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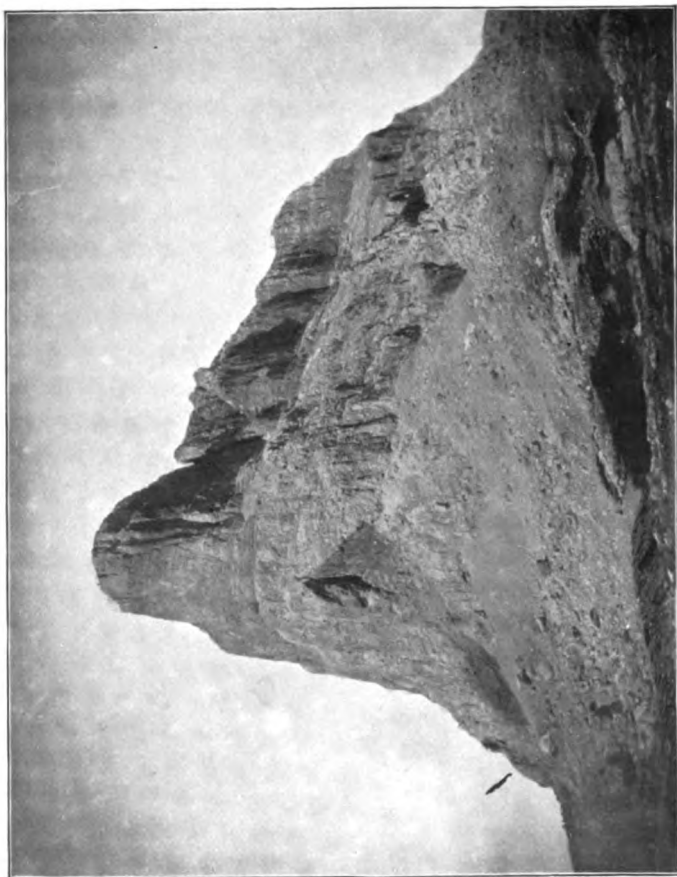
Hunting in Many Lands

Theodore Roosevelt, George Bird Grinnell



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THE CROWN OF CHIEF MOUNTAIN FROM THE SOUTHEAST.

Hunting In Many Lands

The Book of the Boone and Crockett Club

EDITORS

THEODORE ROOSEVELT
"GEORGE BIRD GRINNELL



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NOTE.—The mountain sheep's head on the cover is from a photograph of the head of the big ram killed by Mr. Gould in Lower California, as described in the article "To the Gulf of Cortez."

Preface

The first volume published by the Boone and Crockett Club, under the title "American Big Game Hunting," confined itself, as its title implied, to sport on this continent. In presenting the second volume, a number of sketches are included written by members who have hunted big game in other lands. The contributions of those whose names are so well known in connection with explorations in China and Tibet, and in Africa, have an exceptional interest for men whose use of the rifle has been confined entirely to the North American continent.

During the two years that have elapsed since the appearance of its last volume, the Boone and Crockett Club has not been idle. The activity of its members was largely instrumental in securing at last the passage by Congress of an act to protect the Yellowstone National Park, and to punish crimes and offenses within its borders, though it may be

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questioned whether even their efforts would have had any result had not the public interest been aroused, and the Congressional conscience pricked, by the wholesale slaughter of buffalo which took place in the Park in March, 1894, as elsewhere detailed by Capt. Anderson and the editors. Besides this, the Club has secured the passage, by the New York Legislature, of an act incorporating the New York Zoölogical Society, and a considerable representation of the Club is found in the list of its officers and managers. Other efforts, made by Boone and Crockett members in behalf of game and forest protection, have been less successful, and there is still a wide field for the Club's activities.

Public sentiment should be aroused on the general question of forest preservation, and especially in the matter of securing legislation which will adequately protect the game and the forests of the various forest reservations already established. Special attention was called to this point in the earlier volume published by the Club, from which we quote:

If it was worth while to establish these reservations, it is worth while to protect them. A general law, providing for the adequate guarding of all such national possessions, should be enacted by Congress, and wherever it may be necessary such Federal laws should be

Preface

supplemented by laws of the States in which the reservations lie. The timber and the game ought to be made the absolute property of the Government, and it should be constituted a punishable offense to appropriate such property within the limits of the reservation. The game and timber on a reservation should be regarded as Government property, just as are the mules and the cordwood at an army post. If it is a crime to take the latter, it should be a crime to plunder a forest reservation.

In these reservations is to be found to-day every species of large game known to the United States, and the proper protection of the reservations means the perpetuating in full supply of all the indigenous mammals. If this care is provided, no species of American large game need ever become absolutely extinct; and intelligent effort for game protection may well be directed toward securing through national legislation the policing of forest preserves by timber and game wardens.

A really remarkable phenomenon in American animal life, described in the paper on the Yellowstone Park Protection Act, is the attitude now assumed toward mankind by the bears, both grizzly and black, in the Yellowstone National Park. The preservation of the game in the Park has unexpectedly resulted in turning a great many of the bears into scavengers for the hotels within the Park limits. Their tameness and familiarity are astonishing; they act much more like hogs than beasts of prey. Naturalists now have a chance of studying their character from an entirely new standpoint, and under entirely new conditions. It would be well worth the while of any student

Constitution of the Boone and Crockett Club

FOUNDED DECEMBER, 1887.

Article I.

This Club shall be known as the Boone and Crockett Club.

Article II.

The objects of the Club shall be—

1. To promote manly sport with the rifle.
2. To promote travel and exploration in the wild and unknown, or but partially known, portions of the country.
3. To work for the preservation of the large game of this country, and, so far as possible, to further legislation for that purpose, and to assist in enforcing the existing laws.
4. To promote inquiry into, and to record observations on the habits and natural history of, the various wild animals.
5. To bring about among the members the interchange of opinions and ideas on hunting, travel and exploration; on the various kinds of hunting-rifles; on the haunts of game animals, etc.

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Article III.

No one shall be eligible for membership who shall not have killed with the rifle in fair chase, by still-hunting or otherwise, at least one individual of one of the various kinds of American large game.

Article IV.

Under the head of American large game are included the following animals: Bear, buffalo (bison), mountain sheep, caribou, cougar, musk-ox, white goat, elk (wapiti), wolf (not coyote), pronghorn antelope, moose and deer.

Article V.

The term "fair chase" shall not be held to include killing bear, wolf or cougar in traps, nor "fire-hunting," nor "crusting" moose, elk or deer in deep snow, nor killing game from a boat while it is swimming in the water.

Article VI.

This Club shall consist of not more than one hundred regular members, and of such associate and honorary members as may be elected.

Article VII.

The Committee on Admissions shall consist of the President and Secretary and the Chairman of the Execu-

Constitution, Boone and Crockett Club

tive Committee. In voting for regular members, six blackballs shall exclude. In voting for associate and honorary members, ten blackballs shall exclude. Candidates for regular membership who are at the same time associate members shall be voted upon before any other.

Article VIII.

The Club shall hold one fixed meeting a year, to be held the second Wednesday in January, and to be called the annual meeting.

Article IX.

This Constitution shall not be changed, save by a four-fifths vote of the members present.

**Officers
of the Boone and Crockett Club
1895**

President.

Theodore Roosevelt, New York.

Secretary and Treasurer.

George Bird Grinnell, New York.

Executive Committee.

W. A. Wadsworth,	Geneseo, N. Y.
Archibald Rogers,	Hyde Park, N. Y.
Winthrop Chanler,	New York.
Owen Wister,	Philadelphia, Pa.
Charles Deering,	Chicago, Ill.

Editorial Committee.

Theodore Roosevelt,	New York.
George Bird Grinnell,	New York.

The Yellowstone National Park Protection Act

On May 7, 1894, President Cleveland approved an Act "to protect the birds and animals in Yellowstone National Park, and to punish crimes in said Park, and for other purposes."

This law, as finally enacted, owed much to the efforts and labor of members of the Boone and Crockett Club, who for many years had persistently struggled to induce Congress to pass such necessary legislation. The final triumph is a matter of congratulation to every sportsman interested in the protection of game, and fulfills one of the great objects sought to be attained by the foundation of the Club. While the statute, in many of its details, could readily be improved, it is still, in its general features, sufficient to serve the purposes of its enactment. To those not conversant with the subject, the statement may seem astonishing, that from the establishment of the Park in 1872 to the passage of the Act in 1894 no law protecting either the Park, the animals or the visitors was operative within the Yellowstone Park—a region containing about 3,500 square miles, and larger than the States of Delaware and Rhode Island. This condition of affairs was frequently brought to the notice of the National Legislature, and in 1887 their attention was called to it by a startling episode. A member of Congress, Mr.

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Lacey, of Iowa, was a passenger in a stage which was "held up" in the Park and robbed. The highwaymen were afterward apprehended, but escaped the punishment suited to their crime because of the great doubt existing as to whether any law was applicable. As to game offenses, regulations were powerless for prevention in the absence of any penalties by law to enforce them.

The explanation of this anomalous situation is to be sought in the circumstances under which the Park had been set apart. The eminent scientists, who interested themselves in this important object, were surrounded with difficulties. The vastness of the tract proposed to be included, the question of expense, the selfish interests opposing the measure, were obstacles not easy to overcome. Congress was told, "Give us the Park; nothing more is needed than to reserve the land from public sale or settlement." Doubtless the remoteness and isolation of the region might have been thought, at the time, sufficient to insure protection. But it was the wonderful scenery and extraordinary objects of interest in the Park which were then thought of; the forests and the game did not enter much into the consideration of the founders. And so Congress passed the Act of 1872, merely defining the limits of the Park and committing it to the keeping of the Department of the Interior, which was empowered to make rules and regulations for its control.

A great work was accomplished when Congress was persuaded to forever dedicate this marvelous region as a National Park, for the benefit of the entire country; and it was hoped and expected that Congress would, in time, supplement the organizing Act by the needful additional legislation. But this was not to be had for many years

Yellowstone Park Protection Act

to come. For some time after the year 1872, the reservation was occasionally visited by a few adventurous spirits or Government parties on exploring expeditions. During that period it became the refuge of the large game which had gradually receded from the lower country before the advance of settlement and railroads. The abundance of game astonished all who beheld it. Bears, deer, elk, sheep, moose, antelope, buffalo, wolverines and many other kinds of wild beasts were collected within an area which afforded peculiar advantages to each and all. Nowhere else could such a gathering of game be found in one locality. It should be remembered that those who visited the Park in the early days we have mentioned confined their investigations to a limited portion of it. The great winter ranges and breeding grounds were almost unknown. During this period, game killing was so slight and the supply so great that restrictions, by those exercising a very uncertain authority in the reservation, were hardly pretended to be enforced.

But from about the year 1878 the depredations on the game of the Park attained alarming proportions. The number of visitors had largely increased. The skin hunter and the record hunter—twin brothers in iniquity—appeared on the scene, and their number grew from year to year. It was then that regulations and prohibitions were promulgated from the Department of the Interior, but they were known to contain only vain threats, which could be defied with impunity. And so the slaughter continued, and likewise other depredations. Learned associations, sportsmen's associations, visitors of all lands, showered petitions upon Congress to pass some protective law. All that Congress did, however, was in 1883 to

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confer authority for the use of troops in the Park. This was something, and the effect of their presence was very beneficial, and insured the only protection the Park had until the present time. Congress seemed affected with an apathy which no appeals could change. The result was non-action.

Some Congressmen thought they were justified in declining to take any interest in the matter, because few, if any, of their constituents had ever visited the Park. Others thought that it should be a Wyoming or Montana affair, and should be turned over to one or the other of those then territories. A few seemed to labor under the impression that the Park was nothing but a private pleasure ground, resorted to by the wealthy class, and that it was no part of the Constitutional functions of a Republican Government to afford security to wild animals, or to incur any expense therefor. These narrow views were not shared by most of the principal men in Congress; among these we had many staunch friends, including especially several who held seats in the Senate. Chief among them was Senator Vest, of Missouri, who at all times was found ready to do everything in his power to promote the welfare of the Park. Senator Manderson, of Nebraska, and many others were quite as willing. It was largely due to the gentlemen we have named that the Senate, as a body, was imbued with their views, and on all occasions recognized the important national objects to be attained by the Park, not only as a great game preserve, but also as a great forest reservation of the highest economic importance.

With the assistance of some of the present members of the Boone and Crockett Club, a bill was framed which

Yellowstone Park Protection Act

afforded in its provisions ample protection to the Park, while it added largely to its area on the south and on the east, embracing the great breeding grounds of the elk. This bill was introduced by Senator Vest. But new difficulties now arose, more serious than any hitherto encountered. By the completion of the Northern Pacific Railroad a large influx of travel set in toward the Park. It was now thought money was to be made there. Railroads through it were talked about. Mines, situated near its northern border, were said to contain untold wealth, needing only a railroad for their development. A mining camp, called Cooke City, was started, and it was urged that a railroad could reach it only by going through the Park. Corporate influences made themselves felt. The bill introduced by Senator Vest again and again, in session after session, passed the Senate. The promoters of a railroad through the Park thought they saw their opportunity. Afraid to launch their scheme of spoliation before Congress as an independent measure, they sought to attach it as a rider to the Park bill. They reasoned that those who desired the passage of that bill regarded it as so important that they would be willing to consent to its carrying a railroad rather than see all legislation on the subject dropped or defeated. The plan was well conceived, but failed of execution. The friends of the bill recognized that it was wiser to leave the Park unprotected than to consent to what would be its destruction. They recognized that, once railroads were allowed within the Park, it would be a reservation only in name, and that before long the forests and the game would both disappear. They therefore refused the bait held out to them by the railroad

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promoters, who thereafter always blocked the passage of the Park bill. In return they were always defeated in their own scheme. The House Committee having the protection bill in charge never failed to burden it with the railroad right of way whenever it came to them, blandly ignoring the evident fact that a railroad was not an appropriate nor a relevant feature to a law for the protection of the Park. And so it happened that the bill which had been the child of affection became an object of dread, and was denounced as bitterly as it had before been advocated by its original friends. It was thought better to have it die on the calendar than to take the risk of its adoption by the House of Representatives with the obnoxious amendment incorporated by the committee.

Apart from that amendment, it was feared the bill would not only encounter an opposition instigated by pecuniary interests, but might itself fail to call to its support any counteracting influence. Those who opposed the railroad, and notably the members of the Boone and Crockett Club, who invariably appeared before the Public Lands Committee to argue against it, were at the very least stigmatized as "sentimentalists," who impeded material progress—as busybodies, who, needing nothing themselves, interfered to prevent other people from obtaining what was necessary and beneficial to commerce. With practical legislators such animadversions are frequently not lacking in force, for nothing more incurs their contempt than a measure which has not what they call a *practical object*, by which they mean a *moneyed object*. While throughout the country there was considerable general interest taken in the preserva-

Yellowstone Park Protection Act

tion of the Park, such influence was not sufficiently concentrated to make itself felt by Congress. The Park was everybody's affair, and in the House of Representatives no one could be found to take any special interest in it. And so the fight went on from year to year. In Congress after Congress the bill was passed in the Senate, and emerged from the House Committee on Public Lands weighted down by the burden of the railroad. Secretary after Secretary of the Interior protested against this feature of the bill, and so did every officer of the Government who had any part in the administration or exploration of the Park. But their protests were without effect on the committee, which in those days seemed to regard the railroad as the most important feature of the bill.

It was clearly shown that the railroad would not only be most harmful to the Park, but could serve no useful purpose; for it was quite possible for a railroad to reach the mines without touching the Park, whereas the projected route cut through the Park for a distance of some fifty miles. The public press throughout the country was almost unanimous in denouncing the threatened invasion of the reservation. But the railroad in interest had a strong lobby at work, and many of the inhabitants in the territories and States nearest the Park showed the most selfish indifference to its preservation, and a greedy desire to plunder it. The railroad lobbyists were very active. They saw the necessity of trying to avoid openly outraging public opinion. Accordingly they changed the bill, so that, instead of conferring a right of way through the Park, it segregated and threw out of the reservation that portion through which the

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railroad was to go. This was supposed to be a concession to public sentiment ; but it must have been thought that the public were very easily deceived, for there was really no concession at all, save to the railroad interests. Instead of a *right of way* through a portion of the Park, they now asked, and were offered by the committee, the land itself. The Committee of the House proposed that this land should be thrown out of the Park, and any and all railroads be allowed to scramble for it. The area thus doomed is situated north of the Yellowstone River, and constitutes one of the most attractive portions of the Park. It includes the only great winter range of the elk. In the winter there can be seen there some 5,000 animals, and no one who has traveled over this region in summer has failed to observe the enormous number of shed horns, showing how extensively the range is resorted to by this noble animal. Here too can be found a large band of antelope at all times, numbering about 500, and a smaller, but considerable, band of mountain sheep.

The friends of the Park succeeded in stopping the proposed railroad legislation, but they could accomplish nothing else in Congress. They had more success with another branch of the Government. There was a statute authorizing the President to set apart any part of the public domain as a forest reservation. Taking advantage of this, certain members of the Boone and Crockett Club saw an opportunity of substantially obtaining the enlargement of the Park which they had been vainly endeavoring to obtain from Congress. They laid the matter before General Noble, then Secretary of the Interior. He recommended to President Harrison that the tract in

Yellowstone Park Protection Act

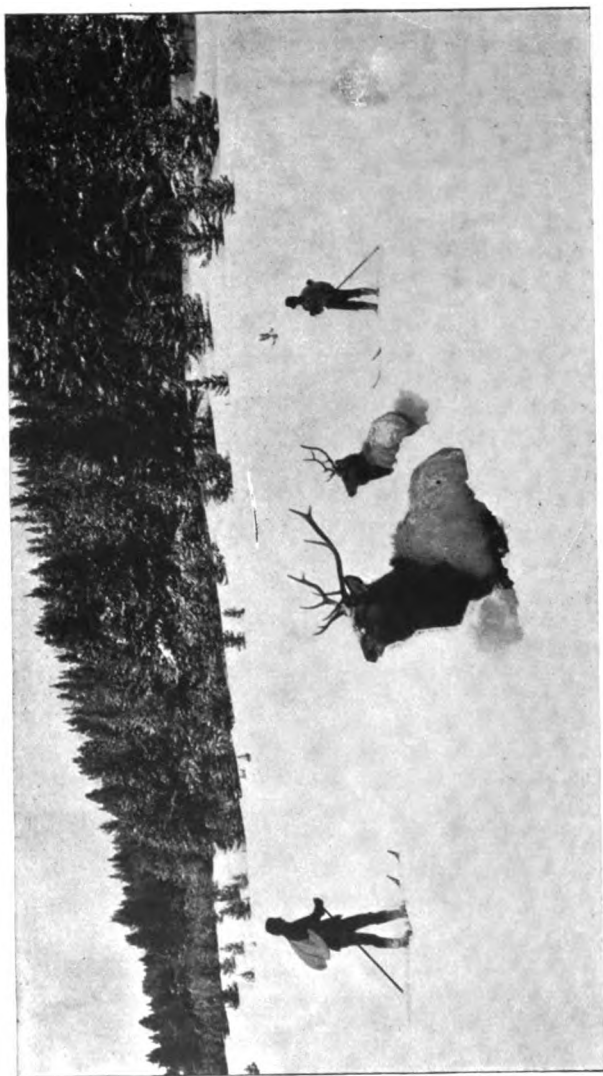
question should be constituted a forest reserve. This was done. In 1891 the President issued a proclamation, establishing the Yellowstone Park Forest Reserve. It embraced some 1,800 square miles, abutting on the east and south boundaries of the Park. The Secretary afterward had the same regulations extended to the Reserve as had been put in operation in the Park. This important action was followed by further proclamations, instituting other forest reservations in different sections of the country. The Executive and its representative, the Department of the Interior, have at all times been most sympathetic and helpful in the movement for forest and game preservation. They have sternly resisted all assaults upon the Park.

The organization of the Boone and Crockett Club had been a great step toward Park protection. Its membership included those who had shown most interest in obtaining legislation. One of the main objects of the society was the preservation of the game and the forests. It brought together a body of men whose motives were entirely disinterested, and who were able to make their influence felt. To their efforts must be largely attributed the success which was ultimately attained. But that success might have been indefinitely deferred had not Congress been awakened to its duty by an event as shocking as it was unlooked for.

For years one of the cherished objects of the Park had been the preservation of perhaps the only surviving band of buffalo. It had sought refuge in the mountains. It was known to be on the increase and it was supposed that it would remain unmolested. Its number had been estimated as high as 500. Its habitat was a wild and

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rugged country, affording a seemingly secure asylum. For a long time these buffalo remained comparatively safe. In the summer it would have been of no use to slaughter them for their heads and hides. In the winter the snow was so deep and their haunts so remote as to render it well nigh impossible to pack heads or hides out to a market. But a desperate man was found to take desperate chances. The trouble came to the Park from the mining camp of Cooke. A notorious poacher named Howell made it his headquarters. Its proximity to the northeast boundary of the Park made it a convenient point from which to conduct his raids and to which he might convey his booty. If he killed even a single buffalo, and safely packed out of the Park its head or hide, he was sure of realizing a large sum. If he was captured while making the attempt, he knew he was safe from punishment, and that there was no penalty, even if there was an offense. A less lawless man might have indulged a flexible conscience with the idea that, as there was no punishment, there was no crime. A similar view of ethics had been indulged in by a prominent member of the gospel, who had killed game in the Park, and sought extenuation on the ground that he had not violated any law. But Howell was not a man who sought to justify his actions; it was sufficient for him that he incurred no risk. The time he selected for his deed of destruction he thought the most propitious for covering up his tracks. His operations were conducted in the most tempestuous weather in that most tempestuous month, March, in the year 1894. The snow then was deepest, and Howell felt there would be little chance of interference by scouting or other parties. Eluding the



IN YELLOWSTONE PARK SNOWS.

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guard stationed in the northern portion of the Park, on stormy nights, he stole into the Park and built a lodge in the locality where the buffalo wintered. In it he stored his supplies, which he had conveyed on a toboggan. He traveled on *skis*, the Norwegian snowshoes, ten feet long, which are generally used in the Northwestern country. This enabled him to traverse the roughest mountain range with ease and great rapidity, even in the deepest snow. Once established, the killing was an easy matter. He had only to find the buffalo where the snow was deep. The ponderous, unwieldy animals had small chance of escape from his pursuit. His quarry was soon located, and he needed no assistance to make a surround; for, while the frightened, confused beasts were plunging in the snow, in a vain attempt to extricate themselves, the butcher glided swiftly around them on his snowshoes, approaching as close as he chose. With his rapid-firing gun he slaughtered them as easily as if they had been cattle in a corral. How many he killed will never be known. The remains of many of his victims will never be found.

But while the ruffian was busiest in his bloody work, a man was speeding over the snow toward him from the south. He too was on *skis*. He too was a mountain man, who thought as little of the obstacles before him as Howell did. But the object of his trip was not the buffalo, but Howell. It was human game he was pursuing. Howell had not covered up his tracks as well as he thought. The trailer had struck a trail which he never left till it brought him to the object of his pursuit. This man was Burgess, the Yellowstone Park scout. He had learned of Howell's presence in the Park, and was sent out, with

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the intention of apprehending him, by the energetic superintendent, Captain Anderson. He proceeded on his course as swiftly as a howling wind would permit, when he was surprised by seeing suspended from some trees six buffalo scalps. He now felt that he was in close vicinity to the man he was hunting, and that his business had become a serious one. He knew the man who had done that deed was prepared to resist and commit a greater crime. But this did not deter him and he again took the trail. He had proceeded only a short distance when he heard six shots. Hastening up a hill, he saw Howell engaged in butchering five buffalo, the victims of the six shots. Howell's gun was resting on the body of one of the slain animals, a few feet away from where he was engaged in removing a scalp from another of the bison. So occupied was he in his work that he did not perceive the scout, who had emerged in plain view, and who silently glided to the weapon, and, securing it, had Howell at his mercy. The demand to throw up his hands was the first intimation Howell had that he was not alone in the buffalo country. It must have been difficult for the scout at that moment not to forget that ours is a Government of law, and to refrain from making as summary an end of Howell as Howell had made of the buffalo.

The poacher accepted his capture with equanimity, casually remarking that if he had seen Burgess first he never would have been captured. He was conveyed to the post headquarters. As soon as the Secretary of the Interior heard of his arrest, he ordered his discharge, as there was no law by which he could be detained or otherwise punished. Howell was proud of his achievement

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and of the notoriety it gave him, boasting that he had killed altogether eighty of the bison. This statement may only have been made for the purpose of magnifying his crime and so enhancing his importance. It may, however, be true. Besides those actually known to have been slaughtered by him, the remains of thirteen other bison, it is said, have been found in the Park. It is probable they were all killed by him.

When the intelligence of what had happened reached the country, much indignation was manifested. The public, which after all did have a vague sense of pride in the Park, and a rather loose wish to see it cared for, was shocked and surprised to discover that no law existed by which the offense could be reached. They were aroused to the knowledge that the Park was the only portion of our domain uncontrolled by law. The Boone and Crockett Club took prompt advantage of this awakened feeling, and redoubled its efforts to secure action by the National Legislature. Congress had long been deaf to the appeals of the few individuals who, year after year, endeavored to obtain a law; but now, at last, they realized that some action was really needed if they desired to save anything in the Park. Mr. Lacey, of Iowa, the gentleman whom we have mentioned as having had a practical experience of the condition of affairs in the Park, was naturally the first to take hold of the opportunity which public opinion afforded. He willingly adopted the chief jurisdictional and police features contained in the Park bill to which we have so frequently referred as repeatedly passing the Senate. He readily acquiesced in all the amendments which were proposed by members of the Boone and Crockett Club. The Club

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pushed the matter vigorously. The aid of many prominent members of the House of Representatives was enlisted. Before the hostile railroad party knew of the movement, the bill was presented to the House, unanimous consent for its consideration obtained, and it was passed. In the Senate the bill was among its friends, and Senator Vest was again instrumental in securing its passage. The promoters of the railroad scheme thought it more prudent not to meddle with the bill in the Senate, as they would have been certain to have encountered defeat.

The Act provides penalties and the means of enforcing them, and thus secures adequate protection. It makes the violation of any rule or regulation of the Secretary of the Interior a misdemeanor. It prohibits the killing or capture of game, or the taking of fish in an unlawful manner. It forbids transportation of game, and for the violation of the Act or regulations it imposes a fine not to exceed \$1,000, or imprisonment not to exceed two years, or both. It also confiscates the traps, guns and means of transport of persons engaged in killing or capturing game. Finally a local magistrate is appointed, with jurisdiction to try all offenders violating the law governing the Park, and it specifies the jurisdiction over felonies committed in the Park. By a happy coincidence the new system was inaugurated by the trial and conviction of the first offender put on trial, and it was Howell who was the first prisoner in the dock. He had returned to the Park after the passage of the law, and was tried and convicted of violating the order of the Secretary of the Interior, by which he was expelled after he had slaughtered the buffalo. This was retributive

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justice indeed. The Club had desired that the law should be extended by Congress over the Yellowstone Park Forest Reserve, but legal difficulties were encountered, so that this protection had to be deferred. It is to be hoped that in the near future this important adjunct to the Park may have the same law applied to it.

The Park is now on a solid foundation, and all that is necessary for its future welfare is the prevention of adverse legislation cutting down its limits or authorizing railroads within it. In the winter of 1894-95 the railroad scheme, now disguised under the form of a bill to regulate the boundaries of the Park, came up again. This was the old segregation plan. It aimed not only to cut off from the Park that valuable portion already described, and embracing 367 square miles north of the Yellowstone, but also to make extensive cuts in the Forest Reserve for railroad and other purposes, amounting to 640 square miles. This spoliation was not permitted. Congress seemed at last to be determined to support the Park intact, and the Committee of the Fifty-fourth Congress in the House having the Park legislation in charge manifested this disposition by adverse reports on all the bills to authorize railroads and on the segregation bill as well.

The present boundaries only need marking on the ground—a mere matter of departmental action. There is no need of legislation on the subject. The boundaries, especially on the north, afford such natural features as constitute the best possible barrier to prevent depredation from without, and to insure the retention of the game within, the Park. Notwithstanding the inadequacy of the protection in former years, the game has increased

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largely, especially since the military occupation. Competent authority has estimated the number of elk as high as 20,000, though this is probably too large a figure. Moose are frequently encountered. Mountain sheep and antelope are found in goodly numbers. It is doubtful now whether there are over 200 buffalo left. Bears of the different varieties are very plentiful and deer are also quite abundant. The animals thoroughly appreciate their security. They have largely lost their fear of man. Antelope and sheep can be seen in the vicinity of the stage roads, and are not disturbed by constant travel. Wild geese, ducks and other birds refuse to rise from the water near which men pass.

But bears show the most indifference for human presence. Attracted by the food obtained, they frequent the neighborhood of the hotels in the Park. The writer of these notes, together with some companions, had a good opportunity, in the latter part of August, 1894, to observe how bold and careless these generally wary animals may become if not hunted.

When we reached the Lake Hotel, the clerk asked us if we wished to see a bear, as he could show us one after we had finished dinner. We went with him to a spot some 200 feet back of the hotel, where refuse was deposited. It was then a little after sunset. We waited some moments, when the clerk, taking his watch out of his pocket said, "It is strange he has not come down; he is now a little overdue." Before he had replaced his watch, he exclaimed, "Here he comes now," and we saw descending slowly from a hill close by a very large black bear. The bear approached us, when I said to the clerk, "Had not we better get behind the timber? He will be fright-



ON THE SHORE OF YELLOWSTONE LAKE.

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ened off should he see us." He answered, "No, he will not be frightened in the least," and continued to converse with us in a loud voice. We were then standing in the open close by a swill heap and the bear was coming toward us, there being no timber intervening. We did not move, but continued talking. The bear came up to us without hesitation, diverging slightly from his direct route to the swill heap so as to approach nearer to where we were. He surveyed us leisurely, with his nose in the air, got our scent, and, seeming content that we were only harmless human beings, turned slowly away and went to the refuse, where he proceeded to make a meal. We watched him for quite a while, when a large wagon passing along the road nigh to where we stood, the bear stopped feeding and turned toward the hotel in the direction in which the wagon was traveling. Our guide exclaimed, "He has gone to visit the pig sty," and in a little while we were satisfied this was so by hearing a loud outcry of "b'ar, b'ar," which we afterward found proceeded from a Chinaman, one of whose special duties it was to keep bears out of the pig sty.

After the departure of the black bear we retraced our steps, but before getting to the hotel I suggested to one of my companions, Del. Hay, that if we returned to the refuse pile we might see another bear. We accordingly went back on the trail to within a few yards of where we stood before. When we stopped we heard, in the timber near by, a great noise, as if dead pine branches were being smashed, and there emerged into the open a large grizzly. Although he was not quite so familiar as the black bear, he showed no hesitation, but walked straight toward us and the object of his visit—the swill. Before

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reaching his destination, however, he stopped and squatted on his haunches, calmly surveying the scene before him. The reason why he stopped became at once apparent. From the same hill down which the black bear had come we saw another grizzly, larger than the first, moving toward us at a rapid gait, in fact, on a lope, while the first grizzly regarded him with a look not altogether friendly or cordial. The second bear did not stop an instant until he reached the swill heap, where he proceeded to devour everything in sight, without any regard to us or to his fellow squatted near by. The latter apparently had had some experience on a former occasion which he was not desirous of repeating.

Three men coming through the timber toward us made a considerable racket, and the two bears moved off at no rapid gait in opposite directions; but they went only a short way. Until we left the spot we could see them on the edge of the timber, looking toward us, and, no doubt, waiting for more quiet before partaking of the delights before them. It was not easy to realize the scene before us was actual. The dim twilight, the huge forms of the bears pacing to and fro through the whitened dead timber, made it appear the creation of a disordered fancy. It did not seem natural to be in close proximity with animals esteemed so ferocious, at liberty in their native wilds, with no desire to attack them and with no disposition on their part to attack us. When the three men joined us and were talking about the bears, one of them shouted, "Here come two more," and before we could realize it we saw two good-sized cinnamons at the feast. They paid no attention whatever to us, but were entirely absorbed in finishing up what the other bears had left.

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By this time it was fast becoming dark and we returned to the hotel. I should have said that we measured the distance from the nearest point from the black bear to where we stood, and found it to be exactly twenty-one feet. The other bears were but a few yards further.

When we returned to the house we entertained our friends with an account of what we had seen, and had there not been many eye-witnesses we probably would have been entirely disbelieved.* As we were narrating our story a man came into the room and said, "If you want some fun, come outside; we have a bear up a tree." We went outside of the hotel, and not over forty feet from it found a black bear in a pine tree. It seems that the wagon, already mentioned, had been stopped at the pine tree and the horses had been taken out. The owner, returning to his wagon, found the bear in it, and this was the explanation why the bear had so suddenly taken to the tree.

The animal was considerably smaller than the one we had seen earlier; in fact, it was not more than half as large, but still full grown. Quite a number of packers and teamsters stood about, amusing themselves by making the bear climb higher, till at last one of them asked our driver, Jim McMasters, why he did not climb the

* Colonel John Hay, of Washington, was one of the spectators of this curious scene. Captain Albrecht Heese, of the German Embassy, tells us that in July, 1895, while stopping at the Lake Hotel, he saw a very large bear eating out of a trough in the daytime while a number of tourists were present; and that the bear was finally chased away from the trough by a cow. At the Upper Geyser Basin a bear was domiciled in the hotel; it took food from the hands of the hotel keeper, following him around like a dog.

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tree and shake the bear out. It was quite dark, and McMasters replied that he would not mind doing so if there were enough daylight for him to see. His companions continuing to banter him, he finally said, "I believe I'll go up anyhow," and up he went, climbing, however—instead of the tree the bear had ascended—a companion tree which grew alongside of the other, the trunks of the two not being more than a foot or so apart and the branches interlaced. We soon lost sight of McMasters and of the bear also; for, as Jim climbed the bear would climb too, until at last they both had reached the top of their respective perches, when we heard Jim cry out, "Boys, he's got to come down; I can reach him." With that he proceeded to break off a small branch of his tree, and we could hear him whack the bear with it, and also could hear the bear remonstrating with a very unpleasant voice, at times approaching a roar. But at last the bear seemed to have made up his mind that it was better to come down than stay up and be whacked with a pine branch, so down he came, but not with any great rapidity, stopping at every resting place, until Jim came down too and gave him a little persuading.

We could now see the action, but its dangerous features were lost sight of in its amusing ones. Jim had climbed into the tree down which the bear was descending, and when he was not persuading the bear he was pleading with us somewhat as follows: "Now, boys, don't throw up here, and don't none of you hit him until he gets down. If he should make up his mind to come up again he'd clean me out, sure." After each speech of this sort he would move down to where the bear was and apply his branch, whereupon both the man and the animal

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would descend a few pegs lower. At last the bear was almost near the ground. We all formed a circle around the tree, prepared to give both man and beast a reception when they should alight. The beast came first, and every fellow who had anything in the way of wood in his hand gave the bear a blow or two as a warning not to return to the wagon again. Bruin made off into the timber with great precipitancy. Jim, when he got down, did not seem to think that he had done anything more than if the bear had been a "possum," which he had shaken out of the tree.

National Park Protective Act

An Act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Yellowstone National Park, as its boundaries now are defined, or as they may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States; and that all the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said Park: *Provided, however,* That nothing in this Act shall be construed to forbid the service in the Park of any civil or criminal process of any court having jurisdiction in the States of Idaho, Montana and Wyoming. All fugitives from justice taking refuge in said Park shall be subject to the same laws as refugees from justice found in the State of Wyoming.

SEC. 2. That said Park, for all the purposes of this Act, shall constitute a part of the United States judicial district of Wyoming, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said Park.

SEC. 3. That if any offense shall be committed in said Yellowstone National Park, which offense is not prohibited or the punishment is not specially provided for

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by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Wyoming in force at the time of the commission of the offense may provide for a like offense in the said State; and no subsequent repeal of any such law of the State of Wyoming shall affect any prosecution for said offense committed within said Park.

SEC. 4. That all hunting, or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said Park; nor shall any fish be taken out of the waters of the Park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the Park, and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said Park; and for the protection of the animals and birds in the Park from capture or destruction, or to prevent their being frightened or driven from the Park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the Park. Possession within the said Park of the dead bodies, or any part thereof, of any wild bird or animal shall be *prima facie* evidence that the

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person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds or fish so killed, taken or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding three hundred dollars. Any person found guilty of violating any of the provisions of this Act, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the Park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities or wonderful objects within said Park, or for the protection of the animals, birds and fish in the said Park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than one thousand dollars, or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings.

That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said Park limits, when engaged in killing, trapping, ensnaring or capturing such wild beasts, birds, or wild animals, shall be forfeited to the United States, and may be seized by the officers in said Park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall

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be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 5. That the United States circuit court in said district shall appoint a commissioner, who shall reside in the Park, who shall have jurisdiction to hear and act upon all complaints made, of any and all violations of the law, or of the rules and regulations made by the Secretary of the Interior for the government of the Park, and for the protection of the animals, birds and fish, and objects of interest therein, and for other purposes authorized by this Act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with the violation of the rules and regulations, or with the violation of any provision of this Act prescribed for the government of said Park, and for the protection of the animals, birds and fish in the said Park, and to try the person so charged; and, if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Wyoming, said appeal to be governed by the laws of the State of Wyoming providing for appeals in cases of misdemeanor from justices of the peace to the district court of said State; but the United States circuit court in said district may prescribe rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. Said commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission of any felony within

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the Park, and to summarily hear the evidence introduced, and, if he shall determine that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court in said State of Wyoming, and shall certify a transcript of the record of his proceedings and the testimony in the case to the said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Wyoming; but nothing herein contained shall be construed as preventing the arrest by any officer of the Government or employee of the United States in the Park without process of any person taken in the act of violating the law or any regulation of the Secretary of the Interior: *Provided*, That the said commissioner shall only exercise such authority and powers as are conferred by this Act.

SEC. 6. That the marshal of the United States for the district of Wyoming may appoint one or more deputy marshals for said Park, who shall reside in said Park, and the said United States district and circuit courts shall hold one session of said courts annually at the town of Sheridan, in the State of Wyoming, and may also hold other sessions at any other place in said State of Wyoming or in said National Park at such dates as the said courts may order.

SEC. 7. That the commissioner provided for in this Act shall, in addition to the fees allowed by law to commissioners of the circuit courts of the United States, be

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paid an annual salary of one thousand dollars, payable quarterly, and the marshal of the United States and his deputies, and the attorney of the United States and his assistants in said district, shall be paid the same compensation and fees as are now provided by law for like services in said district.

SEC. 8. That all costs and expenses arising in cases under this Act, and properly chargeable to the United States, shall be certified, approved and paid as like costs and expenses in the courts of the United States are certified, approved and paid under the laws of the United States.

SEC. 9. That the Secretary of the Interior shall cause to be erected in the Park a suitable building to be used as a jail, and also having in said building an office for the use of the commissioner; the cost of such building not to exceed five thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated upon the certificate of the Secretary as a voucher therefor.

SEC. 10. That this Act shall not be construed to repeal existing laws conferring upon the Secretary of the Interior and the Secretary of War certain powers with reference to the protection, improvement and control of the said Yellowstone National Park.

Approved May 7, 1894.