

# STATE GAME WARDENS

*A century of wildlife law enforcement begins.*

by Bob Brown

**G**AME WARDEN, FISH WARDEN, conservation officer, natural resource police officer—these are all job titles of the men and women who enforce wildlife laws and regulations. In South Dakota, wildlife law enforcement has officially existed since 1893. As law enforcement enters its second century, it is appropriate that we look into the past at our earliest efforts in game and fish protection.

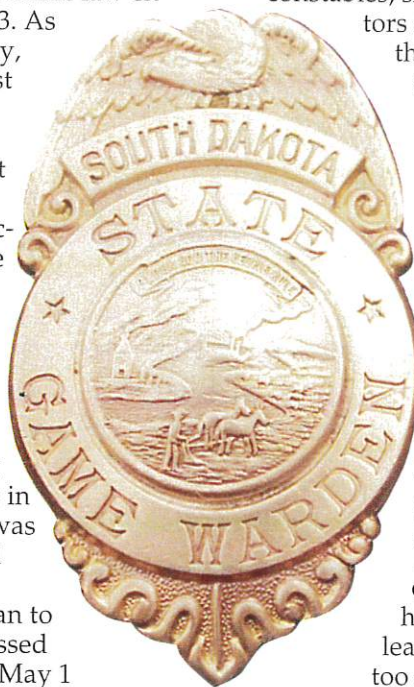
When Mahlon Gore staked out the first homestead in Dakota Territory near present-day Vermillion, South Dakota, accelerated change had begun. Barbed wire fences and the plow were here to stay. The social customs of our frontier forefathers called for free and unlimited hunting and fishing. Natural resources living in the lakes and rivers and on the prairie were in trouble. The residents of Dakota Territory realized that unlimited hunting and fishing were causing drastic declines in their wildlife resources. Their challenge was to change an American tradition that had lasted over 200 years.

The Dakota Territorial Legislature began to come to grips with reality in 1875 and passed the first law regulating hunting between May 1 and August 1 of each year. However, the Territorial Legislature, for reasons unknown, failed to include any provisions for daily bag limits or enforcement of the law. Bird populations continued to decline, and in 1877 a new law lengthened the closed season from January 1 to August 15 of each year. Sadly, there were still no provisions for the enforcement of the law.

In 1881 the first big game law went into effect. It is interesting to note that it did not deal with seasons or limits but instead prohibited leaving any big game carcass on the open prairie, probably in response to buffalo hunters

The Territorial Legislature of 1883 marked the beginnings of actual wildlife law enforcement in the future state of South Dakota. The territorial governor appoint-

ed a fish commissioner whose duty it was to stock fish, close planted waters and reopen them at the appropriate time. The same legislative session made it the duty of constables, sheriffs and deputies to arrest game violators and have them tried in the county where the violation occurred. The 1885 Legislature set a possession limit on grouse and prairie chicken of 25 birds per day. The 1887 session empowered judges to appoint attorneys to prosecute game cases at a fee of no more than \$10 per case.



*Badge adopted in 1935*

**STATEHOOD BECAME** a reality for South Dakota on November 2, 1889, when it became the 40th state. The residents of the new state had some things to think about. The buffalo were nearly slaughtered to extinction with the last big hunt in 1881 on the Grand River near Lemmon. Buffalo carcasses were left lying on the prairie for more than 10 miles. The last grizzly had been killed in the Black Hills about 1885. The majestic elk, which once occurred over all of South Dakota, had been exterminated. South Dakota was learning a valuable lesson, but it was learning too slowly for some species of wildlife. The last Audubon's sheep would be killed near the White River about 1916. Wild turkeys, once abundant in the southeastern corner of the state, would be virtually extinct by 1920.

The first state legislative session to address wildlife needs was in 1893 when lawmakers instructed county boards to appoint six fish wardens in each county. The fish wardens received no salary but split the fine money with the state. The 1899 session renamed the fish wardens as game wardens and gave them statewide authority. The same session also prohibited the sale of wild game entirely. Market hunting had been officially outlawed.

By 1901, the deposits of one half of the fine money from game and fish violation convictions had grown

Photo courtesy Dr. W. A. Whitney



*In 1913 the office of State Game Warden H.S. Hedrick was in the State Capitol. The eight deputy state game wardens that Hedrick supervised were the state's first wardens appointed on qualifications and not on political qualifications. Abbie F. Whitney, who retired in 1941, was office deputy.*

into a substantial sum of money. The 1901 legislative session transferred this money into the School and Interest Fund. Present-day fine monies also go to the School Fund. Fine money is kept neither by conservation officers nor the Department of Game, Fish and Parks.

In 1903, wardens were appointed by the governor upon the petition of 10 citizens in a county. The wardens received a salary of \$50 a month during open season. They were guilty of a misdemeanor if they did not work during the various open seasons.

An indication of the sorry state of wildlife affairs occurred in 1905. The limit on deer was reduced to two per season. The season ran the entire month of November. However, big game hunters harvested fewer than 200 deer in the Black Hills.

**THE 1909 LEGISLATURE** took a giant step in wildlife management by creating the Department of Game and Fish. Governor Robert S. Vessey appointed W. F. Bancroft as the first state game warden to head the new agency. A Game and Fish Commission was also created, which consisted of the governor, attorney general and the state game warden. Bancroft soon recommended that the county game warden system be discontinued. He proposed that game wardens be appointed on their qualifications and not on their political affiliation. The 1913

legislative session ended the county game warden system and allowed the hiring of eight deputy state game wardens. In their first year the eight new wardens made more arrests than the 58 county wardens had made in the previous year.

How does the present-day conservation officer compare with our first territorial wardens? The difference is great in terms of technological advances and education but probably very close to the same in terms of their deep feeling for natural resources.

The citizens of South Dakota and the Department of Game, Fish and Parks have come a long way together. Our united fight to preserve wildlife is not over. Economic factors continue to put pressure on natural resources. Market hunting and fishing has been outlawed for years but certainly has not ended. Various groups of people are attempting to lay claim to wildlife and have it managed mainly for their benefit instead of for the benefit of all the citizens of South Dakota.

So when our grandchildren ask us about the good ol' days, let's make sure we don't have to tell them that the good ol' days are all gone. ■

Bob Brown, Chamberlain, is a regional supervisor. He served as a conservation officer from 1972-78.