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# THE PROTECTION OF UPLAND GAME BIRDS IN THE UNITED STATES

## Introduction

Like all national resources in the United States the wild-life resource is going through the various stages of exploitation and is rapidly being depleted. The supply, as in our virgin forests, seemed inexhaustible. However, some species of mammals and birds have already become extinct, other species are approaching extinction. The purpose of this paper is to present in brief review the legislative measures enacted by Federal and state governments for the protection and conservation of our upland game-birds; the factors that influenced the success or failure of these laws in the past and at present; and a comparison of the policies of the conservationist in the various regions in the United States.

The upland game-birds include such species as the wild turkey, the Chinese pheasant, the various species of grouse, partridge, and quail, the band-tailed pigeon, and the mourning dove. The heath hen and the passenger pigeon were formerly included in this group but are now extinct. The wild turkey, the prairie chicken, and the band tailed pigeon were rapidly approaching extinction in some parts of the country but have since been restored on their natural range.

## History of Game Legislation

The first law pertaining to wild-life protection was passed in the Massachusetts Bay Colony in 1641 forbidding the shooting of deer on land belongin to others ( 21 ). In 1699 Virginia Colony declared a closed season on deer from January to July, with a penalty of 500 pounds of tobacco for the violation thereof.



It was not till 1709 that game birds were protected. In that year, New York declared a closed season on deer, turkey, and heath hen; an amendment in 1791 included the ruffed grouse, spruce partridge, and quail. These early laws were not concerned so much with the protection of game as with the desire to preserve the shooting supply.

By 1850, most of the states in the Northeast had closed seasons on game birds, and Connecticut and New Jersey had special laws for the protection of insectivorous birds as well. By 1860 Massachusetts, Vermont, Ohio, and Pennsylvania declared permanent closed seasons on insectivorous birds ( 12 ). At present all insectivorous and song birds have permanent closed seasons, a few noxious species of raptorial birds have permanent open seasons, and game birds in general have short open seasons with definite bag limit restrictions.

#### Factors of Depletion

As the forests were cut down, the marsh areas drained, and the country opened to agriculture and grazing all wild life was either shot out or forced to migrate to regions south and west. Many species were unable to adapt themselves to the changing climate, the change in food conditions, and the cover types serving for protection and reproductive purposes ( 26 ). These changes accounted for heavy losses in the more fastidious birds such as the heath hen and prairie chicken. The numbers of these birds were so diminished that game laws, restricting open season and bag limits, had to be imposed to save the remaining game. Some species became so scarce that

permanent closed seasons had to be declared to save other species from extinction.

According to T. S. Palmer ( 21 ) there are two conditions that justify withdrawal of the open season: first, when game has become so reduced as to necessitate recuperation to prevent extinction; and secondly, when game is introduced into new territory and time is required to establish the species in its new environment. These closed seasons vary with local conditions and usually run from two to ten years subject to renewal. In 1900 only three states had such closed seasons on game birds. Washington and Wisconsin protected quail for two years; Arizona protected the bob-white quail for two years.

Doctor E.W.Nelson of the Biological Survey along with other scientific minded men attempted to convince legislators and the public in general that game laws alone could not save our wild life. Fires in the cut-over areas in timber regions either killed the game outright or forced it to migrate to new areas. In this migration thousands were slaughtered by man and predatory animals. Prairie fires set deliberately to improve grazing should be avoided ( 12 ).

In some cases agriculture has been of benefit to game birds. Wheat fields ( 2 ) in the west have opened a new food supply to seed eating game birds; and fruit orchards, berry fields, and vineyards in the west, where irrigation has become necessary have supported a large population of game birds. The fruit and berries are used for both food and drink ( 2 ).

The Necessity for Game Law Enforcement

Since more game laws were passed each year and still the game birds diminished, the solution apparently lay not in more laws but in the enforcement of existing laws. The first game warden was installed in Maine in 1852 ( 29 ). The salary was much too small and the sympathy of the warden was with the violators. By 1888 ten states had installed game wardens, with a salary and term of office corresponding to other state officers and the duties corresponding to those of the county sheriff.

The office of game warden was difficult to fill. The small salary, the constant abuse and danger from the public, the small thanks from the administration authorities caused conscientious wardens to turn in their badges ( 30 ). The men who remained in office were, for the most part, inefficient, unscrupulous, and usually sympathetic to the offenders. Politicians selected men who were incapable of handling the job. Although politics still plays an important part in the selection of wardens in some portions of the country today, it is indeed a far cry from the old time game wardens to the well organized efficient game commissions of the present. These commissions are appointed by the governor and vary as to membership and duties. Nearly all the states have fish and game commissions with a membership varying from two to seven members. Thirteen states created these commissions only this last year ( 31 ).

### Discussion of Charts and Graphs

The barographs on Plate I show the permanent close seasons on the eight upland game birds by states for the four ten-year periods from 1900 to 1930. The sage hen, prairie chicken, and wild turkey have become so scarce that they are found in only a few states. Except for very short open seasons and low bag limits in several states, the majority of them do not have open seasons at all. Dove and quail are much better protected in the northern states than in the south. Of the twenty-five states that have permanent close seasons on dove, only one state is an exception- Minnesota (24 ).

It is evident from Plate II which regions are farthest advanced in game protection. Regions IV, II, VI, and VIII have progressively lengthened their close on game birds. The Pacific and the Southwestern Regions are rapidly improving their protection methods. The Southern and the Southeastern Regions are farthest behind in game-law enforcement. Land owners are indifferent to the slaughter of game. Darkies and poor whites comb the pasture and woodlands for the last remnant of game, and even song and insectivorous birds are taken ( 9 ). These figures are averages for the entire region. Naturally individual states within the regions are sometimes far advanced above the remaining states, but in general these averages are fairly accurate. For instance, the states in Region V are all on an even keel, but in region VII, Virginia is very alert and conscientious in her efforts at game protection and restoration ( 31 ).

In the western part of the country, California and Arizona are gradually putting their efforts to better game protection. The main difficulty with California is with the wealthy so-called sportsmen. In the past these men have dominated the politics in game-law enforcement ( 9 ).



In the east, Delaware and New Jersey have been the last in line to shorten the open season. The remaining eight states have long ago set their houses in order. Outstanding in good game legislation and enforcement are New York and Pennsylvania. In earlier days the slaughter of game birds for food for the hostelry in the larger cities was an evil that required the constant efforts of a small group of conservationists to overcome. Convictions were extremely difficult to obtain, due to uninformed and indifferent juries. ( 29 ).

In the central states ( Regions IV and VI), Michigan, Wisconsin, and Iowa have done much to keep the remnant of wild game from being depleted. Iowa has an elaborate restoration program in progress ( 31 ), and considering the valuable agricultural lands and comparatively small areas of marginal lands suitable for game preserves, her efforts are well worth while.

Plates VI and VII show the license fees by regions for the four ten year periods from 1900 to 1930. The hatched bars represent the resident fees; the blank bars the nonresident fees. Since in many states the non-resident and alien fees were identical or non-existent, no effort has been made to include the alien fees in separate graphs. It is interesting to note that the southern and southeastern states have much higher non-resident license fees than the older northeastern or the newer western and southwestern states. Resident fees do not vary very much for the whole country, though the trend has been to increase rather than to decrease them in recent years.

Plates VIII, IX, and X represent the bag limits on the four common species of game birds by regions, and here again we have the same regions lagging behind as in open season and permanent protection programs. The southern and southeastern regions have far too large bag limits on quail and dove. The southwestern region also has

too large a bag limit on quail and dove, the only two game birds of sizable quantity she has left. In Region VI Kentucky is the only state of the four that has too large a bag limit. The remaining states have shortened the open season and lowered the bag limits on the common species and they are now working out plausible programs of protection and restoration.( 31 ).

In Region I California still has too large a bag limit on the dove. Since she has temporary close seasons on Gambel's and Mountain quail, these birds are slowly being restored( 31 ). However, the bag limit on the bob white and valley quail is still too large for the lengthy open seasons in this region.

Region VIII in general reasonable open seasons and bag limits on her game birds, both native and introduced. There are no open seasons on dove or prairie chicken and very short open seasons and low bag limits on quail and grouse. Some of the states in this region have temporary close seasons on game birds from time to time to give them a chance to revive.

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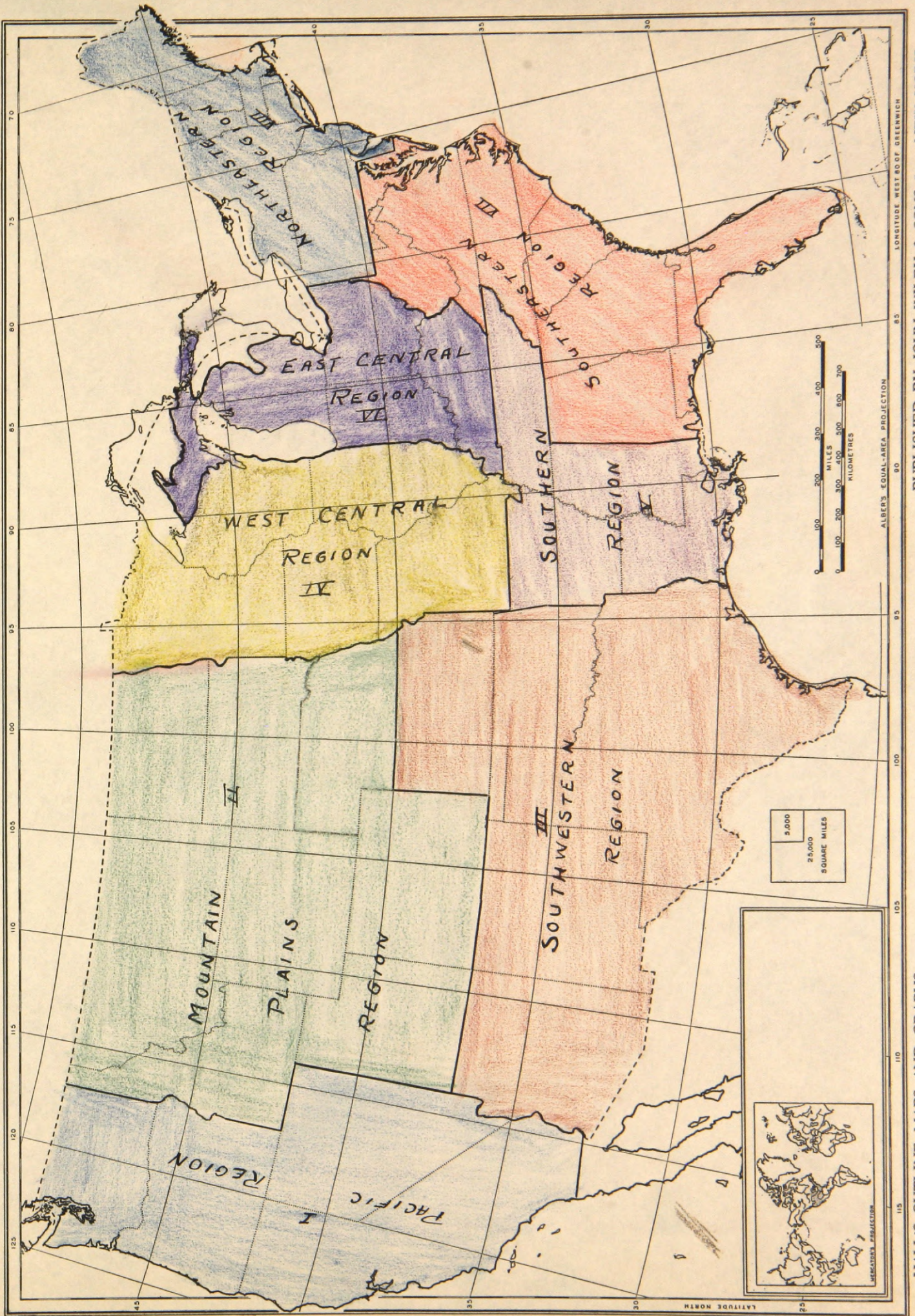
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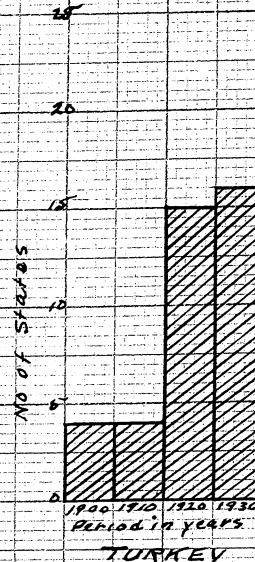
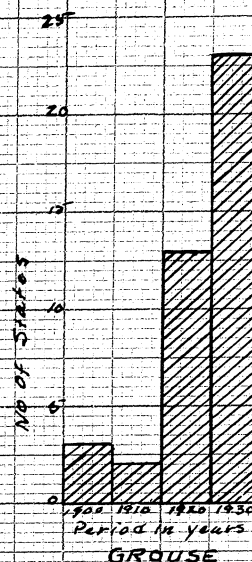
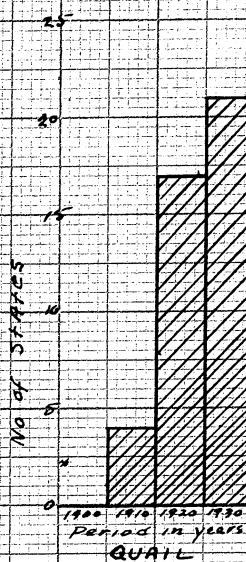
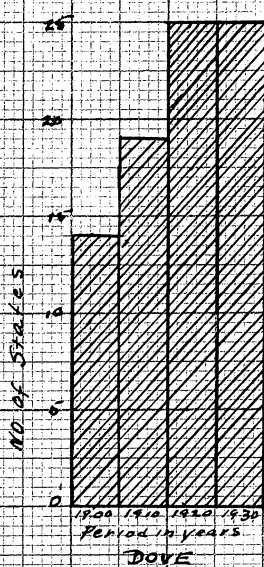
31. Pamphlets, Reports, and Conservation Material from Each of the  
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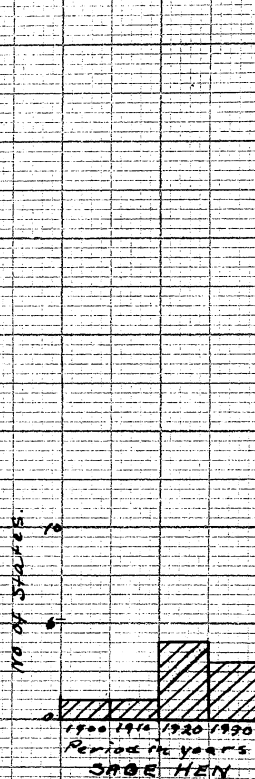
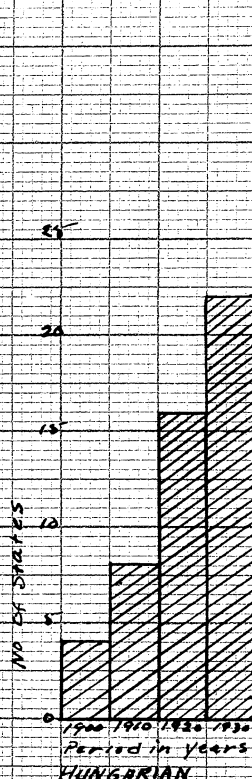
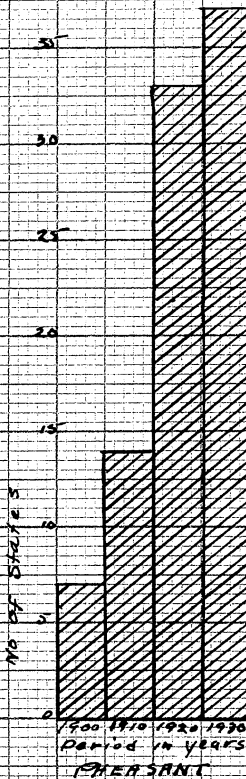
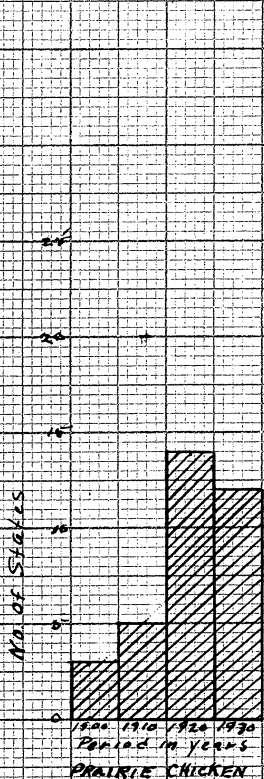




# PLATE I



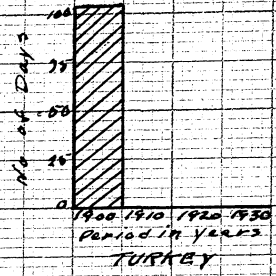
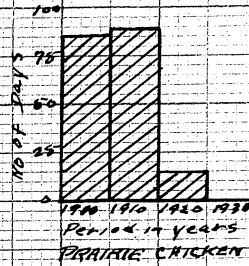
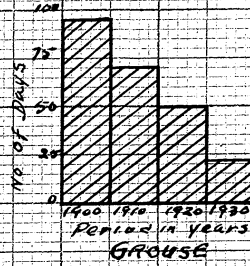
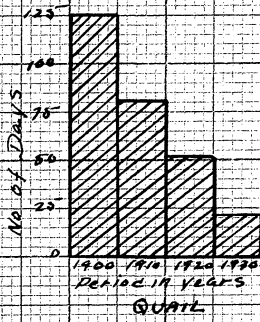
\* No close season



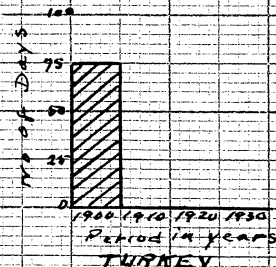
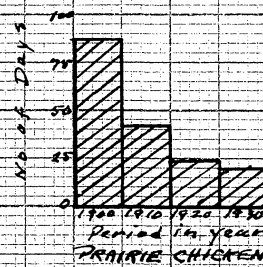
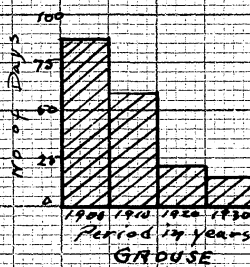
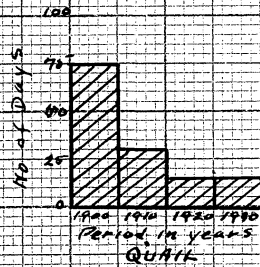
Permanent Close Seasons on the eight upland game birds  
for the four ten-year periods ending in 1900, 1910, 1920, and 1930.

PLATE II

REGION I



REGION II

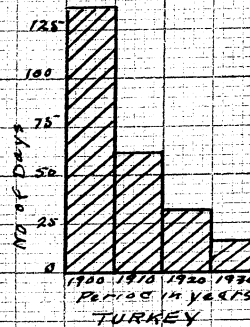
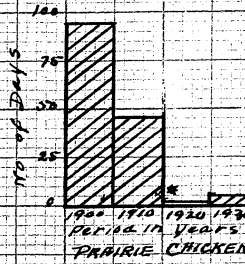
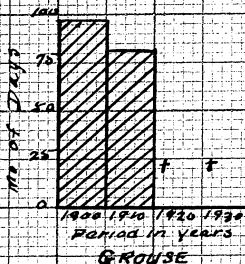
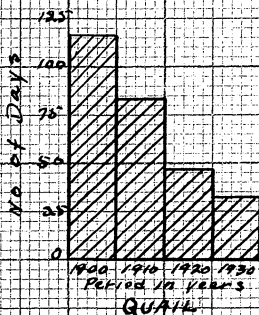


Open season on the four common species of upland game birds for the four ten-year periods ending in 1900, 1910, 1920, & 1930, by Regions.



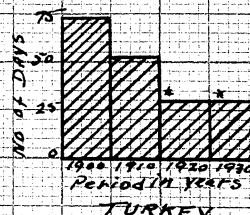
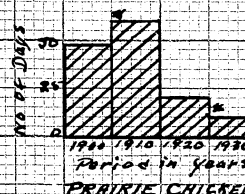
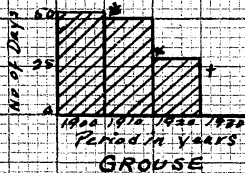
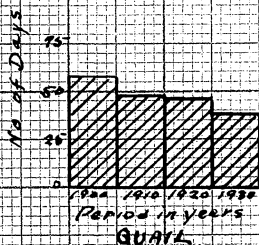
PLATE III

REGION III



Legend  
 \* 1 State only  
 † No open season

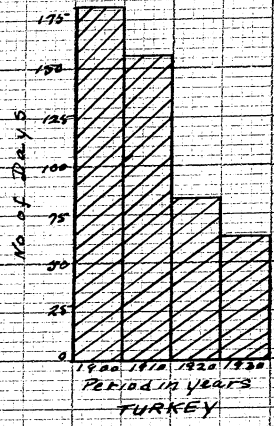
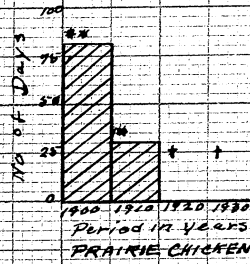
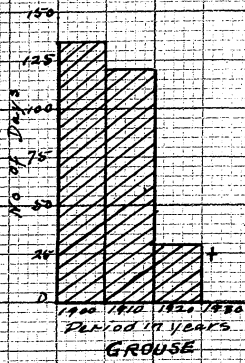
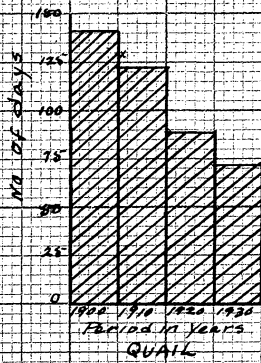
REGION IV



Legend  
 \* 1 State only  
 † No open season

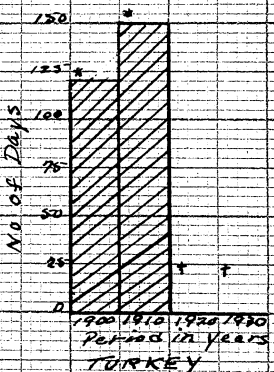
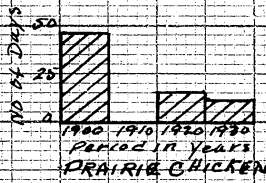
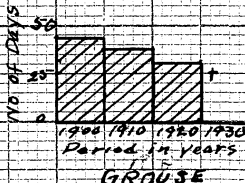
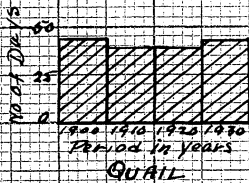
Open season on the four common species of upland game birds for the four ten-year periods ending in 1900, 1910, 1920, & 1930, by regions.

REGION V



Legend  
 \* 1 State only  
 \*\* 2 States only  
 † No open season

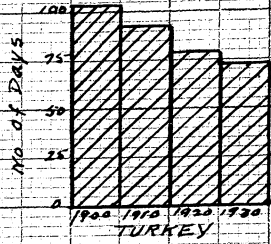
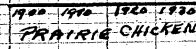
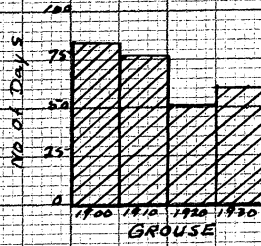
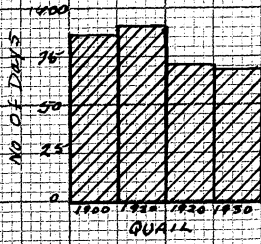
REGION VI



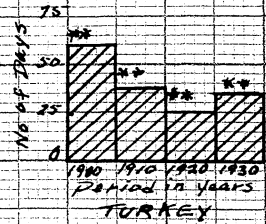
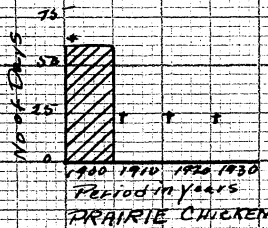
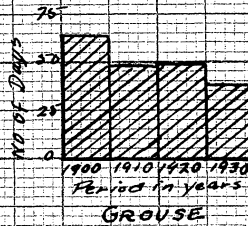
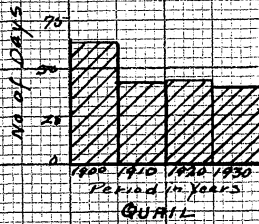
Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No open season

Open season on the four common species of game birds for the four ten-year periods ending in 1900, 1910, 1920, & 1930, as by Region.

REGION VII



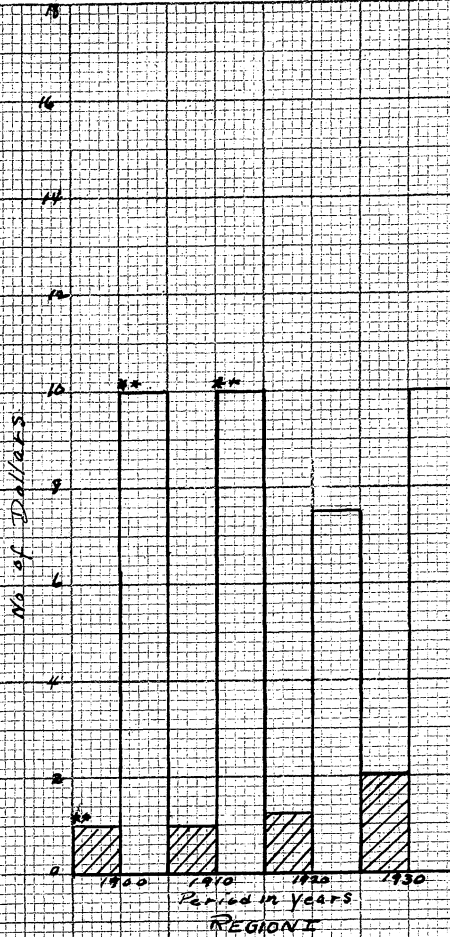
REGION VIII



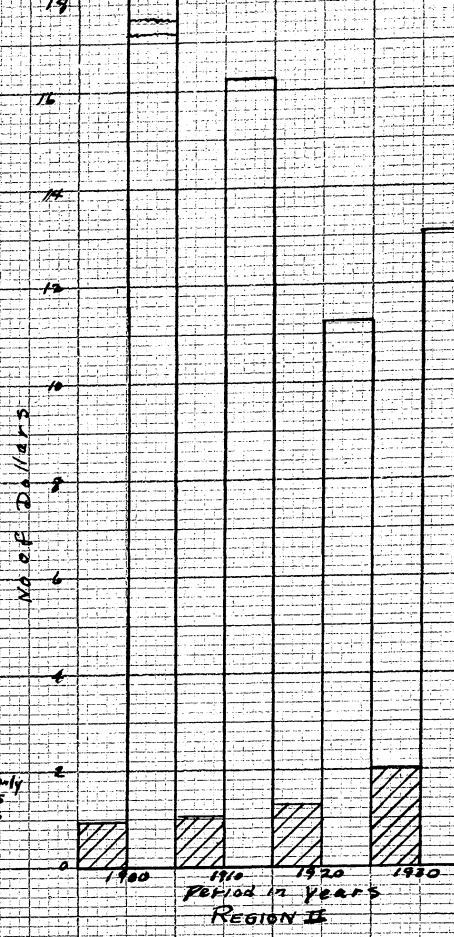
Legend  
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 \*\* 2 States only  
 † No open season

Open Season on the four Common Species of Upland game birds for the four ten-year periods beginning 1900, 1910, 1920, & 1930, as by regions.

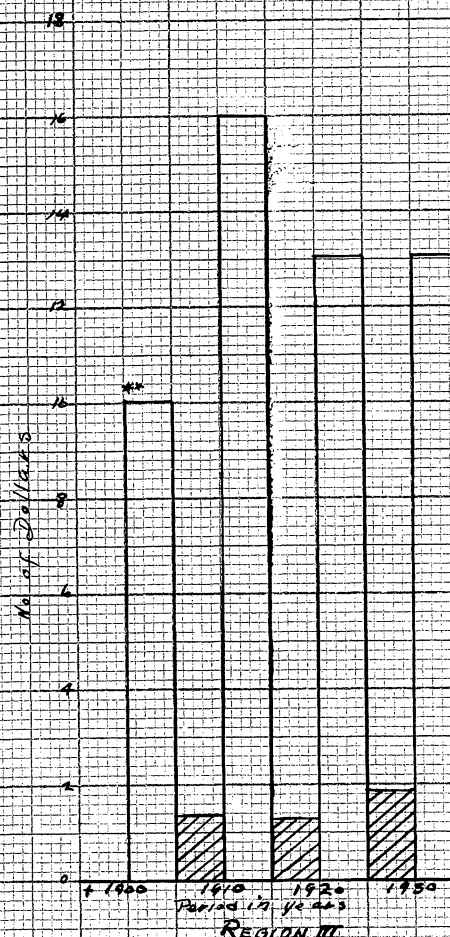




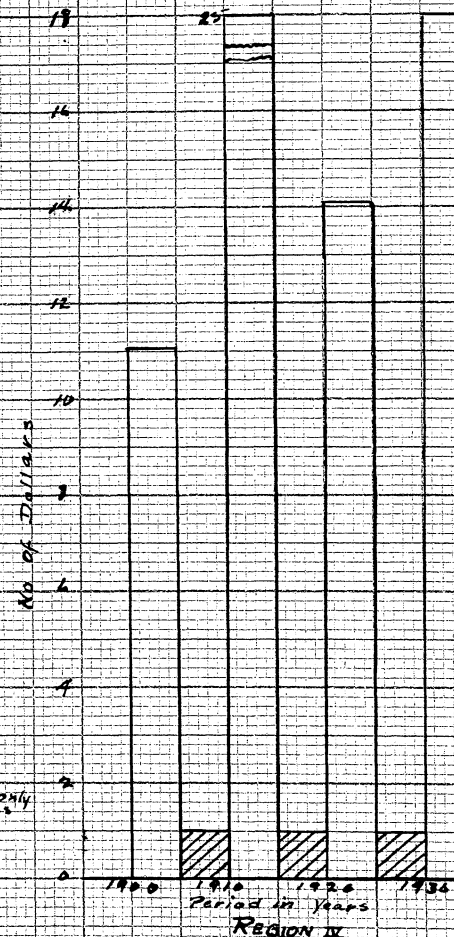
Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No fees



Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No fees



Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No fees

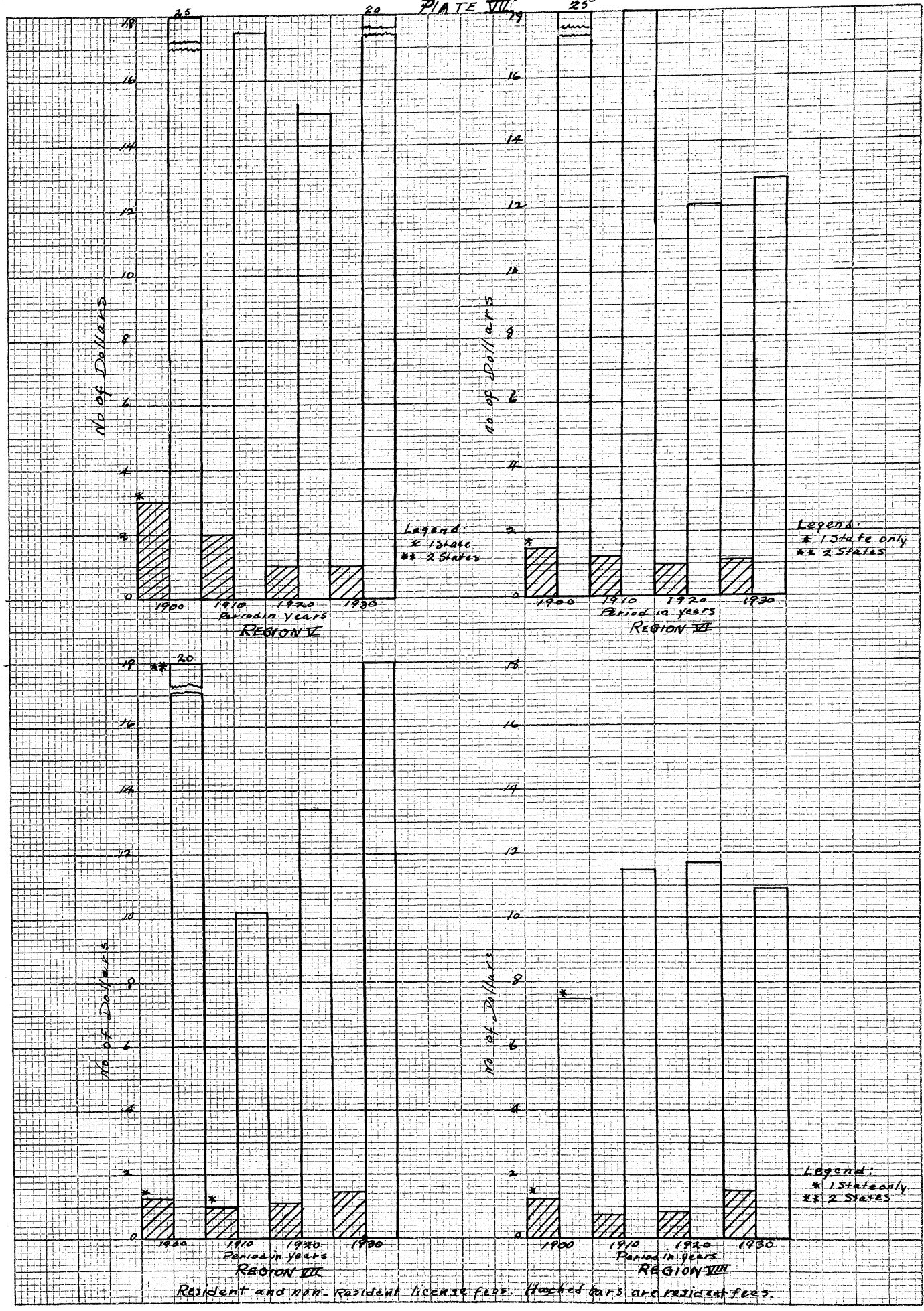


Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No fees

Resident and non-resident license fees. Hatched bars represent resident fees.



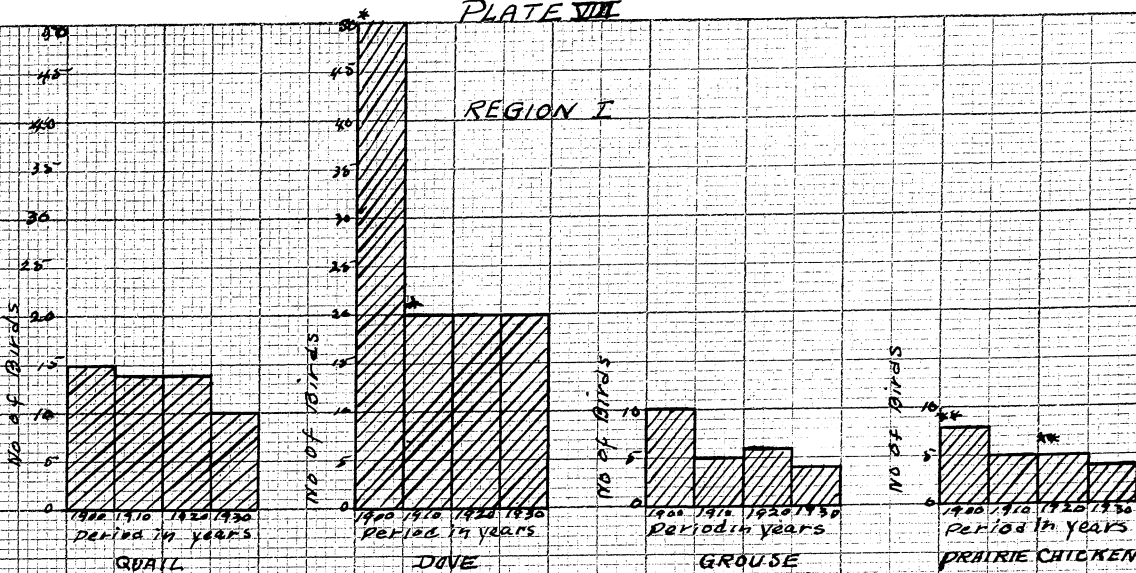
PLATE VII



Resident and non-resident license fees. Hatched bars are resident fees.

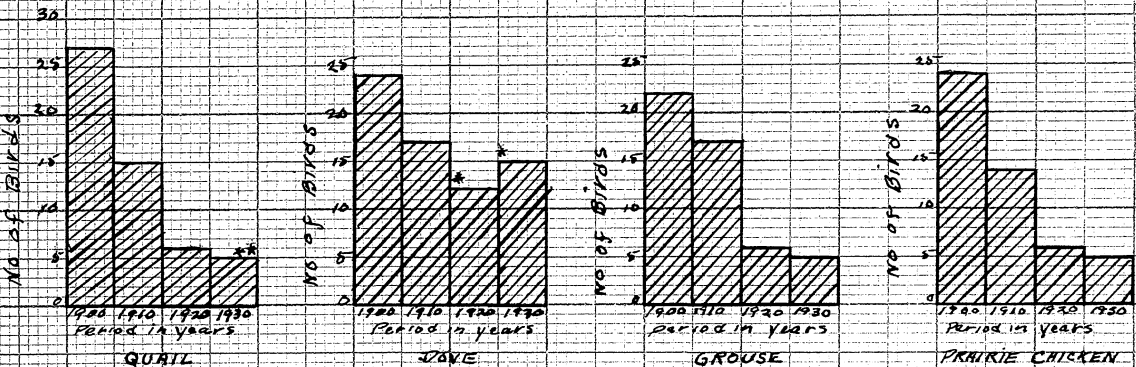
PLATE VII

REGION I



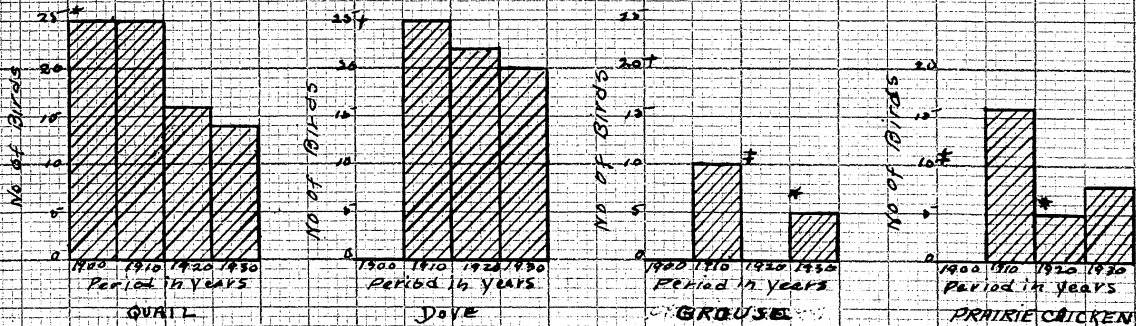
Legend:  
 \* 1 state only  
 \*\* 2 states only  
 † No bag limit  
 ‡ No open season

REGION II



Legend:  
 \* 1 state only  
 \*\* 2 states only

REGION III

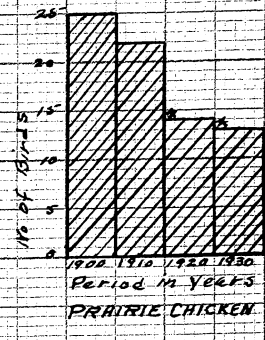
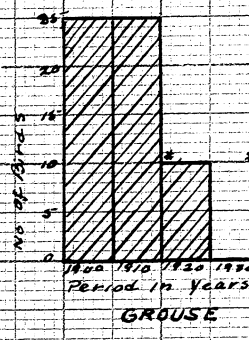
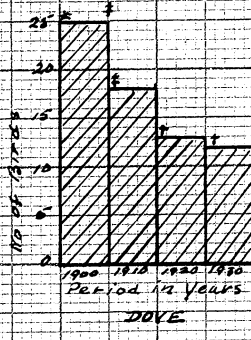
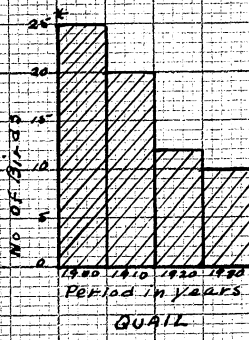


Legend:  
 \* 1 state only  
 \*\* 2 states only  
 † No open season  
 ‡ No bag limits

Bag limits for the four common species of upland game birds for the four ten-year periods beginning in 1900, 1910, 1920, & 1930, as given by regions.

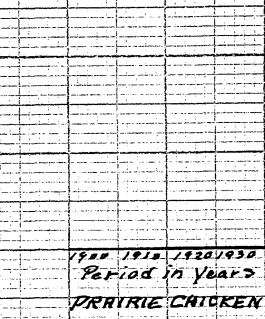
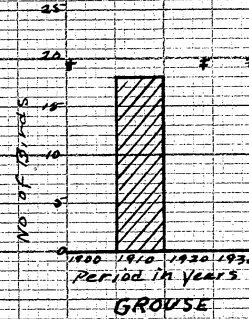
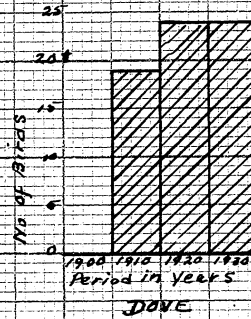
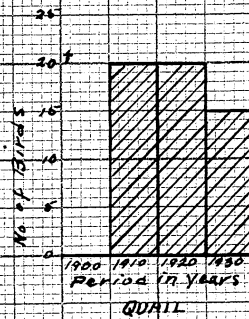
PLATE IX

REGION IV



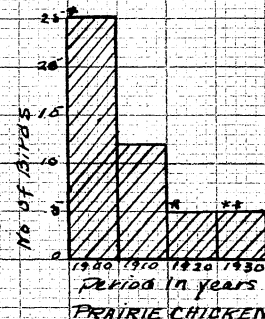
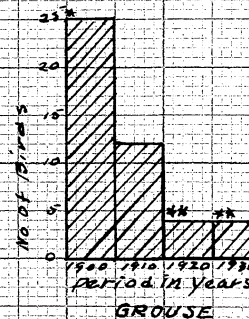
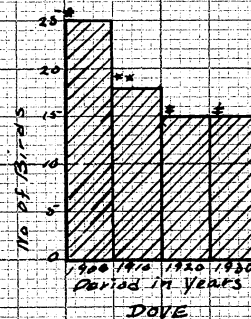
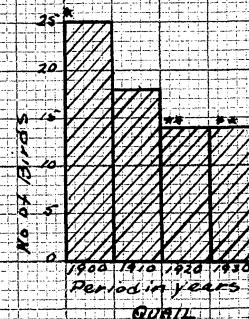
Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No Bag Limits in 3 States  
 ‡ No open Season in 3 States

REGION V



Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No Bag Limits  
 ‡ No open Season

REGION VI



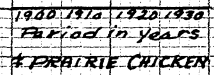
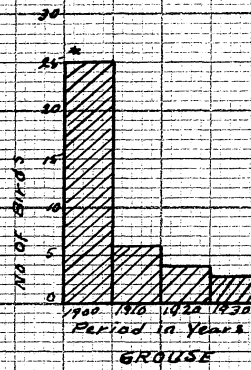
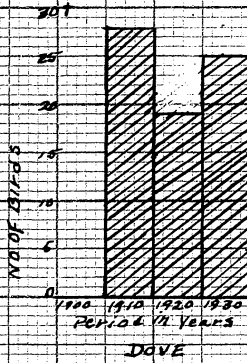
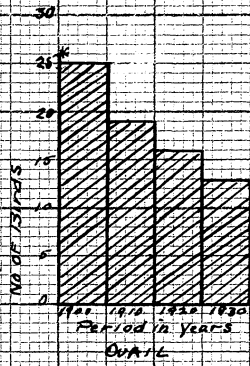
Legend:  
 \* 1 State only  
 \*\* 2 States only  
 † No Bag Limits  
 ‡ No open Season in 3 States

Bag limits for the four common species of upland game birds for the four ten-year periods ending in 1900, 1910, 1920, & 1930, by regions.



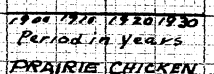
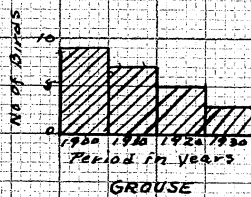
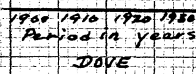
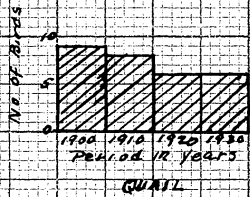
PLATE X

REGION VII



Legend:  
 \* 1 State Only  
 † 2 States Only  
 ‡ No Bag Limit  
 § No Open Season

REGION VIII



Legend:  
 † 1 State Only  
 \* 2 States Only  
 ‡ No Bag Limit  
 § No Open Season

Bag limits for the four common species of upland game birds for the four ten-year periods ending in 1900, 1910, 1920, & 1930, by regions.



3 9015 00326 8615





