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A FARMERS' GAME LAW

Halsey, Jan. 15, 1917.
To the Editor of the Enterprise:
I submit herewith for the consideration of your readers a synopsis of a proposed game law which, in my opinion, would materially aid in protecting and at the same time, result in increasing game in Oregon:

FARMERS' GAME LAW

Sec. 1.—Farmers, land owners and their lessees are to be known and designated as breeders of wild game, provided they will increase the supply which is to be done by destroying, thinning out the natural enemies of the game such as crows, hawks, horned owls, weasels, mink, skunks, raccoon, field cats, etc.

Sec. 2.—Every breeder who desires to sell a part of his surplus killed with the gun on his own premises must, between the first and fifth day of the open season, fill out and send to the game commission the following statement:

"I own.....control.....acres in.....precinct.....section.....township.....county of.....state. During the present year I have destroyed.....crows.....hawks.....owls.....weasels.....mink.....skunks.....field cats, etc."

Sec. 3.—Every breeder of wild game who desires to sell game killed with the gun must make and send to the game commission an affidavit that he has killed no game out of season during the present year nor allowed anyone else to do so on his own premises.

Sec. 4.—Every breeder who will take the oath of office may be a game warden without salary, or any part of the fines, but for the sole purpose of protecting the game.

Sec. 5.—Every bird marketed must be tagged, the State Game Commission to furnish tags for which a fee of five cents will be charged.

Sec. 6.—No permit to sell will be given to the breeder who destroys no game enemies during the year of his application.

Sec. 7.—That all game birds

not indigeneous to this valley, such as English and Hungarian partridges, sage hens, prairie chickens, etc., reared or bred on farms or enclosed lands, either by hand or wild in protected fields or in domesticity shall be considered domestic stock and the owner or raiser thereof may keep, sell, ship, transport or otherwise dispose of them and such stock shall not be affected or covered by any laws prohibiting or regulating the killing or disposition of birds of the game kind grown or propagated in a wild state.

Sec. 8.—For the year 1917 each feeder may sell 8 ringnecks, cock birds only; for 1918, 16 ringnecks, cock birds only. As the game increases the limit will be extended.

Sec. 9.—Trespass law; A \$25 fine for shooting on another's land without permission of landowner or occupant.

The following is a synopsis of the New York game bill providing for licensing of breeders, entitled, "An Act to Encourage Game Breeding."

Sec. 1. Any farmer, land owner or lessee, of enclosed lands who wishes to engage in the rearing and selling of elk, deer, wild ducks, grouse, quail, pheasants and any other species of game or fish on such enclosed lands or in private waters may apply to the State Game Dept. for a license to engage in such industry; that said department, when it appears that such application is made in good faith, shall, upon the payment of an annual fee of 50c, issue to the applicant, a breeder's license, permitting the breeding and rearing of all species of game and fish on such lands and in such waters.

Sec. 2. Licensed game farmers and breeders may capture at any time the live game on their premises and may take fish from their waters for propagation purposes.

Sec. 3. Game produced by breeders may be sold at any time alive for propagation, and may be killed or sold as food. Such game shall not be affected or covered by the laws prohibiting or regulating the killing or disposition of wild game and fish on public lands and in public waters, and in any other places other than licensed breeding grounds.

Sec. 4. The State Game Dept. may provide that game and game fish offered for sale as food by breeders shall be shipped in packages labelled with a label stating the contents of the package and the name and number of the licensed breeder and it may further provide that the department shall have notice of all shipments if it appears that such labels and notices are necessary to protect the wild game of the state.

Sec. 5. Lands bounded by water, roads, fences, hedges, a single wire or other distinguishing boundary shall be deemed to be enclosed. This act shall take effect upon its passage. This is the form favored by Mr. Jno. Talbot of Indiana. He says it works well in his state.

THE INDIANA LAW.

Sec. 1. That all birds and animals reared or bred on farms or in-closed lands either by hand or wild in protected fields or in domesticity, shall be considered domestic stock and the owner or raiser thereof may keep, sell, ship, transport or otherwise dispose of them, and such stock shall not be affected or covered by any laws prohibiting or regulating the killing or disposition of birds and animals of the game kind grown or propagated in a wild state.

Sec. 2. In any prosecution in which it is charged that any animal or bird has been illegally sold or transported or killed, proof of the possession of such bird or animal shall be prima facie evidence that such bird or animal was not reared by private industry or in captivity. The defendant in such case shall be permitted to show in his defense by deposition or otherwise that such bird or animal was raised in captivity or by private industry provided that the taking of depositions by the defendant in any such case shall be equivalent to an agreement and assent by him to the taking and use by the prosecution of depositions concerning the same matter and facts as to which the defendants depositions are taken and used by him.

Game Law, Game and Shooters

Shall we make the upland game plentiful in the Willamette Valley? A majority of the people will promptly answer, yes. Some will ask, can it be done? I answer, yes. The farmers could make it so. Why don't they do it? Because under present laws it will not pay. Well, enact laws that will make it profitable. Ah! there's the rub. In game legislation during the past 12 years the tail has wagged the dog. Our game laws are gotten up by the city sportsmen, whose motto is "Protect the game so that we may shoot it." If the majority of sportsmen now recognize the fact that our game laws are a failure it may be that they are now willing to help us enact a common sense game law.

We submit for their inspection and approval or otherwise the following bills, two in number. The first is based on the Lupton bill which was introduced in the N. Y. legislature four years ago. The second is now pending for licensing by breeders of N. Y. State. The third is the form of law favored by Mr. Talbot, state game warden of Indiana, who secured a law in Indiana making the breeders independent of the game department.

Now, Mr. Sportsmen, you who read the sporting magazines, know that it is claimed that the natural enemies of the game annually destroy as much game as the shooters. You also know that the sporty farmers and farmers boys are the only ones that can thin out and control the game pests. Allow the sale of a limited number of pheasants each year and as the game increases the limit can be extended. With farmers for game wardens a lot of money can be saved for other purposes, such as game refuges, etc. Shooting out of season will be reduced 75 per cent. Then do the square thing by the farmers—pay them for the game you kill on their grounds. Don't put up the silly claim that the sale of game will cause its extinction. It will do nothing of the kind. Remember what happened from 1901 to 1904 with 15 days sale on the last end of the shooting season. When the farmers' boys were interested in getting a little money out

of the game the pheasants more than held their own, but when the sportsmen had free access to the farm the birds decreased rapidly. On the 30th of Oct., '02, I said to a farmer's boy, "Are you killing any pheasants?" He answered that he had only killed two birds up to date, one out of season and one in season. I asked "What is the matter, I thought you were something of sportsman?" He answered, "I am, but I am waiting for the sale to begin." I said, "If you wait until Nov. 15 you will not get many." He said, "No, but I will get even on the expense." This man killed in 1915 about 140 pheasants, most of them out of season.

To a farmer who controls 320 acres of land, I asked, "If you could sell a part of your surplus game at \$1 apiece how many would you kill out of season." He answered, "Not a bird." I have asked a great many land owners the same question and always got the same reply.

Many pheasants are sold during the open season, but, as a rule, it is the city gunners who are doing the business. I have friends and relatives there who get some in this way. Of course it is not a direct sale, but in effect it amounts to the same thing.

On Nov. 4, 1904, R. W. Veach, a game and forestry warden, asked permission to hunt on my ranch. I accompanied him in the morning. We hunted my ranch of 160 acres, 50 that I had rented and across the corner of another farm. Pheasants were extra plentiful but were extremely wild. Mr. Veach fired 17 rounds of ammunition and bagged 7 birds, 2 cocks and a hen. The writer bagged 3 birds, 3 cocks. We quit hunting about 3 o'clock, and just before Mr. Veach left I asked, "How does the shooting here compare with what you have at Cottage Grove?" He replied, "Great Heavens! there is more game on what we have been over today than all Lane Co. put together." I said, "You are joking." He said, "No joke at all. It is the truth. I have been out hunting just six times in Lane Co. and have bagged just one bird."

I said, "When you return to Cottage Grove tell State Game Warden Baker what you found on the farm of a man who is a red hot advocate of the sale of game. Tell him that pheasants are plentiful here because the farmers' boys want to get a little money out of it and so they kill very little until the sale is allowed. By that time the birds are full grown and wild and no one can kill many in a day at that time of year. The result is plenty of birds left over for seed.

The year 1901 3000 ringnecks were marketed. Where did they come from? Why 4 pecinets in the south half of Linn county furnished 2500 of those birds. We had more birds left over for seed at the close of 1904 than in 1901.

But the city sportsmen got the sale knocked out Feb. 1905. All the protection for the pheasants went overboard. Since that time 60 per cent of the killing has been done out of season; 90 per cent of the country gunners kill out of season, and under such laws as now exist perhaps this is the best thing to do. If we want the game to become plentiful make it worth while to the farmers to destroy the natural enemies of the game and allow them to own any new species which they place here provided they find it on their own land. The writer has \$20 to \$40 to invest in new game birds whenever it is worth while to do so.

Let us have more game and fewer game laws.

T. A. POWELL.

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