

Britain in respect to Canada. The treaty in respect to Canada protects birds that migrate between the United States and that country, but many birds that cross the Mexican border in their northern migrations do not reach Canada. Among the species added to the protected list by the Mexican treaty are certain ducks, white-winged doves, mockingbirds, thrashers, horned larks, blackbirds, grackles, cowbirds, phainopeplas, buntings, finches, and sparrows.

The Mexican treaty also provides for the future inclusion of other migratory species "which the Presidents of the United States of America and Mexico may determine by common agreement." Neither game mammals nor migratory birds, says the treaty, may be transported, dead or alive, over the Mexican border without permit from the Government of each country.

The covenant was signed February 7, 1936, by Josephus Daniels, American Ambassador to Mexico, and Eduardo Hay, Foreign Minister to Mexico. Major E. A. Goldman, of the former Biological Survey, and Ing. Miguel de Quevedo and Juan Zinser, of the Mexican Department of Forestry, Game and Fish, assisted in the technical phases of the negotiations. The United States Senate on April 30, 1936, advised and consented to the ratification of the treaty, and similar action was taken by the Mexican Senate on November 27, 1936. President Cardenas of Mexico signed the ratification decree on December 11th.

An Act of Congress, approved by President Roosevelt on June 20, 1936, providing for the amendment of the Migratory-Bird Treaty of 1918 to make the law applicable to the treaty with Mexico, as well as to the treaty in respect to Canada, came into force upon the President's proclamation of the exchange of ratification of the treaty with Mexico. The amended Act authorizes the appropriation of Federal funds for putting into effect the treaties and acts and regulations thereunder for cooperating with local authorities in the protection of migratory birds, and for making necessary investigations. The Act provides for its administration by the Secretary of the Interior.

Other provisions of the Mexican treaty include the limitation of migratory-bird hunting to a maximum of four months in each year; closing the season of ducks in both countries from March 10th to September 1st; and establishment of refuge zones in which the taking of migratory birds will be prohibited. The new covenant "shall remain in force for 15 years and shall be understood to be extended from year to year if the high contracting parties have not indicated 12 months in advance their intention to terminate it."

VIEWS OF SPORTSMEN ON GAME AND FISH LAWS

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Perhaps the above caption should read "A sportsman's" view, for, after a quarter of a century of effort in behalf of conservation, I can speak only for myself. There are about as many views as there are conservationists. Even so, there is general agreement on the fundamental program of conservation of game and fish, and of wildlife as a whole, including the habitats of water, field and forest. That is evidence enough of real progress and should stir every sportsman to greater efforts that the ultimate goal of clean water and lots of it; healthy forests on every acre of ground not needed for cultivation or other essential purposes; fields with food and cover and a generally friendly atmosphere for upland game and lastly, people who will not abuse the privilege to seek and take game and fish. It is likely that the latter will be the most difficult to achieve, for there are still those who will exceed bag and creel limits, shoot over baited fields, hunt out of season or upon lands of another without a permit and otherwise break the laws of God and man.

Also my remarks must be based on situations in my own state, but they undoubtedly apply to all southeastern states.

Whether by choice or chance, this meeting is one of important anniversaries of half a century ago. In 1907, the first general conservation law was passed by the Legislature of Alabama. The author of the bill was John H. Wallace, Jr., representative from Madison County (my own home county). The law provided for a state game commissioner, a license system, prohibition of the sale and shipment of game, limiting the seasons, protecting non-game birds and creating a Department of Game and Fish with a game protection fund. In 1899, Mr. Wallace had passed a similar measure except that an amendment exempted 59 counties! In 1907, following the close of the legislative session, Mr. Wallace was moved to the post of State Game Commissioner, and conservation in Alabama was born.

Also at Christmas, 1907, my father gave me, a 12-year-old lad, a shotgun. It was a single barreled affair, and surely the finest ever made! I hastened to load half a dozen shells, called my bird dog (a pointer named "Spy") and headed for the cornfield and quail. The cornfield was huge (actually 30 acres) and quail were plentiful. Spy pointed covey after covey and I usually got in a one covey shot—and missed. In half an hour or so I was on the way back to the house with empty hands and empty shell cases. You see, I learned early in life that there was and still is, a heap of air around a quail!

The above personal reference is a prelude to conditions of the times. The angles in the old rail fences furnished nesting places for the quail in the spring, and food and cover in the winter. In the fields a lot of grass survived the passage of a bull-tongued plow providing ample cover for everything in need of it. Except in flood times the creek running through the farm was clear and clean, with a steady flow the year round. Much of the valley floor was covered with virgin forest which furnished a variable paradise for its feathered and furred inhabitants. Deer had disappeared but there was still plenty of wild turkeys on the mountain nearby. There was no insect spray or powder, for the lizards, frogs and birds took care of that. Travel was confined to feet, mules or a buckboard. We rarely traveled more than a few miles.

The rail fences have long since disappeared, and with them most of the lizard population. The timber is gone too, and the fields are *really* large, and cleanly cultivated. As soon as the corn is gathered, cow critters are turned in and the field is soon as bare as the floor. The creek no longer flows except in the rainy seasons and naturally, the fish are gone. Poisons are used to keep (or try to) insects under control, with the results that birdlife has diminished to an alarming degree and even frogs are scarce. We still have an ample supply of insects, some strains of which seem to be immune to the most potent poisons. Quail are very scarce and wild turkeys long gone. Present travel is so swift that a fellow can shoot ducks in Canada one morning and in Arkansas, Louisiana, or Alabama the next.

Even John Wallace's game laws could not stem the tide of the struggle of wildlife for its very existence. The reason was MAN! In 1907, 9,340 hunting licenses were issued, compared to more than a quarter of a million at the present time. The tedious task of loading one's own shells was replaced by factory loaded ones (New Clubs at 25¢ per box in 1912), pumped guns with capacity of 6 or 7 shells, and then automatics. Such gun pressure on a diminishing supply of game, together with the steadily disintegrating habitat, was just too much. A crisis was at hand, in the middle thirties the Alabama Wildlife Federation was organized, with the basic philosophy of restoring and preserving not only game and fish, but the habitat and biological balance as well. It was recognized that game and fish laws must be observed, in both spirit and letter. While at the turn of the century, John Wallace's voice was a lone voice in the wilderness, there are now thousands of such voices and the number and percentage must and will grow and grow. When we read of such things as ninety people being prosecuted for shooting doves over bait in Northwest Florida, we are alarmed. When we contemplate the situation, we must come to the conclusion that the percentage of such people is relatively small. Actually, there is no earthly reason for anyone to shoot over bait, what with the modern mechanical picker in the cornfields and the combines in the milo maize! In spite of all that, there are some who will bait fields and run the risk of deliberately shooting there. When caught, the imposition of a fine and confiscation of the game constitute inadequate punishment. It would be much more

effective if the gun could be confiscated on the second, and a jail sentence imposed for the third and each subsequent conviction. Even that would not stop the practice, but it would produce considerable thoughtfulness among the few who persist in breaking the law. The same sort of tactics might well be applied to those who make a habit of breaking the fish laws and any others in the wildlife or seafood fields.

The increase in dyed-in-the-wool sportsmen referred to above has been due, in large measure, to education and a more vigorous and impartial enforcement of conservation laws. The educational process got its start by the examples of such men as Col. E. F. Allison of Bellamy, Tony Slade of McIntosh, Fred Stimpson of Choctaw Bluff, and Ed Leigh McMillan of Brewton, to name a few. These men realize that deer and turkeys were faced with extinction, so they carried out effective restoration and preservation practices on their own holdings. In that program they had the fullest possible support of game agents. When conditions warranted, large hunts were organized so that others could see the results of common-sense conservation. It was simply the old theory that the greatest force on earth, for good or for evil, was the force of example. Through the efforts of such men, deer and turkeys were brought back into every suitable habitat in southwest Alabama and, through the state and federal game departments into national and state forests and heavily wooded areas throughout Alabama. While all this wonderful work produced a lot of fine and grateful sportsmen it also brought out the night hunter, a very low order of being. The average sportsmen regards the arrest of one of these fellows as being little short of a miracle. That cruel and unsportsmanlike practice should carry a mandatory jail sentence of sufficient duration to jolt the hardest and toughest of the breed. While on the subject of game, it must be recognized that game and forests are intimately related. The forestry agent is an integral part of the propagation of game. He must see that "den" trees are in keeping with a program of selective cutting. He must not complain too bitterly when a colony of beaver helps with the harvest of the timber crop! The home ponds of the beaver supply a lot of water to the soil which sustains the timber nearby. Too, the beaver is a magnificent animal and is worthy of our support. The sportsman must cooperate in the forestry program in every way possible from planting the trees on through selective cutting. Most important of all he must aid in the overall fire prevention program. Fire in the woods is no different from the burning of one's home, except that, given the chance nature will restore trees on most burned over areas. The sportsman must sell the timber owner on the dollar value of his timber crop and thus automatically accomplish his mission of game in the woods and clean water in the streams. It is an established fact that timber in the southeast is one of our very best and most useful and profitable crops.

The situation concerning fish has had an interesting development. In the old days seining, dynamiting and even poisoning were common practices. The latter was forbidden in Alabama by a law enacted in 1856. Nets of many sorts, baskets and fish traps were used quite effectively. Recently "telephoning" stuck its ugly nose into the sordid picture. Along with these mal-practices, there developed an enormous number of sport fishermen, of all ages, male and female. By and large, it is believed that fishing carries a lower percentage of law violators than hunting. Actually there is no need to break fish laws. Creel limits are quite generous. Only a thoughtless person could possibly want to take more than the allowable. If the fish are not striking today there is always a tomorrow to think about. The impoundment of large and small farm fish ponds, combined with natural streams to provide a place for anyone to fish whenever he wishes. The development of fishing facilities is a proud chapter in the conservation program and makes a terrific contribution to recreation for our people. The main concern of fisherman is to lend his support to the pollution abatement programs of our several states. In the South we have oodles of water. It must be kept clean and wholesome.

In looking at the laws, there is one point which should be adjusted, that has to do with hunting schedules for water fowl. It is not only recommended, but strongly urged that shooting hours end each day at twelve noon. That will permit the birds to return to their feeding places for a bite to eat and a chance to rest, and the huntsman to do the same. Anyway, except on those rare, good flying days, very few birds are killed during the middle of the day. The hunts-

man who sweats out a "blue bird" day will bang away at high flying birds, wounding many more than he kills, or hook up his motor and run back and forth to trample the rafts of resting and feeding birds, which is a detestable thing to do. Also noon closing would eliminate the all too common practice of getting the bag limit in the morning and returning in the afternoon for another limit. One objection to the plan is that afternoon shooting is the best. It certainly is, if one disregards the closing hour and shoots until he can no longer see. All birds now carry watches! Regardless of the closing hour, a minute or so afterward ducks will fill the sky! Therefore, it is submitted that a noon closing hour would be fair to all concerned.

Now a word about the people who enforce the game and fish laws, in our society there is not a more dedicated group of people. They know no hours—only the job that must be done. It makes no difference if it is day or night, good weather or bad, or toil and privation, the work goes on. Even if all who fish would obey the laws, there would still be a big job for conservation agents in game and fish censuses, propagation and stocking, and improvement of habitat of facilities for the enjoyment of generations yet unborn. I am sure that I am speaking for countless thousands of sportsmen when I say that my hat is off to those who strive so earnestly and effectively in the preservation of something which gives so much pleasure to so many.

A STATE OFFICER'S VIEWS OF THE GAME AND FISH LAWS

By AUBREY FOWLER

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The only reason I can see for the existence of game and fish laws is to insure that there will be continued abundant wildlife available to the license holder. This is brought about by formulating and applying the laws toward management and conservation of wildlife resources rather than as restrictions on, or privileges granted to the sportsman. Departments should be operated so that any justified increase or decrease in the season lengths or bag limits would be discerned first by department personnel and not by the sportsman. The Commission, or law-making body, would not then be subjected to pressure groups demanding changes in the laws to meet changing field conditions, and to changes department personnel feel are inefficient. A very active and convincing information service must be maintained to prepare the sportsmen for any changes and to keep them aware of conditions which might necessitate future changes. If the Department, through the Information and Education services, can obtain and retain the confidence of the sportsmen, these changes in laws will be agreeably accepted as necessary to continued good hunting and fishing.

I feel that the season, bag limits and hunting methods permitted should be as liberal as possible, without endangering the future supply. We sometimes have to aim the law concerning one specie at protection of another specie. We had to prohibit rabbit hunting at night to make the deer law enforceable in our state.

We have heard some wildlife management personnel advance their convictions that some species of wildlife need no protection of any sort through seasons or bag limits, to maintain a continuous supply. If this is true, and restrictions by law are to be removed, the sportsmen should first be convinced of this by education and information methods.

We in our state take the view that all laws are to be enforced rigidly and that there is no degree of guilt in violating these laws. Neither do we have any degree of prosecution effort, only vigorous in all cases. We do recognize intent, and sometimes make recommendations to the courts as to the severity, or lightness, of the penalty to be inflicted. If a conviction does not promote respect for the law, or does not tend to prevent violations, it probably would be better never to institute proceedings.