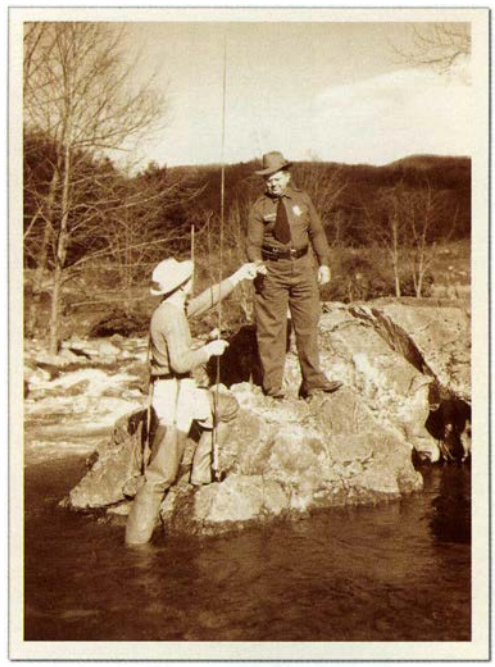
Virginia Game Wardens Celebrate One Hundred Years

Thanks to the dedication of an elite group of men and women, wildlife law enforcement in Virginia is better than ever.

by Bruce A. Lemmert

Precisely one century after Virginian Thomas Jefferson launched one of the boldest initiatives in the history of the United States, the Lewis and Clark Expedition, Virginians were looking inward. In 1803, the frontier beckoned with limitless possibilities. In 1903, Virginians, and indeed all Americans, recognized that the frontier was settled. Natural resources would have to be protected and managed. Jefferson had predicted that it would take one hundred generations to settle what is now the western United States. Americans had peopled the continent in less than five generations. The realities of the myth of inexhaustibility were being realized.



Since 1903, it has been the sworn duty of every game warden to enforce wildlife laws and regulations in Virginia.

In an effort to protect the state's wildlife and natural resources, the Virginia General Assembly enacted legislation on May 14, 1903, that established a statewide system of law enforcement officers known as game wardens.

At the turn of the 20th century, the oldest continuously operating legislative body in North America, the Virginia General Assembly, was contemplating conservation measures. On the national level, forester Gifford Pinchot was making the term "conservation" a household word. Thanks to Pinchot, lay citizens readily recognized the term "conservation" to mean the management and protection of forests, wildlife and parks. George Bird Grinnell, editor/owner of *Forest and Stream* magazine, championed the term "sportsman." This term came to be

recognized as a positive label for ethically behaved hunters and fishermen. And in the White House, President Theodore Roosevelt used his bully pulpit to make natural resource management an issue for which every American would be aware.

On May 14, 1903, the Virginia General Assembly enacted legislation, during a special session, to establish a statewide system of wildlife law enforcement officers to deal specifically with wildlife crime. From that point through the present, these officers have been called game wardens. The state mandated that each city appoint two game wardens, and the counties were to appoint one game warden for each magisterial district. Since the Department of Game and Inland Fisheries would not come into being until 1916, the responsibility for hiring, firing, supervising and paying the game wardens fell to the localities.

The photograph above, taken over 50 years ago, shows two game wardens checking the hunting licenses of a group of raccoon hunters, during the middle of the night.

Not to be accused of unfunded mandates to the localities, the 1903 Virginia General Assembly also provided a means to pay for the new game wardens. An annual hunting license was created for non-residents only. The cost of this license was $10.00. This license entitled the non-resident hunter to "hunt and kill wild turkeys, pheasants or grouse, woodcock, partridges, quail and other game birds during the open season." For an additional sum of $15.00 the non-resident could purchase an additional license to hunt waterfowl and / or deer, subject, of course, to seasons and other provisions.

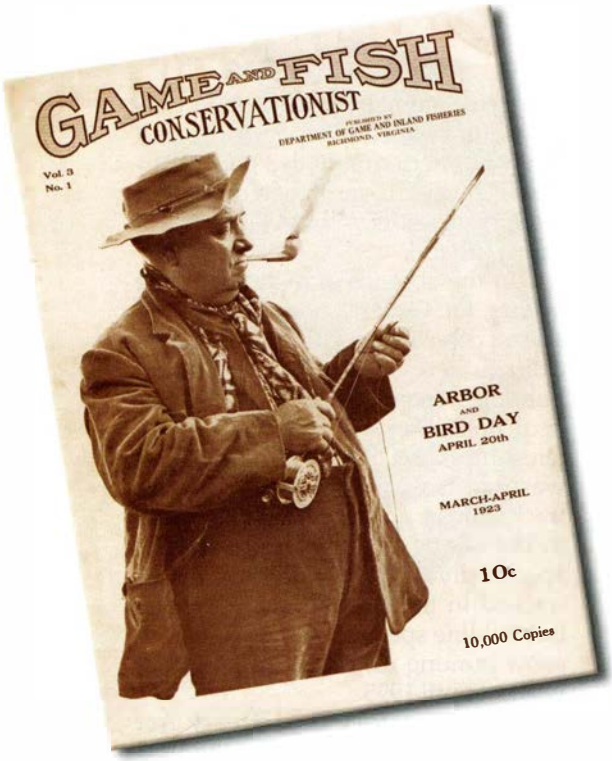
The clerk of court for each locality was assigned to sell the hunting licenses. The clerk was awarded 50 cents for each license sold. On April 1 of each year the clerk shall "pay in equal amounts to the said warden or wardens...such sum as may be in his hands arising from the issuance of said license: provided that no one warden shall receive more from this source than three hundred dollars in any one year." In the event of a surplus after the game wardens were paid, a provision existed in Northampton and Accomac counties for the Eastern Shore Game Protective Association to use extra monies for restocking of game.

As an added incentive for game wardens to apprehend wildlife law violators, a fee of $2.50 was to be assessed in every case of conviction and was paid directly to the warden securing the conviction.

Game wardens of 1903 were appointed to four-year terms. It was the sworn duty of wardens to enforce all statutes of Virginia and of the United States for the protection and propagation of wild waterfowl, game birds and game animals, or song and insectivorous birds. Any person found guilty of interfering with a game warden in the discharge of their duty, or of resisting arrest was subject to a fine of from $5 to $50.

In the absence of a state wildlife agency, the General Assembly set the season dates for specific game. The localities were authorized to shorten hunting seasons in their respective jurisdiction if they saw fit to do so. An interesting aspect of the 1903 game laws was that it was unlawful to hunt or track grouse, quail, woodcock or deer in the snow. Turkey, however, was specifically allowed to be hunted or tracked in the snow. Quail were the last wildlife species to be taken off the snow hunting restriction list, but that was not until 1995.

The Migratory Bird Treaty Act was not passed until 1918, so the 1903 Virginia General Assembly set the seasons for waterfowl and other migratory game birds without guidance from federal parameters. Waterfowl was delineated between summer wild waterfowl and winter wild waterfowl. Summer waterfowl was designated as wood ducks and winter waterfowl was apparently all other ducks and geese. The winter waterfowl season was October 16-March 31, and the wood duck season was August 2-December 31. Rails, mud hens, gallinules, plovers, surfbirds, snipe, sand pipers, willits, tattlers and curlews could be hunted from July 21-December 31. Dove season was conspicuously absent, but robins could be hunted from February 16-March 31. There were no bag limits for any of these species, but possession outside the prescribed season was unlawful.



"How to Increase the Efficiency of the Game Warden's Work" was first published in 1923, in an issue of the *Game and Fish Conservationist,* the predecessor of *Virginia Wildlife* magazine. The need of having a well-trained and equipped game warden force continues today to be a key element of the Virginia Department of Game and Inland Fisheries success in protecting the state's wildlife and natural resources.

reprinted from the February, 1923, *Game and Fish Conservationist*

How to Increase the Efficiency of the Game Warden's Work

by Claude F. Beverly,
Supervisor Ninth Congressional District.

This is a subject more important perhaps than any other confronting the Department of Game and Inland Fisheries, for upon its proper solution largely depends the proper enforcement of the game [and] ... fish laws.

It has long been said in our part of the country that the people, as a whole, have not taken the interest they should in the preservation and propagation of wild life.

There are several causes for the accusations. Many of the game wardens have contented themselves with merely doing enough work to "get by." In some sections it has been difficult to get reliable men for the job, because of the small salary.... In other sections local officials have failed to co-operate with the wardens. In the more mountainous parts of the State it has been well-nigh impossible, because of the bad roads and the consequent slow means of travel, for wardens to patrol often enough. Consequently, the game and fish laws have been wantonly violated by those who have little regard for any law. In many sections leaders of public thought and action, who enjoy an occasional hunting or fishing trip, and who should have enlightened people as to the importance of conserving game and fish, have covertly violated the game and fish laws, thus creating the impression that the laws passed for the benefit of real sportsmen, are of no more importance or consequence than the ancient blue laws.

This has made it difficult for even efficient and vigilant wardens to do all that they might have liked to. In many cases, wardens, interested only in the salary and prestige that office of any kind gives, have, if they ever had any desire to enforce the law, lapsed into idleness and indifference, and in such sections the laws have been regarded as almost obsolete. In many parts of our Southwest, where large coal and lumber corporations virtually own the country and their will is law, the fish have been practically destroyed by sawdust and refuse dumped into the running streams. The game has been driven back by the destruction of the forests.

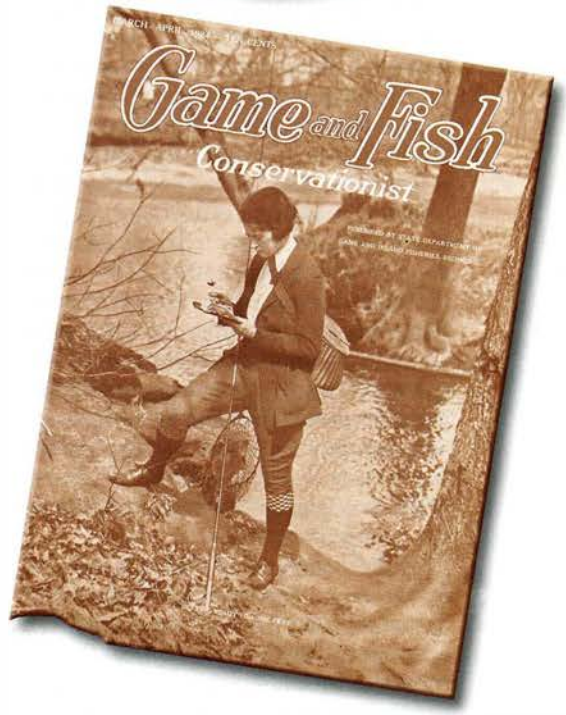
Happily, there has been an awakening on the part of many who realize that there are other things in life equally as important as monetary gain, and that among the outdoor sports none is so fascinating and none quite so enjoyable as that of the rod and gun. There has come the realization that unless

there is prompt and vigorous enforcement of the laws this generation will see the game and fish practically extinct.

As to the best method of increasing the efficiency of the work of the game warden, I can only say that the utmost care should be taken, in the first place, to secure only men who profoundly respect and believe in enforcing all laws and who are, first of all, vitally interested in the law they are employed and sworn to enforce. They should be encouraged in every possible way to use their very best efforts, and be commended for so doing. There should be a systematic campaign of education directed to enlist the support and co-operation of all county officials and citizens. Wardens should be visited frequently and a friendly spirit of co-operation shown in their work. So, long as it is evident that a warden is making an honest effort and is trying to do his duty as well as he knows how, he should never be unduly censured for any minor mistake of judgement in handling a case or making out his weekly and monthly reports. His mistake should be called to his attention in a way not to make him feel that he is being abruptly criticised and that whatever good he may have done is not appreciated, but in a courteous, business-like way, so that he may profit by his mistake and do better in the future. Where it is evident that a warden has little interest in his job, he should be relieved at the earliest possible moment, for a man of this type does more harm to the service than a dozen violators possibly could.

Again, I would suggest that an effort be made at the next meeting of the legislature to make it possible to pay wardens, who manifest a keen interest in the work and who devote practically all of their time to the job, better salaries. I have found that in many cases wardens who earnestly desire to enforce the laws and carry out the will of the Department are hampered because the salary received is not adequate to meet the needs of the warden and his family. This should be left to the discretion of the Department, and any increased compensation granted only to fit deserving men who have previously shown their worth and capability.

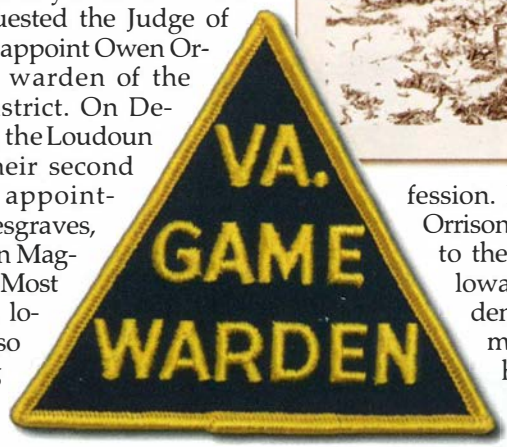
I am glad to say that the present administration is doing all that can reasonably be done at this time to arouse Statewide interest in the importance of conserving game and fish and to secure men of the highest type as officials of the Department. Much remains to be accomplished, but we will have to remember that no great ear of reform and progress, affecting a whole people, as this one properly does, was ever consummated in a short time. Reforms that last and endure are the work of time, patience and never-tiring industry. To this end we should all lend our best efforts and earnest thought, seeking by counsel with each other to bring about the things we know are needed in the work we are for the time engaged in.



Those who love or hate the current restriction on Sunday hunting can thank or condemn the 1903 General Assembly. The Sunday hunting restriction was adopted at this time. Additionally, it was deemed unlawful to hunt later than one half hour after sunset or earlier than one half hour before sunrise.

In addition to the game wardens appointed by each local jurisdiction, several commanders of the oyster police boats were also constituted game wardens. These commanders of oyster police boats did not receive additional compensation, but were eligible for the $2.50 fee for each conviction. The so-called oyster navy was part of the Virginia Fisheries Commission, which was approved by the Virginia General Assembly on February 7, 1898. The Fisheries Commission had responsibility for oysters, clams, crabs, terrapin and fish in waters of the state. The five-member board of the Fisheries Commission was authorized to hire captains of steamers and vessels for the protection and guarding of oyster beds in Virginia on the Chesapeake Bay and its tributaries.

The Loudoun County Board of Supervisors wasted little time in acting on the May 14, 1903 legislation. On October 19, 1903, the Loudoun Board, meeting in Leesburg, shortened the upland bird season by one month. The Board also requested the Judge of Circuit Court to appoint Owen Orrison as game warden of the Lovettsville District. On December 14, 1903, the Loudoun Board made their second game warden appointment, B. W. Presgraves, Jr., for Broad Run Magisterial District. Most assuredly, other localities were also busy complying with the 1903 mandate.



What was it like to be a game warden in 1903? Today's game warden is excessively dependent on the telephone, the automobile, and radio communications. Consider this, in 1900 there were 1,356 telephones in the United States and there were only 8000 automobiles in the entire nation. An outhouse served most homes. There was a grand total of one mile of smooth paved road in the U. S. Two-way radios were non-existent. Electricity didn't go beyond most major cities, so it was not a worry about a place to plug in the radio, television or computer, because none of these existed. Life expectancy for men was 47 years and 51 years for women.

Game Warden Owen Orrison most likely relied on word of mouth, a horse, and boot leather to do his job. Not surprisingly, word of mouth information and a good pair of boots is still the game wardens best friend. The horse is lost to posterity, with mixed emotions. It would be safe to say that Orrison had a penchant for the outdoors. He assuredly had another profession. It is unlikely that Orrison earned even close to the $300 per year allowable as game warden. It is doubtful that many non-resident hunting licenses were sold in 1903. The masses simply didn't have the money or the mobility. Compliance was most assuredly, not automatic. Ten dollars was a lot of money. Twenty-five dollars was a whole lot of money. The hunting of waterfowl by non-residents may have been the only exception and this only in some of the tidewater counties.

Wildlife law was legislated in Virginia as early as 1632. Because of conflict and opportunity in an agrarian society much wildlife law followed. Some may ask, why did it take so long to hire game wardens? Of course, the other side of that question is why do we need game wardens at all? After all, a sheriff is already being paid to enforce the law. The law is the law; let the sheriff enforce wildlife law. The answer is many faceted, but in essence, those people interested in protecting or managing wildlife realized that unless someone was specifically assigned to enforce wildlife law, it simply would not get done.

Why would wildlife law not be enforced? John Reiger answers this question best in his important book, *American Sportsman and the Origins of Conservation*. "If sportsman failed to regulate themselves, no one else would, for they lived in a country characterized, first, by a Judeo-Christian tradition that separated man from nature and sanctified his dominion over it; second, by a laissez-faire economic order that encouraged irresponsible use of resources; third, by weak institutions, including the feder-

Game wardens have always been recognized for their efforts in protecting wildlife, and the knowledge they provide about the outdoors and wildlife continues to be an important source of education that is shared with everyone from landowners to schoolchildren.

al government, that seemed unwilling or unable to protect wildlife and habitat; and fourth by a heritage of opposition to any restraint on 'freedom', particularly that vestige of European tyranny, the game law." So, in addition to the points Reiger makes, the elected sheriff recognizes that most wildlife crime not only goes unreported, it goes unnoticed. And the harried sheriff may be thinking, "Is a crime really a crime if no one knows about it? Would not it be best to leave well enough alone"? From a game warden's perspective, and in defense of our many good sheriffs through the ages, wildlife law enforcement is an extremely time consuming endeavor and it literally takes a single-minded effort to be effective. A sheriff concentrating on deer poaching was not likely to be re-elected, especially if some other phase of his law enforcement duties were neglected.

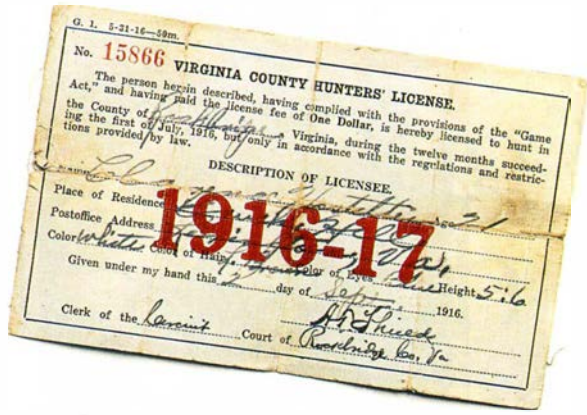
On February 8, 1908, the General Assembly of Virginia passed legislation effective immediately, to empower game wardens to enforce all laws for the protection of fish in the waters of the Commonwealth.

There was no provision for any increased pay to the game warden for this added responsibility, except that the warden was to receive for such service one-half of the fine imposed by the court for any conviction. The requirement for any type license to fish was not made until 1928.

"Be it enacted (March 11, 1916) by the general assembly of Virginia, that a State department of game and inland fisheries is hereby created." With this landmark legislation, a resident hunting license was created. The cost of the resident hunting license was $3.00 for a statewide license, and $1.00 for a county of residence license. All license fees, including non-resident licenses went to the Game Protection Fund, used to finance the new department. The non-resident license remained at $10, and the provision for a waterfowl and/or deer license for an additional $15 was dropped.

One of the first hunting seasons established, by the Virginia General Assembly in 1903, and enforced by the newly established game wardens, was for waterfowl and other migratory birds.

Each county and city was to provide to the commissioner of the new department a list of ten suitable persons for the position of game warden from each jurisdiction. Two types of wardens were designated as regular wardens and special wardens. Regular and special wardens were to be appointed as the commissioner may deem necessary, but at least one regular game warden was to be appointed for each county. The commissioner was directed to make appointments based upon the applicant's practical knowledge of the animal, bird and fish life and game laws of the State.



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No. 15866 VIRGINIA COUNTY HUNTERS' LICENSE.

The person herein described, having complied with the provisions of the "Game Act," and having paid the license fee of One Dollar, is hereby licensed to hunt in the County of [illegible], Virginia, during the twelve months succeeding the first of July, 1916, but only in accordance with the regulations and restrictions provided by law.

DESCRIPTION OF LICENSEE.

Place of Residence [illegible]

Postoffice Address [illegible]

Color White Color of Hair [illegible] Color of Eyes [illegible] Height 5'-6

Given under my hand this [illegible] day of [illegible] 1916.

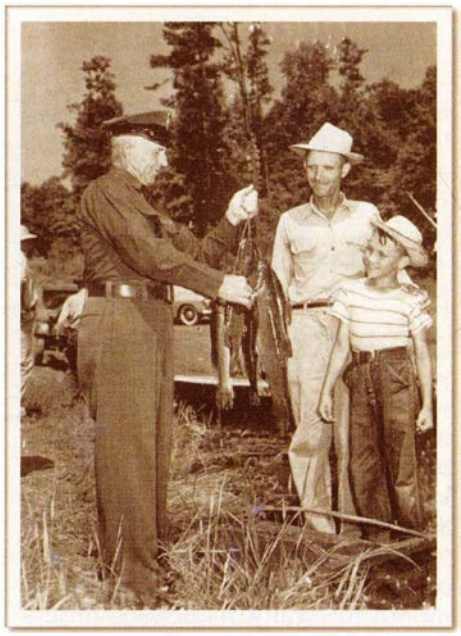
Clerk of the Circuit Court of Rockbridge Co., Va.

1916-17

Regular game wardens were to receive a salary of not more than $50 per month in local jurisdictions of less than 20,000 inhabitants. Regular game wardens in local jurisdictions of more than 20,000 inhabitants could be paid up to $60 per month. Special game wardens received up to $3 per day, plus expenses for their services when needed. Special wardens were to serve under the direction of the regular wardens. The $2.50 conviction fee was left in place for game wardens, and additionally special wardens were to collect 50 percent of any fines paid by a convicted defendant.

The commissioner was directed to enforce all laws for the protection, propagation, and preservation of wild animals and birds, and all laws relating to fish in waters above tidewater, and assist in enforcing dog laws and forestry laws. He was given authority to propagate game and fish, purchase specimens, engage the necessary employees, erect buildings, and lease or purchase necessary lands. The commissioner may adopt such means and make such expenditures for the purpose of restocking any depleted species or to introduce new species of game animals, birds or fish. The Department was given authority to close seasons on game or fish in any county or in any stream for periods of from two to five years. Authority was given for public relations type activities, especially for the benefit of schoolchildren and agriculturists. In conclusion of the commissioner's duties, it was stated, "He shall foster the conservation of all wild life in the State in every reasonable way."

On March 23, 1916, the Virginia General Assembly changed the man-

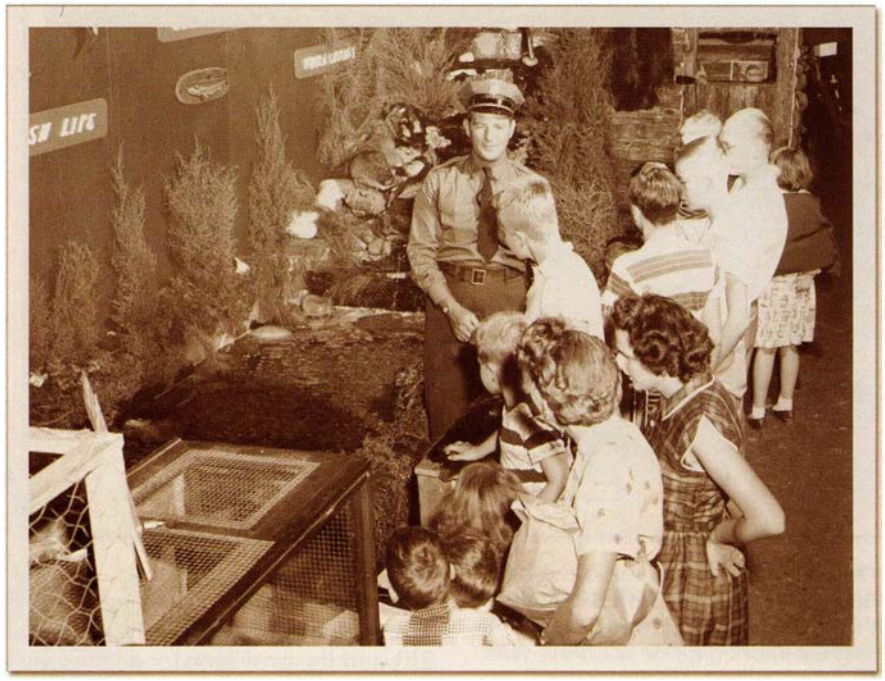


Being a game warden has never been your typical "9 to 5" job. It requires a special individual who is willing to look at his or her profession as not just a job, but also as a lifestyle.

date of the Board of Fisheries (or the Virginia Fisheries Commission as it was interchangeably called), to reflect the creation of the Department of Game and Inland Fisheries. In the initial mandate creating the Fisheries Commission, duties of the agency were to include responsibility for fisheries in "waters of this state." Now, in 1916, the Fisheries Commission duties were amended to include only, "the fisheries of tidewater of Virginia." Not immediately, but by 1938, the delineation of where inland fisheries stopped and tidewater fisheries began was in contention. Most likely, 1938 brought this contention about not by squabbles between the two resource agencies but by the enforcement with the fishing public of the so-called "inland fishing license," which had been in effect for 10 years. One section of the State Code defined inland waters to mean and include all waters above tidewater and the brackish and fresh water streams, creeks, bays (including Back Bay), inlets and ponds in the tidewater counties. Attorney General, John R. Saunders, held that inland waters included all fresh and brackish waters in Tidewater Virginia as that section was defined. On March 31, 1938, the General Assembly directed the two Commissions to delineate an agreed upon boundary between the jurisdictions of the two agencies.

It took 13 years, between when game wardens and the first hunting licenses in Virginia were created, until when a full-fledged wildlife agency was established. Why was a state agency needed when a statewide system of wildlife law, policy, funding and enforcement already existed? The short answer is that the system set in place in 1903 was piecemeal and inadequate. The wildlife mission was too important. The 1916 General Assembly realized that a full time, statewide agency with a focused mission was needed. The General assembly itself was simply not structured to deal with the many and varied problems that existed for managing wildlife resources on a day-to- day basis.

The game warden system established in 1903 could not be effectively funded on the backs of non-residents and poachers. There simply were not enough non-resident hunters and hopefully not enough wildlife law violators to meaningfully fund a wildlife law enforcement effort. Game wardens, for the most part, were pursuing the profession on a part-time basis. This was a matter of survival and of reality. Game warden work, in order to be effective, must be single-minded and full time. One game warden described work during hunting season as, "Like riding a bucking bronco. You are either in the saddle with total concentration....Or in the dirt looking up and wondering what happened."



In order to establish a comprehensive wildlife agency with fully funded law enforcement, Virginians would have to ante-up. This they did. With the establishment of the Virginia Department of Game and Inland Fisheries in 1916, it was hunters alone who first footed the bill. Soon afterward, trappers and anglers began financially supporting the effort with the establishment of the combination license in 1928.

A century of game wardens. This we celebrate. The conservation efforts of the past one hundred years have been replete with stories of success and yes, of failure too. The path certainly wasn't always straight. There was no road map to success. The inside cover of the 1926 department law pamphlet lists some benefits of game law enforcement. One of the benefits listed, was that game laws and their proper enforcement, "Makes Virginia attractive to outsiders and a still sweeter place for Virginians." Yes, through the blood, sweat and tears of many a game warden, I think that is true. □

Bruce Lemmert was the 1997 Wildlife Officer of the Year for the North American Wildlife Enforcement Officers Association. Last year he was the recipient of the Guy Bradley Award, from the U. S. Fish and Wildlife Foundation. Bruce has been a Virginia Game Warden assigned to Loudoun County since 1989.