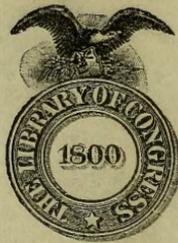


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PROTECTION OF MIGRATORY
AND INSECTIVOROUS BIRDS OF THE
UNITED STATES.



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62^D CONGRESS, } HOUSE OF REPRESENTATIVES. } REPORT
2d Session. } } No. 680

PROTECTION OF MIGRATORY AND INSECTIVOROUS GAME BIRDS OF THE UNITED STATES.

MAY 9, 1912.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LEE of Georgia, from the ^{4.5.}Committee on Agriculture, submitted the following

REPORT.

[To accompany H. R. 36.]

The Committee on Agriculture, to whom was referred the bill (H. R. 36) to protect migratory and insectivorous game birds of the United States, having considered the same, a majority of the committee beg to report it back to the House with amendments and with the recommendation that the bill as amended do pass.

The object of the bill is stated in the title thereof. The committee gave a public hearing and a large amount of testimony was produced before it to sustain the provisions of the bill. It appeared that most of the States of the Union have laws more or less effective in the protection of game or other birds resident and breeding within their borders, and by special reservation in the bill none of its provisions are to be deemed to affect or to interfere with these laws as to such birds or to prevent the States from enacting laws and regulations in aid of the regulations of the Department of Agriculture provided for in this bill. Through these local laws, however, it appeared that because of their nomadic habits little or no real protection was afforded water fowl and other migratory game birds, and therefore, to secure for them adequate protection, particularly in the spring, when they are on their way to their nesting grounds, they should be placed under the custody of the General Government. It also appeared that some of the most valuable species of these nomads would soon be extinct unless immediate congressional protection is afforded.

It was clearly shown that the economic aspect was twofold. The game birds yield a considerable and an important amount of highly valued food, and if given adequate protection will be a constant valuable asset. The insectivorous migratory birds destroy annually thousands of tons of noxious weed seed and billions of harmful

insects. These birds are the deadliest foe yet found of the boll weevil, the gypsy and brown-tailed moths, and other like pests. The yearly value of a meadow lark or a quail in a 10-acre field of cotton, corn, or wheat is reckoned by experts at \$5. The damage done to growing crops in the United States by insects each year is estimated, by those who have made the matter a special study, at about \$800,000,000.

The majority of the committee believe that to give Federal protection to these birds is no invasion of State rights for, being migratory, they belong to no single State, but to all the States over which they pass and within which they simply pause for food, rest, or breeding. It is believed that the question is purely a Federal one and that under the strictest construction of the Constitution these migratory birds may and should be subject and entitled to national protection by act of Congress.

The interstate bird is as interstate commerce and should be protected by and subject to the laws of the Nation. Nearly all of the States of the Union were represented at the hearings by persons, telegrams, petitions, or letters, as will be shown by the tables in the exhibits attached hereto.

The committee recommends the following amendments: Change the title by inserting after the word "game" the words "and insectivorous."

In line 5, page 1, after the word "game," insert the words "and insectivorous."

In line 6, page 2, after the word "fine," insert "not exceeding \$500."

In line 7, page 2, after the word "imprisonment," insert "not exceeding 90 days."

In line 16, page 2, change the word "effect" to "affect."

In line 18, page 2, strike out "localized" and insert "or other birds resident and breeding."

Then add to the bill—

SEC. 4. That there is hereby appropriated, out of any public money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, the sum of ten thousand dollars.

Forty-four of the forty-eight States of the Union were represented at the committee hearing by letter or in person either through their governors or their State game commissioners, or through representatives of sportmen's associations, National Association of Audubon Societies, the American Game Protection and Propagation Associations, the Boone and Crockett Clubs, the League of American Sportsmen, the New York Zoological Society, and other national associations interested in the protection proposed by the bill. All favored this legislation being added to the Federal Statutes. Three of the States, Oklahoma, New York, and Massachusetts, have indorsed the proposition by legislative act.

- Alabama: State game and fish commissioners.
- Arkansas: State game warden.
- California: Board of fish and game commissioners.
- Colorado: Game commissioner, and letter from Gov. Shafroth.
- Connecticut: Commissioner of fish and game.
- Delaware: Board of game and fish commissioners.
- Georgia: Fish and game protective association.

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Idaho: Letter from Gov. Hawley.
 Illinois: State game commissioner.
 Indiana: State fish and game commissioner, and letter from Gov. Marshall.
 Iowa: State fish and game warden.
 Kansas: State fish and game warden.
 Kentucky: Fish and game commissioner.
 Maine: President, Maine Fish and Game Association.
 Maryland: State fish and game warden.
 Massachusetts: Fish and game commission.
 Michigan: State game, fish, and forestry warden, and letter from Gov. Osborn.
 Minnesota: Minnesota Game and Fish Commission, and letter from Gov. Eherhart.
 Mississippi: State game warden.
 Missouri: State game and fish department.
 Montana: State game warden.
 Nebraska: Chief game warden.
 New Hampshire: Board of fish and game commissioners.
 New Jersey: Fish and game commissioners.
 New Mexico: Game warden.
 New York: Board of fish and game commissioners, and letter from Gov. Dix.
 North Carolina: President North Carolina Audubon Society.
 North Dakota: Letter from Gov. Burke.
 Ohio: Chief fish and game warden.
 Oklahoma: State game and fish warden, and letter from Gov. Cruce.
 Oregon: Fish and game commission, and letter from Gov. West.
 Pennsylvania: Board of game commissioners.
 Rhode Island: Chairman of bird commission.
 South Carolina: Chief game warden.
 South Dakota: State game warden, and letter from Gov. Vessey.
 Tennessee: State game warden.
 Texas: Game, fish, and oyster commissioner, and letter from Gov. Colquitt.
 Utah: Fish and game commissioner, and letter from Gov. Spry.
 Vermont: Department of fisheries and game.
 Virginia: Secretary game protective association.
 Washington: Fish and game commissioner.
 West Virginia: West Virginia State forest, game, and fish warden.
 Wisconsin: State game warden, and letter from Gov. McGovern.
 Wyoming: Letter from Gov. Carey.
 Nova Scotia: Chief game commissioner.

Also resolutions of the Legislatures of Oklahoma, New York, and Massachusetts.

In 1857 the Legislature of Ohio considered the passage of a bill protecting the wild pigeon. The wisdom of its senate formulated the following by a select committee:

PASSENGER PIGEON AND SNIPE IN OHIO, 1857.

The passenger pigeon needs no protection. Wonderfully prolific, having the vast forests of the North as its breeding grounds, traveling hundreds of miles in search of food, it is here to-day and elsewhere to-morrow, and no ordinary destruction can lessen them or be missed from the myriads that are yearly produced.

The snipe (*Scolopax wilsonii*) needs no protection. * * * The snipe, too, like the pigeon, will take care of itself, and its yearly numbers can not be materially lessened by the gun.

The wild goose does not, perhaps, need general protection, though if any linger here till near breeding time they should be spared.

It was but a short time after these statements before their unwisdom was demonstrated.

It appears that in Canada, where most of the ducks breed which winter on the Atlantic coast, there is no shooting between January 1 and September.

The following is from Dr. T. S. Palmer, Assistant Chief of Bureau of Biological Survey, United States Department of Agriculture, and

presented to the House Committee on Agriculture while this bill was under consideration:

EXHIBIT A.—MEMORANDUM CONCERNING THE MOVEMENT IN FAVOR OF FEDERAL PROTECTION.

[By T. S. Palmer.]

For several years past a movement has been in progress to place the protection of migratory birds in charge of the Federal Government. With the multiplicity of State laws and the divergence in their provisions, coupled with the frequently recognized reluctance on the part of State legislatures to extend protection to the birds which do not breed within the State, there has been a feeling that the most effective, if not the only permanent, protection to be secured, is through the efforts of the General Government. This idea was finally crystallized into definite form in 1904 by Hon. George Shiras, 3d, then a Member of Congress from Pennsylvania, who introduced on December 5, 1904, a bill (H. R. 15601) to protect the migratory game birds of the United States. This measure was introduced, but no hearing was requested, the object being to bring the matter to the attention of sportsmen and to invite a full discussion of its provisions, especially on the question of constitutionality. The measure at once attracted general notice and was discussed throughout the United States. It provided, in effect, that migratory game birds should hereafter be deemed to be within the custody and protection of the United States Government and should not be captured except under regulations provided by the Department of Agriculture, and that such regulations should be made public for a period of three months before final adoption. The bill was referred to the House Committee on Agriculture, but was not reported before the adjournment of Congress. At the close of the session Mr. Shiras retired from Congress, but continued his interest in the subject and prepared an elaborate brief on Federal protection of wild fowl, which was later published as a supplement to *Forest and Stream*.¹ In this paper he discussed very fully the relations of the jurisdiction of the General Government and the States and more especially "Federal control of things migratory," including migratory diseases, migratory insects, migratory birds, and migratory fish.

The Rixey bill.—In the session of Congress following the introduction of the Shiras bill, Mr. Rixey, of Virginia, introduced, on February 28, 1906, in the first session of the Fifty-ninth Congress, a bill (H. R. 15849) to protect wild waterfowl on the Potomac River and its tributaries. Under this bill it was made unlawful to shoot waterfowl of any kind on the Potomac River from any boats except sailboats and rowboats, or with any guns larger than No. 8, or to shoot before daybreak or after dark. The United States district courts, the police court of the District of Columbia, the United States commissioners, and justices of the peace in Maryland, Virginia, and the District of Columbia were given jurisdiction to try all cases arising under the act, and it was made the duty of all United States officers and all United States buoy tenders, officers of the United States tugboats and transfer boats running between the District of Columbia and Indianhead to enforce the provisions of the act. The provisions giving United States district courts jurisdiction and requiring certain United States officers to enforce the law virtually places the protection of migratory birds under the protection of the General Government and, though of local application, made the bill one of great importance in the development of the question of Federal jurisdiction of migratory game. This bill was also referred to the House Committee on Agriculture and two or three months later a hearing was granted, and the committee voted to refer the measure to the Attorney General for an opinion as to its constitutionality; but further than this no other action seems to have been taken.

The Weeks bill.—The third attempt at legislation regarding migratory birds was made at the second session of the Sixtieth Congress. On December 8, 1908, Hon. John W. Weeks, of Massachusetts, introduced a bill (H. R. 22888) to protect migratory game birds of the United States. This measure, modeled closely after the Shiras bill, was referred to the Committee on Agriculture, but was not reported. At the first session of the Sixty-first Congress Mr. Weeks, on May 28, 1909, reintroduced his bill (H. R. 10276) with slight modifications, and it was again referred to the same committee. During the winter of 1909-10 renewed interest in the subject was manifested throughout the country, and the Weeks bill was widely discussed in sportsmen's journals,¹ and its provisions were generally indorsed by those who are interested in game protection. Some persons, though strongly in favor of the purpose of the meas-

¹ Among the more important articles on the subject is that by A. S. Houghton on "Federal protection for our migratory birds." (*Field and Stream*, Vol. XV, pp. 851-857, Jan., 1910.)

ure, hesitated to indorse its provisions owing, chiefly, to some doubt as to the constitutionality of a measure which gave the General Government jurisdiction over migratory birds.

The Lafean bill.—Another recent effort to place birds under Federal jurisdiction was a bill (H. R. 18585) providing for the protection of Antwerp homing pigeons when in an interstate flight, introduced on January 18, 1910, by Hon. D. F. Lafean, of Pennsylvania. Under the provisions of this measure it was made an offense, punishable by a fine of \$5 to \$50, or by imprisonment for not more than 50 days, to kill or capture any registered, banded carrier pigeon while in interstate flight. This measure was referred to the Committee on Interstate and Foreign Commerce.

A later modification of the Weeks bill, which may be known as the Lacey modification, was introduced by Mr. Weeks in the Sixty-first Congress on January 6, 1911. This bill (H. R. 30572) was prepared by Hon. John F. Lacey several years before. In explaining its provisions Mr. Lacey says:

"The bill that I finally prepared was in substance limited to spring migration, and drawn so as to protect the birds during the varying periods of their northward progress. The period of protection might vary, but the actual time would always be susceptible of proof."

Section 1 of the bill reads as follows:

"That from and after the passage of this act it shall be unlawful anywhere in the United States or the Territories thereof or in the District of Columbia to shoot, trap, snare, capture, injure, or kill any of the following-named migratory birds during the period of their northern migration in the spring of the year: Ducks, geese, brant, swans, rail, snipe, pigeons, doves, woodcock, plover, or other waterfowl commonly classed and known as game birds, whether herein named or not; also robins, bluebirds, woodpeckers, or other insectivorous, migratory wild birds, whether named herein or not."

The full text of this bill, with an explanation by the author, may be found in *Field and Stream*, Volume XV, page 1024, March, 1911.

At the first session of the Sixty-second Congress three bills and a Senate joint resolution were introduced on the subject of the protection of migratory game birds. These measures were as follows: The Weeks bill (H. R. 36), introduced April 4, 1911; the Anthony bill (H. R. 4428), introduced April 12, 1911; the McLean bill (S. 2367), introduced May 17; and Senate joint resolution 39, proposing an amendment to the Constitution providing that Congress shall have power to protect migratory birds, introduced June 28. The McLean bill follows much the same lines as the Anthony bill.

In order to show the development of proposed legislation the provisions of the original Shiras bill and the Weeks bill of 1909 are given in parallel columns. [These should be compared with the bill reported by the committee.]

SHIRAS BILL.

[58th Cong., 3d sess., H. R. 15601, Dec. 5, 1904.]

A BILL To protect migratory game birds of the United States.

Whereas experience has shown that laws passed by the States and Territories of the United States to protect game birds within their respective limits have proved insufficient to protect those kinds and classes of said birds which are migratory in their habits and which nest and hatch their young in States other than those in which they pass the usual hunting season, and in some cases breed beyond the boundaries of the United States; and

Whereas such local laws are also inapplicable and insufficient to protect such game birds as, in their migrations, are found in the public waters of the United States, outside the limits and jurisdiction of the several States and Territories; and

WEEKS BILL (MODIFICATION OF 1909).

[61st Cong., 1st sess., H. R. 10276, May 28, 1909.]

A BILL To protect migratory birds of the United States.

Whereas the absence of uniform and effective laws and regulations in such cases has resulted in the wholesale destruction and the threatened extermination of many valuable species of said game birds, which can not be practically restored or restocked under State laws applicable in the case of game birds having their permanent habitat within the respective States and Territories: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States and shall not be destroyed or taken contrary to regulations hereinafter provided for.

SEC. 2. That the Department of Agriculture is hereby authorized to adopt suitable regulations to give effect to the previous section by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country within which said closed seasons it shall not be lawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law, and by declaring penalties by fine or imprisonment, or both, for violations of such regulations.

SEC. 3. That the Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption to cause same to be engrossed and submitted to the President of the United States for approval: *Provided, however,* That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of game localized within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all geese, swans, brant, ducks, snipe, plover, woodcock, rail, pigeons, and all other migratory birds which, in their northern and southern migrations, pass through or do not remain permanently the entire year within the borders of any State or Territory shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided for.

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EXHIBIT B.—STATUTORY DEFINITIONS OF GAME BIRDS.

Game birds are defined by law in at least 35 States. Congress has also defined them under the game laws of Alaska and the District of Columbia, as follows:

Alaska.—The term "game birds" shall include waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan. (35 Stat., 102.)

District of Columbia.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails, and the species of icteridæ, commonly known as marsh blackbirds and reed birds or rice birds. (31 Stat., 1091.)

These definitions show much uniformity, and in general confine the game list to 4 natural groups of birds:

1. Waterfowl (anatidæ). 2. Shore birds (limicolæ). 3. Rails, coots, and gallinules (rallidæ). 4. Gallinaceous birds, including grouse, quail, and turkeys (gallinæ).

In some States doves and robins are added, and in still others a few species of minor importance.

Following are the definitions under each State law. With comparatively few exceptions, the list in each State is confined to the representatives in that State of the four groups above mentioned:

Alabama.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ [limicolæ], commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, pheasants, and quails; and the species of columbæ, commonly known as turtle or mourning doves. (Criminal Code, 1907, chap. 224, sec. 6956.)

California.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ [limicolæ], commonly known as shore birds, plover, surf birds, snipe, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; and the species of columbæ known as wild pigeons and doves. (Penal Code, sec. 637a.)

Colorado.—The following only shall be considered game birds: The anatadæ [anatidæ], commonly known as ducks, geese, brants, crane, and swans; the rallidæ, commonly known as rails, gallinules, coots, and phalaropes, avocets, stilts, woodcocks, snipes, dowitchers, sandpipers, sanderlings, godwits, yellow legs, willets, curlews, plovers, killdeers, and turnstones; the gallinæ, commonly known as quails, partridges, grouse, prairie chickens, pheasants, and wild turkeys; the columbæ, commonly known as wild pigeons and doves. (Laws of 1903, p. 227, sec. 1.)

Connecticut.—The following only shall be considered game birds: The anatadæ [anatidæ], commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolaw [limicolæ], commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails. (Code, chap. 191, sec. 3127.)

Delaware.—The following only shall be considered game birds: The anatadæ [anatidæ], commonly known as geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail; also the reed bird of the icteridæ and the dove. (Vol. 26, chap. 165, sec. 2.)

Florida.—The following only shall be considered game birds: The anatadæ [anatidæ] commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the simicolæ [limicolæ], commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; also turtle doves, tame and wild pigeons, and robins. (Laws of 1901, chap. 4957.)

Georgia.—The following shall be deemed game birds: Quail, commonly known as bob white partridges, doves, snipe, woodcocks, and curlews, wild turkeys, grouse, pheasants, * * * and summer or wood duck. (Laws of 1911, No. 238, sec. 11.)

Illinois.—The following only shall be considered game birds: The anatidæ, commonly known as swan, geese, brant, river and sea ducks; the rallidæ, commonly known as rail, and the gallinules and limicolæ, commonly known as shore birds, plover, surf birds, snipe, woodcock and pipers, tattlers, and curlews; the calinane [gallinæ], commonly known as wild turkey, grouse, prairie chicken, pheasant, partridges, quail, and mourning dove. (Laws of 1905, p. 243, sec. 3.)

Indiana.—Game birds: The anatidæ, commonly called swans, geese, brant, river and sea duck; the rallidæ, commonly called rails, coots, mud hens, gallinules; the limicolæ, commonly called shore birds, surf birds, plover, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly called wild turkeys, grouse, prairie chickens, quail, and pheasants. (Code, sec. 602.)

Iowa.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail. (Code, chap. 15, sec. 2561.)

Kansas.—Game birds, commonly known as geese, brant, any wild river or sea ducks, and plover or snipe, any grouse or prairie chicken, or any quail. (Laws of 1911, chap. 198, sec. 15.)

Kentucky.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail; and the species of columbidæ, commonly known as mourning doves. (Gen. Stat., 1904, sec. 1954 A.)

Louisiana.—The following only shall be considered game birds: Wild geese, brant, wild sea and river ducks, wood ducks, grosbeaks, rails (mud hens), coots (poule d'eau), gallinules, snipe, woodcock, sandpipers (cherooks and papabotte), tattlers, curlews, plover, wild turkey, imported pheasants and partridges, grouse, prairie chickens, quail, doves, robins, and red-winged blackbirds. (Laws of 1910, No. 259, sec. 2.)

Maine.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails. (Laws of 1909, chap. 90.)

Michigan.—The following shall be considered * * * game birds: The anatidæ, commonly known as geese, brant, and wild duck; the rallidæ, commonly known as rails, coot, and gallinules; the limicolæ, commonly known as shore birds, snipe, woodcock, plovers, and sandpipers, tattlers, and curlews; the gallinæ, commonly known as pheasants, grouse, prairie chicken, and quail. (Laws of 1911, act 275, sec. 13.)

Minnesota.—The following only shall be considered game birds: The anatidæ, commonly known as swan, geese, brant, river and sea ducks; the linolæ [limicolæ], commonly known as plover, snipe, and woodcock; the gallinæ, commonly known as grouse, prairie chickens, pheasants, partridges, and quail. (Laws of 1905, chap. 344, sec. 39.)

Mississippi.—The following shall be considered game birds: Swans, geese, brant, wood duck, rail (mud hen), river and sea ducks, coots, gallinules, surf birds, snipe, plover, grosbeak, wild turkey, prairie chickens, quail, and doves, woodcock, sandpipers, tattlers, and curlews. (Laws of 1904, chap. 98, sec. 2.)

Missouri.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; the columbæ, commonly known as doves and pigeons. (Laws of 1909, p. 519.)

Nebraska.—Turkey, prairie chicken; sage chicken, grouse, quail, pheasant, partridge, ptarmigan, wild duck, wild goose, brant, swan, crane, wild water fowl, wild pigeon, dove, snipe, curlew. (Game laws, 1911, art. 2, sec. 1.)

New Hampshire.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plover, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails. (Laws of 1901, chap. 79, sec. 33.)

New Jersey.—The following shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, gallinules, coots, and mud hens; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; and the species of icteridæ commonly known as reed birds. (Laws of 1911, chap. 168.)

North Carolina.—The following only shall be considered game birds: Loons and grebes, swans, geese, brant, river fish, and sea ducks, rails, coots, marsh hens and gallinules, plover, shore and surf birds, snipe, woodcock, sandpipers, yellow legs, chewink or towhee and curlews, and the wild turkey, grouse, partridge, pheasant, quail, dove, robin, and meadow lark. (Code, 1905, sec. 1875.)

North Dakota.—The following only shall be considered game birds: The anatidæ, commonly known as the swan, geese, brant, river and sea ducks; the limicolæ, commonly known as plover, snipe, woodcock; the gallinæ, commonly known as grouse, prairie chicken, pheasants, partridges, and quail. (Laws of 1911, chap. 141, sec. 12.)

Ohio.—The birds named in this section shall be known and classed as game birds in contradistinction to all other birds: [Virginia partridge, quail, ruffed grouse, woodcock, Carolina dove, rail, shore bird, plover, snipe, wild duck, wild goose, wild swan, coot, mud hen, Mongolian pheasant, English pheasant, ring-necked pheasant, or other pheasant.] (Code, sec. 1412.)

Oklahoma.—The term "game bird" shall include quail, partridge, pheasant, grouse, prairie chicken, wild turkey, plover, snipe, sandpipers, tattlers, curlew, woodcock, ducks, geese, brant, crane, swans, wild pigeons, and turtle doves. It shall also include any part of such bird. (Laws of 1909, chap. 19, art. 1.)

Oregon.—The following shall be considered game birds: The anatidæ, commonly known as swan, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail. (Code, sec. 2268.)

Pennsylvania.—The following shall be considered game birds in this Commonwealth: The anatidæ, commonly known as swan, geese, brant, and river and sea ducks, and the pygopodes, known as loons and grebes—the members of these two orders being commonly known as wild waterfowl—the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcocks, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, pheasants, partridges, and quail; and the birds known as dove, reed birds, and blackbirds. (Laws of 1909, No. 204, sec. 5.)

South Carolina.—The following shall be considered game birds: Swans, wild geese, brant, wild ducks, rails (marsh hens), coots, gallinules, surf birds, snipe, woodcock, sandpipers, upland plover, curlew, wild turkey, prairie chicken, quail (partridge), rice birds, blackbird, and dove. (Laws of 1905, No. 474, sec. 2.)

South Dakota.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brants, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail. (Laws of 1907, chap. 159, sec. 2.)

Tennessee.—The following * * * birds only shall be considered as game: The gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, sage hens, partridges, and quails; the anatidæ, commonly known as swans, geese, brant, ducks—both river, lake, and sea ducks; the rallidæ, commonly known as rails, coots, and mud hens; the limicolæ, commonly known as plovers, snipe, woodcock, sandpipers, tattlers, willets, curlews, godwits, and avocets; the icteridæ, commonly known as marsh black birds; also doves, meadow larks, and robins. (Laws of 1907, chap. 185, sec. 16.)

Texas.—The following shall be considered game birds: Wild turkey, wild ducks, wild geese, wild grouse, wild prairie chickens (pinnated grouse), wild Mongolian or English pheasants, wild quail or partridges, wild doves, wild pigeons, wild plover, wild snipe, wild jacksnipe, wild curlews, wild robins, and wild Mexican pheasants or cachalaca. (Laws of 1907, chap. 144, sec. 2.)

Washington.—The following only shall be considered game birds: The anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud hens, and gallinules; the limicolæ, commonly known

as shore birds, plovers, surf birds, snipe, sandpipers, tattlers, and curlews; the gallinæ, commonly known as grouse, prairie chickens, pheasants, partridges, and quail. (2 Rem. and Bal. Code, sec. 5345.)

West Virginia.—The following shall be considered game birds, to wit: The anatidæ [anatidæ], commonly known as ducks, geese, swan, and brant; the rallidæ, commonly known as mud hens, rails, coots, and gallinules; the limicolæ, commonly known as shore birds, plover, snipe, woodcock, tattlers, curlews, ortolan, sandpiper; and gallinæ, commonly known as wild turkey, ruffed grouse or pheasant, quail or bobwhite. (Laws of 1909, chap. 60, sec. 23.)

Wisconsin.—The following only shall be considered game birds: Gallinaceous birds or upland birds, to wit, pheasants, grouse, partridge, bobwhite or quail, and prairie chicken; anatidæ or swimmers, to wit, wild geese, brandt, swan, all varieties of wild ducks, including American coot or mud hen; limicolæ, shore birds or waders, to wit, woodcock, snipe, plover, rail, and rice hens. (Laws of 1907, chap. 544.)

Wyoming.—The following shall be considered game birds: The anatidæ, commonly known as swan, geese, brandt, and river and lake ducks; the rallidæ, commonly known as rails, coots, and mud hens; the limicolæ, commonly known as shore birds, plovers, snipe, sandpipers, tattlers, willets, curlews, godwits, and avocets; the gallinaw [gallinæ], commonly known as grouse, prairie chickens, pheasants, sage hens, partridges, and quails. (Comp. Stat., 1910, chap. 183, sec. 2788.)

EXHIBIT C.—SOME IMPORTANT DATES SHOWING PROGRESS IN PROTECTION OF MIGRATORY BIRDS.

1791. New York: First close season for a migratory bird in the United States, woodcock, February 20-July 1.

1818. Massachusetts: First close season for woodcock, snipe, and robins, March 1-July 4.

1846. Rhode Island: First law prohibiting spring shooting and first protection for waterfowl. Close seasons for robins, wood ducks, and black ducks. February 1-September 1; woodcock and snipe, February 1-October 1; grass plover, February 1-August 1.

1849. Massachusetts: First close season for plover, curlew, dough bird or chicken bird, April 20-July 1.

1857. Ohio: Report of Senate committee on game bill, stating that certain migratory birds need no protection. (Rept. State board of agriculture for 1860, p. 387.)

1859. Pennsylvania: First close season for rail.

1861. Nevada: First close season for sandhill crane, geese, and swan, April 1-September 1.

1871. Minnesota: First law prohibiting export of woodcock for sale or traffic.

1878. Iowa: First bag limit on migratory birds, 25 snipe and woodcock per day. Export of snipe and woodcock prohibited.

1887. Dakota: First general close season for ducks or other waterfowl. First bag limit on ducks.

1899. Connecticut: First bag limit on rail.

1899. Wyoming: First close term for migratory birds, swan protected at all times.

1904. Introduction of the Shiras bill providing Federal protection for migratory birds.

1904. Louisiana: Close term for wood duck at all seasons for five years (repealed 1906).

1908. Introduction of the Weeks bill providing Federal protection for migratory birds.

1909. Memorial of the Legislature of Oklahoma petitioning Congress to enact a law protecting migratory birds (H. Con. Res. 5), approved January 30, 1909.

1910. Status of protection of certain migratory birds: Ducks protected in 44 States; rail, in 33 States; snipe, in 40 States; woodcock, in 30 States.

EXHIBIT D.—CLOSING DATES OF THE HUNTING SEASON IN THE NORTHERN STATES AND IN THE ADJOINING PROVINCES OF CANADA.

The following table shows the closing dates of the hunting season for certain kinds of migratory birds in the Northern States and in adjoining Provinces of Canada. When the season closes on or before March 1 effective protection is afforded any migratory birds in these latitudes. If the season does not close until some time in April or May, as in Pennsylvania, Ohio, and Michigan, spring shooting causes undue destruction of the birds on their northward flight to the breeding grounds.

Examination of this table will show that the seasons in Canada are as effective as those in the United States in that they close before the arrival of the birds from the South, except in Ontario in the case of geese and swan.

Table showing closing dates of hunting season on seven kinds of migratory birds in the Northern States and in adjoining Provinces of Canada.

[Arranged from east to west.]

	Wood-cock.	Plover.	Curlew.	Snipe.	Duck.	Goose.	Swan.
NORTHERN STATES.							
Maine.....	Dec. 1	Dec. 1	.....	Dec. 1	Jan. 1	.....	.....
New Hampshire.....	do.	(¹)	.....	do.	Feb. 1	.....	.....
Vermont.....	Nov. 15	Dec. 1	.....	do.	Jan. 1	Jan. 1	(¹)
New York.....	Dec. 1	Jan. 1	Jan. 1	Jan. 1	Jan. 11	Jan. 11	Jan. 11
Pennsylvania.....	do.	Dec. 1	do.	May 1	Apr. 10	Apr. 10	Apr. 10
Ohio.....	Dec. 5	Apr. 21	do.	Apr. 21	Apr. 21	Apr. 21	Apr. 21
Michigan.....	Jan. 1	Jan. 1	.....	Jan. 1	Apr. 11	Jan. 1	.....
Wisconsin.....	Dec. 1	Dec. 1	.....	Dec. 1	Jan. 1	May 1	(¹)
Minnesota.....	Nov. 7	Nov. 7	.....	Nov. 7	Dec. 1	Dec. 1	Dec. 1
North Dakota.....	Nov. 2	Nov. 2	.....	Nov. 2	Dec. 16	May 10	(¹)
Montana.....	.....	.....	.....	.....	Jan. 1	Jan. 1	Jan. 1
Idaho.....	.....	Feb. 1	.....	Feb. 1	Feb. 1	Feb. 1	(¹)
Washington.....	.....	do.	Feb. 1	do.	do.	do.	Feb. 1
CANADA.							
New Brunswick.....	Dec. 1	Jan. 1	Jan. 1	Dec. 2	Dec. 2	Dec. 2	.....
Quebec.....	Feb. 2	Feb. 1	Feb. 1	Feb. 1	Mar. 1	.....	.....
Ontario.....	Nov. 16	Dec. 16	Dec. 16	Dec. 16	Dec. 16	Apr. 16	Apr. 16
Manitoba.....	Jan. 1	Jan. 1	.....	Jan. 1	Dec. 1	.....	.....
Saskatchewan.....	.....	do.	Jan. 1	do.	Jan. 1	Jan. 1	Jan. 1
Alberta.....	.....	do.	do.	do.	do.	.....	Do.
British Columbia.....	.....	Mar. 1	.....	(²)	Apr. 1	(²)	(²)

¹ Closed.

² Fixed by lieutenant governor in council.

EXHIBIT E.—DATES OF BREEDING OF DUCKS AND OTHER WATERFOWL IN EARLY SPRING.

The following table is arranged chronologically to show dates on which nests of waterfowl containing eggs or young have actually been found in different States. It will be noticed that several species begin to breed in March and others in April. Any State law which permits hunting of waterfowl in the month of April not only encourages the destruction of the birds during their northern migration, but permits the killing of birds even while nesting. In several States the open season now continues after some species like the wood duck have begun nesting.

Breeding records of ducks in the United States prior to May 1.

	Date when eggs or young found.	Locality.
Wood duck.....	Mar. 19, 1877.....	Wekiva River, northern Florida (young).
Hooded merganser.....	Mar. 28, 1877.....	Central Florida, near Blue Springs on St. Johns River (young a week old).
Pintail.....	Apr. 1, 1910.....	Tolna, N. Dak. (eggs).
Mottled duck.....	Apr. 4, 1889.....	Near Corpus Christi, Tex.
Florida duck.....	Apr. 6, 1901.....	Kissimmee River, Fla. (young).
Mallard.....	Early April.....	"Breeds 1st of April to last of June," Los Angeles, Cal.
Wood duck.....	Apr. 7, 1910.....	Mt. Pleasant, S. C. (eggs).
American merganser.....	Apr. 10, 1902.....	Kingston, Ontario.
Mallard.....	Apr. 12, 1906.....	Columbia River, Wash. (eggs).
Canada goose.....	Apr. 12, 1884.....	Heron Lake, southern Minnesota (eggs).
Do.....	Apr. 15, 1884.....	Elk River, Minn. (eggs).
Gadwall.....	Apr. 16, 189.....	Los Angeles, Cal. (incubated eggs).
Hooded merganser.....	Apr. 19, 1838.....	Santee River, S. C. (young out of nest).
Wood duck.....	Apr. 20, 1878.....	Oswego, N. Y. (eggs).
Hooded merganser.....	Apr. 20, 1884.....	Canton, Ill. (eggs).
Canada goose.....	Apr. 24, 1876.....	Malheur Lake, Oreg.
Shoveler.....	Apr. 25, 1901.....	Haywards, Cal. (eggs).
Hooded merganser.....	Apr. 29, 1905.....	Madoc, Ontario.
Mottled duck.....	Apr. 30, 1837.....	Galveston, Tex. (eggs).
Black duck.....	Apr. 30, 1883 or 1884.....	Rehoboth, Mass. (eggs).
Wood duck.....	Late April, 1905.....	Princeton, N. J. (eggs).
Pintail.....	May 1, 1879.....	Hancock County, Iowa.
Canada goose.....	May 1, 1895.....	Central Wyoming (eggs).

EXHIBIT F.—BREEDING DATES OF WOODCOCK AND PROTECTION AFFORDED UNDER LOCAL LAWS IN STATES EAST OF THE MISSISSIPPI RIVER.

The woodcock is one of the earliest breeders among game birds. In the South it frequently deposits its eggs in February and in the Northern States before the middle of April. In the first column are shown specific dates and localities on which eggs or young have been found. As the period of incubation is about 30 days, any record of "young" would indicate that the first eggs were laid at least 30 days previously. Breeding records when compared with migration records indicate that the birds are usually paired when they arrive on the nesting grounds.

At present the woodcock has no protection in Florida or Mississippi and in only a few counties in North Carolina. In Alabama the season does not close until March 15 and in Tennessee until April 15, some time after the birds have begun to breed. Consequently in these States it is lawful to kill woodcock during the time when they are nesting.

Table showing breeding dates of woodcock and protection afforded under State laws east of the Mississippi River.

State.	Breeding dates.	Date of closing of hunting season.
Maine.....	Rockland, Apr. 26, 1886 (eggs).....	Dec. 1.
New Hampshire.....	.....	Do.
Vermont.....	Middlebury, May 4, 1889 (eggs in April).....	Nov. 15.
Massachusetts.....	Near Cambridge, Apr. 15 (eggs).....	Nov. 16.
Rhode Island.....	Apr. 5 (eggs).....	Dec. 16.
Connecticut.....	Norwich, Apr. 5, 1888 (young); Mar. 16 (eggs).....	Nov. 23.
New York.....	Southern New York, Apr. 1 (eggs).....	Dec. 1.
New Jersey.....	New Brunswick, Mar. 9, 1905 (eggs).....	Dec. 2.
Pennsylvania.....	Berks County, May 18, 1907 (young) (eggs in March).....	Dec. 1.
Delaware.....	.....	Jan. 1.
Maryland.....	Lower Cedar Point, Feb. 25, 1891 (eggs).....	Dec. 25.
Virginia.....	Falls Church, Apr. 18, 1897 (young); Mar. 20 (eggs).....	Feb. 1.
West Virginia.....	.....	Dec. 20.
Kentucky.....	.....	Feb. 1.
Ohio.....	Oberlin, Apr. 19, 1901 (young); Mar. 25 (eggs).....	Dec. 5.
Michigan.....	Apr. 10, 1904 (eggs).....	Jan. 1.
Indiana.....	Wheatland, Mar. 14, 1882 (eggs).....	Do.
Illinois.....	Philo, May 28, 1899 (young); late March (eggs).....	July 1, 1915
Wisconsin.....	.....	Dec. 1.
North Carolina.....	Raleigh, Mar. 19, 1890 (young); late February (eggs).....	Local laws.
South Carolina.....	Capers Island, Feb. 13, 1903 (eggs).....	Jan. 15.
Georgia.....	Savannah, Feb. 22, 1892 (eggs).....	Feb. 1.
Florida.....	Jacksonville, Mar. 10, 1877 (young); Feb. 5 (eggs).....
Alabama.....	Mar. 15.
Mississippi.....
Tennessee.....	Apr. 15.

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