

Open Season Threatens the Extinction of Deer

Hunters Permitted by New Law to Kill Does as Well as Bucks—Quail Still Protected, but Fight for End of Restrictions Is in Prospect

By REMSEN CRAWFORD.

IN the good old days when Baby Bunting was put to sleep with the happy assurance that "daddy's gone-a-hunting," it must have been cheerful to anticipate that the head of the house might return with something better than a jack rabbit for supper, and, best of all, that he would not be arrested by some zealous game warden for violating a Federal or State protective law.

Thrilling stories of the chase, narratives of adventure afield which once enlivened the nursery and clubhouse alike, are now, for the most part, legends. In the remote back numbers of the sportsmen's papers one finds them, buried in the reserve rooms of the oldest libraries, or in books which have had their day in American literature. True, there are sportsmen's periodicals published today, but candor compels the admission that their field has been materially narrowed by the legislative limitations which have been placed around the pursuit of game or wild animals in this country. Essentially, a hunting story of today has quite as much to do with "open" and "closed" seasons and with when and where to shoot as it has to do with the thrill and excitement of the sport.

To illustrate the point, a story which was told by an enthusiastic hunter to the writer the other day may not be amiss:

"It was a beautiful morning," he said, taking up his story after the style of the old-fashioned writers in the sportsmen's gazette. "Tom and I stood for a time on the crest of a hill in a great field of broom sage, and watched the dogs as they nosed out the bottom lands below. All of a sudden, old Bob, the best dog that ever made tracks behind birds, froze stiff in a point, near a little briar patch. The other dog honored his point at right angles, and a good way off. Ah, there was the covey of quail, and no doubt about it. Briskly, Tom and I moved up, priming our guns impulsively as we started toward the dogs. Just a few feet from old Bob's nose the quail went bounding to their course with a thundering whir-r-r. Bang, bang, I shot twice in rapid succession and saw two fine fellows drop. The dogs dashed away to their task of retrieving, and I looked around at Tom, wondering why I hadn't heard a shot from him. There stood the fellow with the butt of his gun to the ground and a little book in his hand.

"Why didn't you shoot?" said I.

"Why, I wanted to make sure whether it was lawful to kill quail in these parts, and how many the law would allow bagged," came Tom's reply.

All of which goes to show that if you would go a-hunting nowadays you would better read law. Huntsmanship—the very word sounds obsolete—is inseparably bound up in the State and Federal statutes. In the last twelve months forty-four States in the Union have had sessions of their Legislatures, and forty-one of these forty-four Legislatures passed additional laws for the protection of wild life, though not as many as did the Legislatures the preceding year. Meanwhile, the Federal law protecting migratory game birds was sustained in the decisions of two Circuit Judges of the United States Court, the effect of which was to stop the sale of these game birds on the tables of every hotel and restaurant in the United States.

In the language of sportsmen, the "hot bird" is now as illegal as the "cold bottle." The one loophole out of the law is that it allows wild ducks and wild geese which have been raised domestically to be sold in the market, and such few as may have thus been coaxed to alight and take up their abode in what are known as "wild game farms" may be served on

the tables of public eating houses. But the restrictions are such that each bird so served must be practically plastered with an affidavit.

There is a serious phase of this hunting problem which has to do with national sociology. Students of social science the world around have always ascribed to the American a sort of superiority of manhood because of his early training and natural propensity for hunting. For sharpshooters and marksmen the American Army has no equals. Sergeant Bernard York, from the mountains of Tennessee, who did more to depopulate the Hindenburg line than any other one soldier, explained this when he said modestly, "You see, down in my country, we are taught to shoot airy and to shoot close." The question arises, Will there be fewer expert riflemen in our future armies if this training to "shoot airy and shoot close" must be further restricted by game laws?

But, away with such speculations! October and November have brought the annual hunting season. For a brief few weeks, at least, the forest and the field are free to the licensed hunter. The protection of wild life has borne good results already. The streams and lakes are shadowed by increasing thousands of wild geese and wild ducks. Coveys of quail have multiplied in districts where restrictions are not now necessary. Imported pheasants are beginning to overflow their preserves in some localities. Laws have been relaxed on deer.

Particularly has this season brought a revival of interest in deer hunting in New York State, for a huge experiment is being tried out, the permission by State enactment of the shooting of does. Prior to this season the law allowed only one deer to be killed by a single hunter during the seasons of open hunting, and required that the deer killed must be an antlered buck. For several years these restrictions were sought to be enforced, but despite the activities of the Conservation Commission, the enforcement met with indifferent success. Persons, styled by the protectors of wild life as "game hogs," persisted in killing the first deer that came within range, buck or doe, and as many thereafter as they could get away with in the shady retirements of the Adirondack forests.

This brought on a legislative fight at Albany at the last session of the State Legislature which will be remembered long by all sportsmen. The demand was made by hunters of game that the old "one-buck-a-year" law be repealed and that two deer, buck or doe, be the allowance. Every argument known in the art of huntsmanship was thrashed out. The cry of high cost of living was brought

to bear, many of the farmers asserting that they could not subsist on market beef and mutton at the prices exacted. Most of the real sportsmen were opposed to allowing does to be shot, for they well knew that if the does were killed off it would not be long before the last deer would be gathered in from the Adirondacks. But the demand of promiscuous hunters had sway. The law was passed.

The writer of this article has investigated conditions as they have resulted thus far and can say that the breeding of deer in the Adirondacks is being seriously curtailed by the law which permits the does to be shot. One hunting party spent a fortnight in the Adirondacks and its members saw fourteen deer, and out of the fourteen killed three. The three were does. In most of the instances the does which are shot have their fawns running with them. What will be the fate of these fawns without their mothers to nourish them when the cold weather sets in?

In the opinion of R. P. Holland, the game expert of the American Game Protective and Propagation Association, the State of New York has already been set back ten years in the matter of propagating deer, and future generations will be denied their rightful heritage of game because of the greed of hunters who have gone this year and will continue to go to the Adirondacks before the "State's experiment" is over.

George D. Pratt, State Conservation Commissioner, had previously instituted a thorough census of big game in the Adirondacks so as to be able at the close of the present season to tell what effect the killing of does would have upon the diminishing ranks of deer. His agents and wardens and secret service men had made 18,000 observations. Of these observations 7,103 were at such close range that the sex of the deer could be determined. The count showed 2,530 bucks and 4,573 does. Now, it was asserted by the hunters who demanded the doe law that the buck is a monogamous animal, but such experts in natural history as Dr. W. T. Hornaday, head of the New York Zoological Society, assert that four does to one buck is the polygamous allotment in the proper breeding of the tribe. So it would appear there were not too many does for the bucks in the Adirondacks.

All told there are not more than 50,000 deer in New York State, according to the census, and there were 37,000 licensed hunters last year while does were not allowed to be shot and a great many more this year.

Sportsmen in New York State are much interested in the status of the quail. For five consecutive years this

highly prized bird has been protected by law in the State of New York. The five-year close season ends with the present year. Will the next Legislature renew this provision of the game laws and continue to protect Bob White, or will it take off the lid and allow him to become extinct after a few seasons of open shooting? The general opinion is that the Legislature will hardly take a step backward in this matter as it did last session with regard to deer. Sportsmen know that the birds have not "come back" in the five years of closed seasons.

"Speaking for myself and the members of the Permanent Wild Life Protection Fund," Dr. Hornaday said recently, "I shall do all I can to make the closed season last ten years when the matter comes before the next session of the General Assembly of the State. It would be a disgrace to the Empire State of the nation to remove the restrictions upon quail shooting at this time. Every true sportsman will oppose the lifting of the lid."

The question of the close season on quail in New York State will be discussed by the New York State Fish, Game and Forest League at its convention at Syracuse Dec. 3 and 4. Out of this meeting, perhaps, will come some organized movement for legislation concerning quail by the next Legislature. The fact must be admitted that nearly all the tribes of upland game birds, including the ruffed grouse, or Eastern partridge, the quail, the pheasant, snipe, and woodcock, have become well-nigh extinct in the State.

The State's three game farms, consisting of around 200 acres each, have been in recent years producing many of these upland game birds for distribution and propagation in the hope of restoring the vanishing feathery tribes. By the latest reports available these farms distributed in one year 11,415 live birds and 59,318 eggs of quail, ruffed grouse, pheasants, &c.

Wild duck and wild geese, since the Federal migratory bird law took full effect under a special treaty with Canada and Great Britain, have been steadily increasing. They have grown more tame, too, and in places where they have found a welcome and where they have been fed and protected they now flock by the thousands. In the city limits of Oakland, Cal., there is a small lake where wild geese and ducks have been fed, and within a few years that lake, even though it be within the city, has come to be the mecca of thousands upon thousands of ducks which in previous years were unseen there.

The Enabling act passed by Congress for putting this treaty into effect provides in general that the United States shall protect the migratory game birds when they come southward for the winter. Canada, in turn, agrees to protect them during their nesting periods in the marsh lands of that country. The Enabling act carried with it an appropriation of \$170,000, which was spent last year under the direction of E. W. Nelson, Chief of the Bureau of Biological Survey at Washington, in the hiring of wardens to enforce the law. By its terms ducks and geese are not allowed to be shot later than a certain date, the dates varying with the localities along the coast, so as to prevent the slaughter of geese and ducks approaching nesting time. The law also permanently prohibits the sale of these birds on the market. Louisiana was the only State in the Union that allowed pot hunting of geese and ducks, but now that the Federal law has been upheld by the United States courts that State, too, forbids the sale of wild game to restaurants and hotels.



Mallard Ducks at Oakland, Cal.