

## GAME LAW IN ALASKA.

MARCH 14, 1902.—Referred to the House Calendar and ordered to be printed.

Mr. CUSHMAN, from the Committee on the Territories submitted the following

### REPORT.

[To accompany H. R. 11535.]

The Committee on the Territories, to whom was referred the bill (H. R. 11535) for the protection of game in the district of Alaska, and for other purposes, having had said bill under consideration, report the same with the following amendments:

First. Amend the title of the bill by striking out the words "the district of," so that the title of the bill will read as follows: "A bill for the protection of game in Alaska, and for other purposes."

Second. In line 14, page 1, strike out the words "the Territory" and insert in lieu thereof the word "Alaska."

Third. On page 2, line 3, after the word "Eskimo," insert the words "or by miners, explorers, or travelers on a journey when in need of food."

Fourth. On page 2, in line 18, after the word "established," insert the words "or provide different close seasons for different parts of Alaska."

Fifth. On page 3, in line 16, after the word "animals," insert the words "or game birds," and in said line 16 strike out the words "the Territory of," so that the same will read "of any game animals or game birds in Alaska;" also, on page 3, line 17, insert the word "game" before the word "birds;" also, on page 3, in line 20, insert the word "game" before the word "birds."

Sixth. On page 4, in line 1, after the word "shipment," insert the words "or have in possession with intent to ship;" also, on page 4, in lines 1 and 2, strike out the words "the said district" and insert in lieu thereof the word "Alaska;" also, on page 4, in line 2, after the word "deer," insert the words "moose, mountain sheep, or mountain goat," so that that portion of said section will read as follows: "For any other person to receive for shipment, or have in possession with intent to ship out of Alaska, any hides or carcasses of caribou, deer,

moose, mountain sheep, or mountain goat;" also, on page 4, line 7, strike out the words "the said district" and insert in lieu thereof the word "Alaska."

Seventh. On page 4, in line 16, after the word "punished," insert the words "for each offense;" also, on page 4, in lines 24 and 25, strike out the words "the Territory of."

And as above amended the committee recommend that the bill do pass.

Some of the salient features of this bill are as follows:

Prohibits wanton destruction of game animals, game birds, nests, and eggs.

Prohibits killing of any game animal or game bird except in specified seasons.

Prohibits the killing of certain of the female game species at any time.

Prohibits the sale or offering for sale at any time of the skins and heads of game animals or birds.

Prohibits the sale of game animals or birds at any time save during the season when it is lawful to kill the same.

Prohibits the shipment out of Alaska of skins or carcasses of game animals or birds.

Provides that miners, campers, or travelers on a journey, in need of food, may at any time kill such game birds or animals as are necessary for food.

Provides that the Indians and Eskimo may at all times kill game animals or birds for their food or clothing.

Provides for punishment for the violation of its provisions by fine or imprisonment, or both.

This bill has for its object the protection and preservation of the game birds and animals of Alaska. When the code for Alaska was enacted two years ago it embraced much of the preexisting laws, and also included many new features. Congress had formerly made the laws of the State of Oregon applicable to Alaska. The game laws of Oregon were therefore in force, and though not entirely adapted to the situation in Alaska, were found very useful. The committee in charge of the revision found the subject of game protection quite complicated owing to the great variety of conditions to be met, and therefore omitted these laws altogether, and left Alaska wholly without any statutory protection for the game within her borders.

As Alaska is the greatest wild game region now remaining in America, the misfortune of such a condition strongly appeals to Congress for a prompt remedy.

It is hardly possible that the bill should be perfect in all respects or meet all the requirements in Alaska. It must be remembered that to draw a game bill for so large a country is a vastly different and far more difficult matter than to draw such a bill for any single State or Territory of the Union. In any one of the States of the Union (even the largest of them) the scope of territory embraced is comparatively small, and the game conditions in all parts of the State are substantially similar. The drawing of a game bill for Alaska is equivalent to attempting in a single law to cover the New England, Atlantic, and Middle States, or like trying to make a single game bill broad enough in its provisions to cover all the country west of the Mississippi River to the summit of the Rocky Mountains.

Alaska comprises a vast stretch of territory, and in the different



parts thereof are widely different seasons and varying conditions. It is manifestly very difficult, therefore, in the provisions of one bill to meet all these difficulties satisfactorily. We have attempted to meet them by vesting a large amount of power and discretion in the Secretary of Agriculture. The latter part of section 2 of the bill provides:

That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations which shall modify the close season for different parts of Alaska, or place further restrictions and limitations on the killing of such animals or birds in any given locality, or to prohibit killing entirely for a period not exceeding five years in such locality.

In any new mining country travelers and miners will kill game in season and out of it for the supply of their immediate wants; and they should be so authorized by law, so as not to be forced to violate the law. The amendment suggested by the committee to meet this necessity is substantially the same as that in force in the Northwest Territory of the Dominion of Canada, and which your committee are informed has operated successfully therein.

In this enlightened day, with the experience of the recent past before us, it needs no argument to show that the wanton and indiscriminate slaughter of game birds and fish should be curbed by law. The desolate woods and barren streams in other parts of the United States serve as a solemn warning as to the fate of these creatures in Alaska unless immediately protected by law.

It was indeed unfortunate that at this critical time, when Alaska is becoming settled, that a period of nearly two years should occur in which there should be no law whatever upon this subject, and the necessity of speedy relief is obvious.

The reports from that country are uniform that Congressional action should not be delayed.

The prohibition of game shipments from Alaska and the suppression of commerce in hides will do more to stop the indiscriminate destruction of animal life than any other enactment that can be devised.

Indians will wholly destroy their food supply for the trifling compensation that they receive for the skins of the victims. The slaughter of deer and other animals for the purpose of shipping the hides should be wholly suppressed.

Judge Melville C. Brown, judge of the United States district court of Alaska for the Juneau division, writes the following letter on this subject:

DEPARTMENT OF JUSTICE, UNITED STATES DISTRICT COURT,  
FIRST DIVISION, DISTRICT OF ALASKA,  
*Juneau, Alaska, January 26, 1902.*

MY DEAR BRECKONS: The slaughter of game in this country is becoming monstrous. It is said that no less than 15,000 deer hides were shipped out of southeast Alaska during last season. It is altogether probable that the slaughter of deer will be as great this winter. The result is self-evident; that within two or three years the game supply will be wholly exhausted and the natives left without food supply, and in order to live at all they will have to be subsisted by the Government.

The natives slaughter this game, not for food purposes, but to secure the price they obtain for the hides, which is a very trifling sum—some 40 cents on the average. Of course they use such portions of the animal for food as their immediate necessities demand, but it is safe to say that nine-tenths of the deer slaughtered are left upon the ground to rot. I am not personally cognizant of all these matters, but the whole question was before the grand jury a year ago this winter, and after diligent inquiry the grand jury reported upon the matter.



Some law should be passed by Congress at this session that will put an end to this indiscriminate slaughter of game. A game law not as stringent in terms as ours in Wyoming in many respects will answer every purpose here. And the one thing that will stop the indiscriminate slaughter is the prevention of the hides being shipped from the country or sold, and making it an offense against the law, with a severe penalty, for any vessel or other medium of transportation to receive such hides for shipment or to have them in their possession for such purpose, and punishing any transportation or shipment of hides either from the mainland or any of the islands of Alaska. This will tend to save the game, and eventually to save the Indians from starvation. Of course this law should apply to moose, elk, mountain goat, mountain sheep, etc., as well as to deer.

The mountains in this country rise out of the sea, as it were, from the islands as well as on the shore of the mainland, and run up to great heights. When the snow falls in winter the deer are driven down to the shores of the sea for subsistence, and the Indians are said to gather in a bunch of deer as high as 500 in number, and these are driven into the deep snow in some canyon and then the Indians kill them with clubs and wipe out the bunch of deer gathered in that way. It is easy to understand how rapidly they may be extinguished entirely by such methods.

Very sincerely yours,

M. C. BROWN,

*Judge, United States District Court, First Division, District of Alaska.*

J. A. BRECKONS, Esq.,

*Washington, D. C.*

The grand jury of the United States district court of Alaska, assembled at Juneau, in resolutions adopted by them January 3, 1901, ask for the enactment of a game law for Alaska, and in their resolutions use the following language:

Whereas it is within the knowledge of the grand jury duly impaneled for the December, nineteen hundred, term of the United States district court of Alaska, in and for division numbered one thereof, and assembled from all parts of said division and being thoroughly conversant with existing conditions, that there has been and is a wanton and willful destruction of game in this district; that it is an acknowledged fact that thousands of deer are killed annually for their hide, which sells for the paltry sum of forty cents, while their carcasses are left to decompose or be devoured by wild beasts. Congress has sadly neglected to make any provision for the protection of our game, the natural meat supply of the natives and of the miners and prospectors who are hundreds of miles from the markets of the district, prospecting and developing our great mineral resources: Therefore, be it

*Resolved*, That Congress be, and it is hereby, petitioned to insert in the Alaska criminal code the following game law:

"That any person or persons, corporation or corporations, offering for sale in, or any person or persons, corporation or corporations, or common carrier receiving for exportation from the district of Alaska the flesh of the deer, moose, caribou, elk, mountain sheep or goat, goose, brant, duck, grouse or ptarmigan, or the hides or horns of the deer, moose, caribou, elk, mountain sheep or goat, shall be deemed guilty of a misdemeanor and punished by a fine of not more than five hundred dollars or imprisonment in the county jail not more than one year, or both.

"Each and every deputy United States marshal within said district shall be ex officio game warden for their respective districts, and shall receive as compensation for said service one-half of all fines collected by due process of law under this Act."

Unanimously adopted by the grand jury January 3, 1901.

WM. M. EBNER, *Foreman.*

C. D. GARFIELD, *Secretary.*

The following letter from A. S. Dautrick, of Juneau, Alaska, is self-explanatory, not only of the situation, but also as to the feeling of the people of Alaska regarding this much-desired legislation:

JUNEAU, ALASKA, *February 18, 1902.*

MY DEAR CUSHMAN: You will remember that at various times we have talked about some sort of a game law for Alaska, and the last time you told me that you would look into the matter. I imagine, however, that a multitude of other things have prevented you. The slaughter of deer in the district is so outrageous that unless some law is passed the last territory for the sportsman will be played out. I



think that you will agree with me that it should have some protection in the way of a game law. Please let me know whether you care to prepare such a bill or if you would prefer to have someone up here do it and forward to you to have it introduced.

Yours, truly,

A. S. DAUTRICK.

HON. FRANCIS W. CUSHMAN, M. C.,  
*House of Representatives, Washington, D. C.*

The following documents from the Department of the Interior, the Attorney-General of the United States, and letter from Mr. Dall De Weese will also throw a great deal of light upon the situation in Alaska:

DEPARTMENT OF THE INTERIOR,  
*Washington, February 1, 1902.*

SIR: I have the honor to transmit herewith a copy of a letter from Mr. Dall De Weese, of Canon City, Colo., received by reference from the President, calling attention to the necessity for legislation looking to the protection of large game in Alaska, together with copy of a letter from the honorable the Attorney-General, to whose attention the matter was directed and at whose instance this communication is written.

Copies of Mr. De Weese's letter were transmitted to the Senate and House Committees on Territories, respectively, on the 15th ultimo.

In this connection attention is directed to the recommendation contained in the Report of the Secretary of the Interior for the fiscal year ended June 30, 1899, a copy of which is herewith transmitted, submitting an amendment to the act of March 3, 1899, "To define and punish crimes in the District of Alaska," looking to the protection of deer in that Territory.

Very respectfully,

E. A. HITCHCOCK,  
*Secretary.*

HON. JOHN F. LACEY,  
*Chairman Committee on Public Lands, House of Representatives.*

DEPARTMENT OF JUSTICE,  
*Washington, D. C., January 21, 1902.*

SIR: I have the honor to acknowledge the receipt of your note of January 16, 1902, inclosing a copy of a letter from Dall De Weese, of Canon City, Colo., to the President, dated December 1, 1901, and a copy of the Annual Report of the Secretary of the Interior for the year ending June 30, 1899, all of which has reference to the protection of game in the Territory of Alaska.

I note with approval the suggestion in your report above referred to of an amendment of the criminal code of Alaska with a view to game preservation there, as also the suggestion of Mr. De Weese in the same direction. But I am not sufficiently familiar with the situation in Alaska to be able to express an opinion whether these are just those best suited to the conditions of that Territory, nor as to how far the natives there, who are to some extent dependent upon game for subsistence, should be included in the prohibition, nor whether other kinds of game than those mentioned in either suggestion should not be included.

At the request of Hon. J. F. Lacey, chairman of the House Committee on Public Lands, I recently gave him a statement of my views as to the power of Congress in this matter. And while that referred chiefly to the question of such power as to the public lands within the limits of a State, yet it also referred to the same question in the Territories. Perhaps it would be well to refer the communication of Mr. De Weese with this and a reference to the suggestions in your report to him, as I think he is much interested in the subject. And I suppose that many useful suggestions would be obtained from Governor Brady, of that Territory, not only as to how far the natives should be included in the prohibition, but also as to the kinds of game that should be protected, in what seasons of the year the prohibition should be operative, either as to all or some kinds of game, and whether it should not be operative the year round as to some kinds.

Respectfully,

P. C. KNOX,  
*Attorney-General.*

The SECRETARY OF THE INTERIOR.

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## PROTECT ALASKA GAME.

CANON CITY, COLO., December 1, 1901.

## The President:

This is a subject that appeals to every "true-blue sportsman," every lover of animal life, and all those who see beauty in nature, embracing forests, plains, and mountains throughout our entire country, and while the woods, plains, and mountains are naturally beautiful, we all agree that they are much more grand and lifelike when the wild animals and birds are present. There are now several organizations doing work toward the preservation of wild animal and bird life. There is much yet for us to do—resolve is to act, let us be up and at it.

For twenty years of my life I have taken my fall outing, embracing the greater part of North America. I have made trips in recent years to various parts of our mountains, where I hunted eighteen to twenty years ago, and it is appalling to note how rapidly the wild animals are disappearing. While I am but 43 years of age, I have seen in this short period the extermination of our buffalo; at the time of my first trip west there were millions. The antelope at that time were thousands—they are now reduced to dozens, here and there. There were also elk yet upon the plains—now there are none. There were bison in our mountains within 25 miles of the place in which I am writing. I doubt if there are 20 wild bison now in the United States. I have seen thousands of deer in Montana, Idaho, Utah, Mexico, and Colorado, where these numbers are now, comparatively, reduced to one, three, five, and twenties. The "big horn" mountain sheep (*Ovis montana*) that were then hundreds are now reduced with comparative ratio to the rest.

When I was hunting in New Brunswick in 1896 I was told by good authority that these conditions were not quite so bad there and that the enforcement of their laws was the safeguard there as well as in Maine.

During my four seasons' hunting in Alaska, my observations from past experience foreshadows that without stringent laws and their rigid enforcement the big game of Alaska is doomed to as rapid an extermination as it was upon the plains and mountains of Colorado. I will narrate one instance: When in the Kenai Mountains, Alaska, on the 23d day of August, 1897 (from my diary), Mr. Berg and myself, while sitting together on the mountain side, with the aid of a field glass, counted 500 wild white sheep *Ovis dalli*, all within a radius of 6 to 8 miles, 10 here, 6 there, then 20 and 30 in another locality. Can a true hunter or a lover of nature imagine a more beautiful sight? Look! here and there were grand old towering mountains, all snow capped, some furrowed with gaping canyons, some separated with a mighty glacier, others with a gradual slope, carpeted with nutritious grass, upon which these beautiful denizens of the snowy mountains of the north loitered about in groups, either feeding or resting.

I was in these same mountains again in 1898, my wife accompanying me there in 1899. I wanted her to see what had at that time never before been a woman's pleasure. I was in these same mountains again this season (1901), and there is no question about the *Ovis dalli* decreasing in numbers; it is perceptible. If mineral should be discovered in these mountains, and with no laws to protect this animal, they would be exterminated in a very short time. In 1899 when passing through a section where a "so-called sportsman" had been hunting, four carcasses were lying on one small hill, nothing having been touched, the heads of horns being too small and the work of skinning and preserving too great to suit his—I was going to say his "sport"-ship, but will make it his "devil"-ship.

In 1899 myself, wife, and party killed four sheep, two of which were killed by my wife. We could have killed a hundred. This season (1901) we killed but one, as we needed it for meat, also one bull caribou.

The natives are very destructive to sheep. I have seen them in parties of their own shoot sheep, and if it ran off wounded or fell over a low cliff they never went after it; "too much work; shoot more." When in my party I never allow a native to carry a gun. The conditions I have mentioned regarding sheep extermination the same will apply to moose and caribou.

Now, then, dear reader, if all I have said about this transformation of game from plenty to almost extermination is so perceptible in one man's short life, we all can see its finish in the course of a very few years, unless we act quick while there is yet time.

Alaska is a new country, and a good portion of it is uninhabitable for man, and in this respect it is thus more suitable for game; and there is less excuse for its being slaughtered on account of the country not being desirable for the use of "home-seekers." I am sorry to say it, although it is true, that, where the climatic conditions are favorable for the advancement of civilization and the "tiller" of the soil,



just so sure is the doom of game in that land—remote and inaccessible localities and game preserves that extend to the winter feeding grounds excepted.

It is not necessary that big game be slaughtered to furnish the "meat stuff" in Alaska, for where man can go a pack train can go also; then it is made possible for the wagons, then railroads. Neither is it necessary that game be slaughtered for the native food supply, yet let them kill what they will actually use; and if our Government would thoroughly instruct the missionaries and priests of Alaska to intercede with the natives on behalf of the game, much good could be done. Teach them the wrong in killing the female and the young of any and all animals. I have talked this with natives in my camp and noticed that it was hard for them to conceive it, yet by constant teaching it will have its effect. I believe that some such game laws as I hereafter mention would be effective in Alaska if enforced.

My twenty-seven years of experience in hunting has convinced me that the "market-meat hunter" is the most destructive to the big game. Where mining localities are remote from railroads or steamship transportation, "meat stuff" is correspondingly expensive; hence if game abound the "meat hunter" finds a profitable business and he is always on hand.

Make the law and enforce it whereby it is a penal offense coupled with a fine of \$100 for each offense where a party or parties offer for sale or barter the flesh of any game animal or bird at any spot or place in Alaskan territory, the same law to apply to any and every company or individual attempting to ship or transport game flesh of any kind out of the Territory.

Make a nonresident license law, requiring every sportsman going to hunt and hunting in Alaska to pay \$50 for that privilege, and that this sum allows him to take out of the Territory only one specimen of each species killed by him. The same law to provide a license fee of \$100, which would give the sportsman or hunter taking out that license the right to kill and transport two specimens of each species of animal killed by him, and that he is not allowed to take out more than this quota. The money thus paid to the district commissioners, who might be the nearest postmaster where the hunting is done, and this money to be used, first, for the prosecution of a person or persons violating this law, and any surplus that might accumulate in one year over \$300, that surplus to go to the native school fund of that district.

Make a law that gives an open season only on game from August 15 to November 1, with a fine of \$100 for its violation. This law should apply to natives also, as well as nonresidents, except where the animal is shot absolutely for immediate food necessity.

Make a law that prohibits sportsmen or other persons from employing natives or other men for killing big game animals or birds, for in doing so most of the meat is wasted and the heads shipped and sold.

Make a law prohibiting the killing of the big brown bear (*Ursus Middendorffi*) on Kadiak Island for a period of five years. This would in no way be an injustice to the natives, as this island now contains so few of these animals that hunting them is no longer profitable, and neither do the natives depend on this for support.

Negotiations should be commenced with Great Britain to implore them to pass some such laws that would coincide with ours that would govern that part of the Yukon or British territory (Columbia) that joins Alaska.

I know full well what objections will be made to such laws by "fur traders," hide and head hunters, but is it right that the grand old bull moose and bull caribou or the great old ram, "Ovis Dalli" be shot down by the native, paid for so doing by the "so-called sportsmen," and only the head taken from the carcass and that shipped out and sold? I say, is it right that this should be permitted for the gain of a few individuals at the expense of the lives of all the big game of that country, as well as the lovers of nature and the "true-blue sportsmen" not yet born, all to whom we are responsible?

Let us all act now and use our influence to have some measures appertaining hereto properly brought before the coming session of Congress with the earnest appeal for their enactment.

I have talked several times with Hon. J. G. Brady, governor of Alaska, regarding this subject, and he urged me to formulate some practical measures and he would give it his support.

Yours, fraternally,

DALL DE WEESE,  
Canon City, Colo.

The following extract is taken from the last annual report of Gov. John Brady, of Alaska, to the honorable Secretary of the Interior.

No language could state more clearly or forcibly than the report of

the governor, not only that a game law is needed for Alaska, but that said game law should contain the provisions which are contained in this bill.

[Report of Governor Brady, of Alaska, on game.]

#### GAME LAW.

Congress should enact a game law for this district. The large game, like the moose, caribou, and common deer, need protection. The wanton slaughter of deer has been carried on to a great extent in southeast Alaska by the natives. In the winter and spring, when the snow is heavy upon the mountains and even to the beach, these animals seek the shores of the island. They become weak, and when run into a snowdrift can be killed with a club. A single native has been known to bring in as many as 150 skins of animals which he has killed in this fashion. He makes no attempt to use the meat. All he wants is the skin to sell at the store. This does not bring him very much, for it is a winter skin, and therefore not very desirable by the dealer. This all can be corrected by prohibiting the exportation of deer hides from Alaska. The native will have no incentive to kill deer simply for their hides. The hides of those which he kills for himself or to sell he can make use of for his own moccasins and other articles of clothing which he uses.

O