

History of the Early Development of Game Regulations in Indiana

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The first game law for the protection of our diminishing wildlife in Indiana was enacted in 1857. The legislature passed an act in February of that year making it unlawful to kill, shoot, trap, or ensnare any deer, buck, doe, or fawn during a closed season from January 1 to August 1 of each year. A closed season on wild turkeys, quails, pheasants, and prairie chickens was also established with small penalties.

Other laws followed which were intended to protect fish and game that were known to be in danger of depletion. In 1867 the first legal protection was given to fish by the state legislature. This law made it unlawful to trap, net, or seine fish within two years and thereafter between May 1 and September 1 of any year. In 1871 it became unlawful to spear fish during March, April, November, and December. Minnow seining was also regulated. In 1873 a bill was passed to protect song birds. Fines of \$1.00 to \$10.00 were provided for killing any turtle dove (mourning dove), meadowlark, robin, mocking bird, blue bird, wren, sparrow, red bird, pewee, martin, thrush, swallow, oriole, yellow hammer, or catbird. Woodcocks and ducks received protection in 1877 by providing closed seasons from January 1 to July 1 for woodcocks and from April 15 to September 1 for ducks.

From the beginning, Indiana followed the traditional pattern of other states in its attempt to help maintain wildlife. This included the following evolutionary steps: (1) game laws, (2) predator control, (3) game refuges, (4) artificial propagation, and (5) game management on the land.

The primary purpose of this discourse is to trace the early history of game laws, hunting regulations, and the attempts at artificial propagation which preceded and led up to the present scientific methods of game management on the land.

Up to the establishment of the Indiana Department of Conservation in 1919, the protection of the state's fish and game resources were under the jurisdiction of first, the Commissioner of Fisheries, and in 1899 the position was changed to the Commissioner of Fish and Game. The office of Commissioner of Fisheries was created by the legislature in 1881, and Calvin I. Fletcher, Spencer, was appointed by Governor Albert G. Foster to the position in September of that year. An appropriation of \$2,000 was made for expenses and the salary of the Commissioner was \$300.

In 1885, Enos B. Reed of Indianapolis was appointed Commissioner by Governor Isaak P. Gray. Little could be accomplished since the legislature in 1883 had cut the appropriation for expenses to \$1,000. Mr. W. F. Dennis was appointed Commissioner in 1889 by Governor Alvin P. Hovey and served until 1893. It was during the latter's term of office that road supervisors were empowered to make arrests for game and

fish violations. In addition, Mr. Dennis organized a State Fish and Game Protective Association, hired detectives to apprehend violators, and succeeded in convicting about 100 offenders during his first two years.

Up to this time all of the Commissioners believed that legal protection was the only way to bring back the state's diminishing fish and game. Fish were being taken by nets, seines, traps, and by the use of dynamite and poisons.

Mr. Philip H. Kirsch of Columbia City was appointed Commissioner by Governor Claude Mathews in 1893 and served until 1897. He was the first to register strong complaints against pollution, stating that the "streams were being used as a dumping place for everything that men and hogs couldn't eat."

In 1897, Governor James A. Mount appointed Mr. Z. T. Sweeney of Columbus as Commissioner. Many changes in the fish and game regulations occurred during Mr. Sweeney's term which continued until 1910.

The legislature passed a statute in 1897 broadening the duties and power of the office. This gave Mr. Sweeney the power to appoint deputies in every county although no provisions were made for salaries. Deputies could appear for the Commissioner along with the prosecuting attorney and a \$10 fine was assessed in case of conviction.

It was under the 1897 law that the first real concentrated effort for the protection of fish began. In his first biennial report to the Governor in 1899, Mr. Sweeney emphasized the commercial value of fish to the state and made the following recommendations: (1) that the cities and towns be made to take care of their sewage, (2) that dynamiting fish be made a felony, (3) that a closed season on fishing be established from May 1 to July 1, (4) that seining be limited to seines not over 100 feet long, 8 feet deep, with meshes of 2 inches or more, and requiring a license fee of \$1.00 for their use, (5) that a 9 inch limit be set on bass, (6) that selling of fish be prohibited for three years. He also advocated uniformity of laws between the state, police power for his deputies, a state fish broodery, and that the game of the state be placed under his charge. He asked for an annual appropriation of \$7,500 with \$1,500 for salary and \$1,000 for expenses.

During the same year (1899), the legislature passed most of the recommendations including the repeal of the 1881 law creating the Commission of Fisheries and establishing a new office of Commissioner of Fish and Game with a four year term. A salary of \$1,200 was allowed with an additional \$1,200 for expenses.

In 1901 the legislature enacted the following game laws: (1) water birds could not be shot from launches nor shot before daylight or after dark, (2) a perpetual closed season was placed on deer, wild turkey, and pheasants, (3) all hunting was prohibited from October 1 to November 10, except for squirrels and waterfowl which could only be shot on permit from the Commissioner, (4) it was made illegal to sell or buy pickerel, pike, perch, walleye, bluegills, black bass, green bass, rock bass, or any other bass, and a limit of 10 inches instead of 9 inches was placed on bass, (5) the license to seine was abolished and possession of seines, nets, spears or traps was made illegal, (6) Sunday

hunting and hunting without permission of the landowner was illegal, and (7) the Commissioner was given the power to appoint deputies at \$60 per month except for the chief deputy whose salary was to be determined by the Commissioner.

In 1903, Mr. Sweeney recommended a license fee of \$1.00 to hunt. He reported that 700 English ring-necked pheasants had been stocked in the state. The hunting license was not passed except for those who wished to hunt waterfowl from October 1 to November 10 when other hunting was prohibited. The license required the photograph of the person to be attached. The legislature appropriated \$7,500 for operating the office including \$1,200 salary for the Commissioner and \$800 for expenses.

In 1905 the legislature passed the first law requiring every person to take out a license to hunt out of his own township and non-residents had to pay \$15.50. The new license greatly increased the revenues and the Commissioner had about \$20,000 per year with which to work. An attempt was made by Mr. Sweeney to establish a hatchery for pheasants at Madison in 1904 but after three years he reported that little progress had been made in rearing the birds.

In 1907 the license law was changed so that land owners could hunt only on their own land without a license. Every other person had to have a license to hunt game other than rabbits outside of his own township.

In 1909, Mr. Sweeney reported he had put out \$12,000 worth of Hungarian partridges with which he proposed to stock the game preserves. He had put out 1,500 birds of different kinds in 1908. In 1909 the legislature established an open season on waterfowl from September 1 to April 15, and placed a closed season on prairie chickens for six years. The \$7,500 appropriation was discontinued but left the Commissioner's salary at \$1,200 with \$800 for expenses.

Mr. Sweeney encouraged sportsmen of the state by advocating fish propagation. Through the influence of his department the Marion County Game and Fish Protective Association was formed and they succeeded in rearing smallmouth bass in ponds. However, their attempt to create a separate Fish Commission failed to pass the legislature.

In 1910, Mr. Sweeney was succeeded by Mr. George W. Miles of Syracuse, who was appointed by Governor Thomas R. Marshall. In 1911, Mr. Miles advocated a combined hunting and fishing license but the bill was not passed until the 1913 session.

Mr. Miles died in December of 1914 and was succeeded by Mr. Eugene C. Shireman, Indianapolis, after his appointment by Governor Samuel M. Ralston. In 1919, the office of the Commissioner of Fish and Game was abolished and the Division of Fish and Game was placed under the Indiana Department of Conservation.

It is obvious that the first efforts toward fish and wildlife conservation in the state were directed toward legal protection. Artificial propagation and stocking of fish and game were also thought to be very important in the original attempts to bring back the disappearing wildlife. Some of these rather fruitless efforts have persisted throughout the years in spite of enormous costs and failures to increase our native

game. For example, the ring-necked pheasant has been stocked in every county of the state since 1900—yet, it has failed to become established except in some of the northern counties. Recent investigations indicate that much of Indiana is not climatically suited for pheasants.

It has long been known from the work in fisheries research that most of our water areas are over-stocked and over-populated so that there is insufficient food to permit our fishes to grow normally. But the traditional notion of replenishing the supply thought to have been reduced from over-fishing persists in many minds even today.

Fox hunts, crow control contests, bounties on hawks and owls, and general warfare against other so-called predators continues on an intermittent scale in numerous localities of the state. Studies in other states, notably Michigan, have revealed that these methods have had little effect on predator populations over the years.

The art of game management has matured in the past two decades to a definite science. It is the function of the game manager to determine what factors are extant in the environment that benefit or decimate wild game. He must know something of the habits, life cycle, distribution, and population densities of various kinds of game. When all these facts are known the game manager can manipulate controls to improve game habitat. While legal protection of game has served a useful purpose it must be regarded as a temporary expedient. The key to modern game management is improvement and control of the habitat.

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