With the settlement of Minnesota and the subsequent assignment of virgin lands to agricultural pursuits and the increase of the hunting public, game birds suffered a decrease in numbers. Early in the state’s history it was realized by far-sighted individuals interested in conservation that if their sport was to be maintained it would be necessary to enact legislation curtailing hunting to definite seasons.

It is quite natural that the earliest of such legislation concerned itself with the upland game species which, being principally non-migratory, were more seriously and quickly affected. The migratory waterfowl possessed large and relatively undisturbed breeding areas to the north and west, and the inroads upon their population was not as apparent.

The first state game law was approved March 8, 1858 and charged, “If any person shall, within this State, shoot, trap or kill in any manner, any grouse, prairie-chicken, partridge or quail between February 15 and July 15 following, he shall for every such offense, forfeit and pay the sum of $5, to be collected in the same manner and paid over to the same use as is provided in the preceding section (to be paid to the justice who in turn shall surrender it for the use of the common schools in the school district where the offense was committed).”

In the year 1861 this law was repealed and replaced by another which was more comprehensive and made illegal the possession and the exposure for sale of protected game birds during the respective closed seasons of each. It was in this year that the woodcock was added to the list of game species to be hunted only during the open season between July 4 and January 1. The season for prairie chickens was shortened one half month to include the month of August and the first two weeks of September. The most drastic change was the reduction of the
ruffed grouse season by two and one-half months, hunting of this species being permitted between September 1 and January 15, only.

It is interesting to conjecture upon the causes prompting this reduction, and two possibilities may be considered. We note the range of the ruffed grouse in our state more closely corresponded to the area of human settlements during the early days than did that of either the prairie chicken or sharp-tailed grouse; and consequently they were likely subjected to a greater amount of hunting and certainly to more disturbance of their breeding grounds. It is also now a recognized fact that ruffed grouse populations are cyclic, their numbers gradually building up to a peak of abundance and then quickly declining to a "low." No definite information is available concerning the relative numbers and cyclic trends of this species in the middle 1880's, but if Aldo Leopold's ruffed grouse cycle analysis is taken as a basis and the figures and graphs projected backward from 1900, it appears as though a "low" in the grouse population might conceivably have existed in the years of 1860-62.

In the same year the quail season was eliminated and the bird granted complete protection until September 1, 1864. A fine of $2 for each bird killed, exposed for sale, or had in possession during the periods of protection was provided, the proceeds of which were to be given the county treasurer for the use of the common schools. To enter growing crops with sporting equipment or to allow dogs to enter such fields was declared illegal by law. The enforcement of the game laws was the duty of the town superintendent of schools, sheriffs, and the constables; and the task was probably carried out but superficially.

Few changes were initiated in 1864. The seasons for hunting prairie chickens, sharp-tailed grouse, and ruffed grouse remained the same, except that the open season on ruffed grouse in Hennepin and Dakota Counties and all counties east of the Mississippi River was shortened one and one-half months. The quail was returned to the list of huntable game for the period between October 1 and January 1.

The ruffed grouse season was increased by one-half month in 1868, and the prairie chicken and sharp-tailed grouse season was reduced by 15 days; the quail season remained the same.

Legislation was also enacted to prohibit destruction of or interference with any upland game bird nest and the possession or sale of game bird eggs. The right of search warrant was granted to inspect buildings and premises believed to harbor game during the protected season. The ruffed grouse season was reduced from five to three months; the prairie
chicken and sharp-tail season was limited to four months; and the woodcock season extended from July 4 to December 1. The laws of this year also provided that the game regulations were to be published during the first week of April in some newspaper printed and published at the county seat of each county, the expense of which was to be borne by the county treasury.

In 1874 the woodcock season was established for the period between July 3 and November 1 and was thus retained until after 1900; the continued spring shooting for these many years may be considered an important factor in their reduction and present scarcity. The prairie chicken and sharp-tailed grouse seasons were limited to two and one-half months, and quail shooting was permitted for but two months. Laws passed in this year also provided for the forfeiture of game, guns, sporting equipment, and dogs of those found guilty of illegal hunting; outlawed traps, snares, nets, and other devices other than guns for the taking of game birds; and made illegal the hunting of game in standing grain crops from December 1 to August 15 without consent of the owner or occupant of the land.

The legislature of 1877 approved a law which made illegal the exportation of game species outside the state by any person, persons, or corporation, or railroad or express company. The open season on ruffed grouse remained unchanged, the prairie chicken and sharp-tailed grouse season was reduced by one month, and the quail season was lengthened to three months. In 1879, the prairie chicken and sharp-tailed grouse seasons were again lengthened to a full three month period, only to be reduced again in 1883 to a month-and-a-half period between August 15 and October 1.

The seasons of hunting remained unchanged in length in 1887, and the most important legislation for the preservation of game was that which created the office of game warden, who was to be appointed by the governor to serve for a term of four years without salary. He was permitted to appoint one or more deputies to assist in the enforcement of laws pertaining to game preservation and the prosecution of game violations. Penalties collected in such prosecutions were awarded the warden and his assistants to compensate for their time, labor, and expenses. As written into the laws of 1889, the sheriffs and their deputies, constables, marshals and police officers throughout the state were granted jurisdiction as game wardens.

The conservation legislation of 1889 required a resident hunting license, prohibited the use of firearms by minors under 14 years, unless accompanied by parent or guardian, and lengthened the season on
prairie chicken and sharp-tailed grouse to include the period between August 20 and November 1.

The legislature of 1891 abolished the office of Game Warden and established in its stead the Board of Game and Fish Commissioners of the State of Minnesota, which was composed of five members appointed by the governor to serve for a period of six years each without compensation, direct or indirect. This board was empowered to appoint a game warden for a tenure of two years. The game warden was privileged to appoint not more than four deputies, each on a two year basis. A sum of $10,000 was allotted the board for its program of law enforcement, fish propagation and distribution and allied duties. By the same law the ruffed grouse, prairie chicken, and sharp-tailed grouse seasons were limited to two months, and a bag limit was established providing, "That not more than 25 birds shall be killed by any one gun in one day."

In 1893 legal power was given by the legislature to the board to "... appoint such persons for periods, and at such compensations as they shall determine upon, not exceeding $50 per month for each person so appointed, and actual expenses incurred while in the performance of duty; but the aggregate amount of such compensation and expenses shall not exceed the sum of $6,000 in each year, to be known as 'game wardens,' to aid them in the enforcement of the duties herein imposed upon them." The board was granted $15,000 per annum for 1893 and 1894 as operating expenses. To do away with the punt gun of the game hogs, a law was passed that game could be taken only with a "... gun held to the shoulder of the person discharging the same."

In the year 1895 the legislature revamped the game and fish organization, permitting the Governor of the State to appoint five members for terms for two years each to serve without compensation, except that they were granted $500 for expenses and salary. This newly-created commission was authorized to appoint an executive agent to transact business and who was to receive not more than $1200 per year for such services. The laws of this year also provided that a non-resident license of $25 be demanded of all citizens of states likewise requiring non-resident fees for the privilege of hunting any game birds or animals. It also established a season for golden and upland plover extending from September 1 to June 1.

A mourning dove season was established between September 1 and November 1 in the year 1897, and they were then subject to the same daily bag limit granted other game species. In 1899, the ruffed grouse and quail seasons were shortened by one month each.—G. N. Rysgaard.