whole skins are more difficult to handle and to dispose of, especially since court houses are no longer heated with furnaces or wood stoves.

The most common sources of false proofs are similar domestic animals. Each year in Iowa, many dogs and cats are killed, accidentally or intentionally, because they resemble

wolves, foxes, or bobcats. In Story County, bounties paid for wolves in 1937 totaled \$383.20, at a time when Errington had most of the favorable game areas in about half of the county under regular observation, without seeing signs even of coyotes. Such discrepancies may have been due to importations but can be explained more logically by false or mistaken proofs in the form of dog pelts. Other gross similarities between animals have been misused for bounty frauds — black-bird heads and feet substituted for those of young crows and so on.

Making counterfeit proof entails work and skill, but defrauders may find it rewarding enough. Wolf, coyote, or groundhog scalps have been sewn from other similar pelts. In South Dakota of 40 years ago, the lips of a coyote required for bounty claims were sometimes stretched in a way that they might be cut twice, to double the evidence and the reward.

Iowa's bounty laws have always required the claim receiver to destroy or deface a proof to prevent its re-use. A defrauder may be able to re-use proofs to collect bounty in different counties if each county defaces the proof differently. Or he may re-use proof in the same county, after a prudent interval of time, by obliterating the defacing marks or explaining them as accidents. One county auditor remembered a wolf (presumably coyote) pelt presented to him three times. When the original claim was made, the ears of the skin were slit. The second time the pelt appeared, it was torn and shredded; the new owner explained that it had been torn when accidentally dragged across some barbed wire. On the third try, the tattered pelt was still familiar, but the ears were uncut. After closer examination, the auditor detected the smell of glue; the ears were split apart again with some gentle tugging.

Some large-scale fraud may represent a cooperative arrangement between a claimant and a county official. Such false witnessing must have been easier in pre-territorial days, when the claims were received by an appointed local personage, but forgery of claims affidavits may still contribute to the large sums of money lost in frauds.

An Appraisal of the Bounty System. Records of bounty payments before 1909 are scarce and discontinuous, but the frequent changes in the laws reflect the burdensomeness of the early programs to the treasuries of the sparsely settled counties. The bounties were plainly expensive in terms of the economies of the times until Iowa became richer and more populous. In 1909, the state auditor was required by law to include

an account of county finances in his biennial report; and, since then, annual expenditures for bounties have been recorded and published.

Petersen (1940) listed the latter payments for a 28-year period from 1909 to 1937, excluding the 1914 figures, which were erroneously omitted from the reports. A total of \$2,126,175 paid for bounties in those 28 years had a yearly average of nearly \$76,000. Almost two-thirds of this amount was spent for pocket gopher bounties. The general level of payments shifted with changes in the bounty laws, such as the \$20 wolf bounty law from 1913 to 1919, or the halving of all state-wide bounties in 1933. Wolf bounty payments decreased gradually while these predators were dwindling on the prairies, but payments for gophers remained at the same general level. Other changes seemed to follow the natural fluctuations shown by populations of many species of North American wildlife.

The same pattern is to be seen in a tabulation of bounty payments from 1938 to 1957. The total for the 20 years was \$1,948,828, with a yearly average of over \$97,000. Bounty payments for wolves contributed 13 percent to this total, and that for gophers, 14 percent. Payments for the other bountied species constituted the rest. Again, shifts in payment levels corresponded to changes in bounty laws, such as the doubling of the wolf bounty rates in 1945. The addition of the \$2 fox bounty in 1945 brought about another change, a big one, as expenditures for the fox bounty alone contributed \$736,232, or over 75 percent to the payments from 1951 to 1957. Besides the shifts in bounty rates, the other variations again broadly followed the population fluctuations of the bountied species.

The total payments for all 48 years, 1909-1957, were \$4,075,003, with a yearly average of nearly \$85,000, and show the high and continuous cost of Iowa's bounty program. Iowa's experience is quite consistent with the experience of other states that have found the bounty system a costly and unsuccessful method of control based upon fallacious assumptions (Latham, 1951; Allen, 1954).

This should not be surprising in view of what is known of the population dynamics of mammals and birds. The foxes particularly demonstrate the balancing compensations in resilient populations. Their losses — whether from human or other agencies — tend to be chiefly centered on those members that represent annual biological surpluses.

As a general rule, when conditions in a given habitat be-

come more favorable for a given species, its populations may be expected to increase or at least to remain at a high level.

Conversely, adverse changes in the habitat lower the population levels to be accommodated. For species adapted to withstand hunting pressure, for bounty money or for sport or for whatever reason, it is the habitat much more than the hunting pressure that is likely to be the controlling factor.

It is true that, when man causes or becomes a major change in the habitat, a population that cannot adapt must decrease. The large wolves were extirpated over nearly all of their range between the Canadian and Mexican borders. On the other hand, the coyotes have adjusted much better to living with man, and the foxes have adjusted so well that man's persecution probably makes very little difference in their overall numbers in a state such as Iowa.

In re-evaluating the bounty system by these principles, it appears for the most part as a costly subsidy for killing surplus wildlife. Circulating money through the county treasury to return it to the taxpayer in the form of bounty merely adds another expense. We do not imply that the economic losses due to wildlife can be ignored; with or without a bounty, people will attempt to solve these problems wherever they arise. But each problem is specific and relative to local conditions. Solutions should be approached from their local, specific aspects. When measures must be taken to control troublesome wildlife, efforts directed at the cause of the problem and the individual animals involved are more effectual and less costly.

To encourage local control measures, a predator control program similar to the famous trapper-extension program of Missouri's Conservation Department (Sampson and Brohn, 1955) was established by the Iowa Conservation Commission in 1949. Through instruction in trapping techniques from conservation officers and extension workers, Iowa farmers can learn to solve many of their own problems, especially as may concern fox damage. Although this program has been successful in Iowa, it has not been used as widely as in Missouri.

The bounty system in Iowa, as in other states, was begun and continued as a traditional method of controlling undesired wildlife. Nevertheless, a study of its history and effects emphasized the costliness and futility of such a haphazard measure. The perpetuation of the bounty depends upon how long its political popularity outweighs its management deficiencies in the estimation of law-makers.

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