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Texas Sportsmen and the Conservation of Bird Life, 1890-1915

Stanley D. Casto
Sportsmen have a long tradition of working for the protection of birds and other game animals. As early as 1829 some hunting magazines were publishing articles about wildlife protection, and in 1844 the first sportsmen’s organization for the preservation of game was formed in New York State. One prominent sportsman, George Bird Grinnell, editor of *Forest and Stream*, founded the first Audubon Society and was a member of the American Ornithologists’ Union Committee on the Protection of North American Birds. William Brewster, a well-known ornithologist, served as the president of both the American Ornithologists’ Union and the Massachusetts State Sportsmen’s Association.¹

Texas sportsmen have also protected wildlife. As early as 1857, the sportsmen of Corpus Christi proposed a law to prevent the killing of certain kinds of game “out of season.”² Sportsmen were also instrumental in the passage of the 1861 law that protected quail on Galveston Island. From the late 1890s onward, sportsmen led the opposition to commercial hunting and worked for licensing and better law enforcement. When local and state law enforcement proved ineffective, Texas sportsmen organized game protective associations to counter the lawless elements of society. These efforts, particularly from 1890 through 1915, laid the foundation for bird and game protection as it existed in Texas for most of the twentieth century.

**Texas State Sportsmen’s Association**

Early settlers in Texas hunted to supplement their food supply and to provide recreation. As larger game animals were reduced in numbers during the post-Civil War period, Texans developed a hearty enthusiasm for the recreational hunting of the small game birds that were still plentiful throughout the state. This new type of hunting engendered competition and a need to develop competency in those skills necessary to bag flying game birds successfully. From this motivation there arose the sport of “trapshooting,” which involved the release of a bird from a “trap” for a gunner to fire at. One of the first trapshooting clubs was located in Austin, where in 1877 a shooting contest used 400 live birds as targets.³

In 1878, the desire of local sportsmen and trap shooters to compete at the state level led to the organization of the Texas State Sportsmen’s Association, a coalition of gun clubs from several Texas cities. The location of the first meeting of the association is unknown. The second annual competition, held in Waco on May 7, 1879, included contestants from Galveston, Houston, McKinney, Dallas, Denison, and Waco.⁴ In later years, the annual competition was referred to as the “State Shoot” or the “State Pigeon Tournament.” A business meeting in conjunction with the annual shoot provided a forum in which the sportsmen shared their mutual concerns.

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Stanley D. Casto is Wells Research Professor at the University of Mary Hardin-Baylor.
Early Game Laws

Texas passed its first general game law in 1879. This law, which gave protection to songbirds and prohibited the killing of doves and quail during the breeding season, was vigorously protested, culminating in the formal exemption of eighty-five counties. In 1881, the law was strengthened by the requirement a five-month closed season on prairie chickens and a three-and-one-half month closed season on turkeys. Response to this act was almost a popular revolt, and when the legislature met in 1883, 130 counties declared themselves exempt from all game and bird laws. Although individual sportsmen undoubtedly supported the laws, there was apparently no organized effort during this time on the part of their state organization.

O.C. Guessaz and the Conservation Movement

Texas sportsmen found their spokesman in Oscar Charles Guessaz (1855-1925) who was for more than twenty years on the leading edge of the conservation movement. Guessaz was born in St. Louis, Missouri, where from 1875 through 1884 he operated a print shop. He later moved to San Antonio, and by 1888 was the proprietor of *The Daily Times* and *The Weekly Times*. By 1889 he was also publishing *Texas Field*, a magazine for sportsmen interested in game animals and their protection. In 1902 Guessaz and his business partner, Tony Ferler, purchased the *Southwestern Sportsman* and merged it with *Texas Field* to form *Texas Field and Guardsman*, which about 1910 was renamed *Texas Field and National Guardsman*. By 1912 this publication was the official organ of the Texas State Sportsmen’s Association, the Texas State Rifle Association, the Lone Star Field Trial Club, the Texas National Guard, and the State Ranger Service. From 1894 until 1896, Guessaz was also the Texas representative and correspondent for *Forest and Stream*, published in New York City.

During 1890 and 1891, Guessaz served as president of the Texas State Sportsmen’s Association, a position that he used to organize sportsmen for the passage of protective game laws. Guessaz was a master propagandist and a man of righteous principle. One of his major objectives was to identify and publicly expose the enemies of conservation. Guessaz clearly distinguished between the noble art of the gentleman hunter and the nefarious activities of the “game hog” and “pot hunter.” Guessaz pronounced market hunting a practice “bred of ignorance and a reckless disregard of the danger of exterminating our game birds.” As for the laws current in 1890, he declared in disgust that they were nothing more than “dead letters upon the statutes.” Through his identification of the critical issues and his adroit labeling of both friends and enemies, Guessaz helped draw the battle lines for the upcoming struggle.

Sportsmen’s Convention of 1890

Sometime in late 1889 or early 1890 a group of sportsmen in San Antonio decided to invite a representative from each of the gun clubs to meet for the
purpose of drafting game laws to present to the next legislature. This meeting was eventually held at Waco during May 1890, in conjunction with the state shoot. In anticipation of this historic meeting, Guessaz spoke eloquently of the need for sportsmen to secure the passage of laws that were "compatible with intelligence and enforcement."  

Contemporary accounts of the 1890 convention reveal few proposals or accomplishments. At the first meeting on the night of May 6, Oscar Guessaz was selected to act as temporary chairman and John P. Massey of Waco as secretary. At the second meeting on May 7, Guessaz was elected president; W. T. Stewart, vice president; A. Theile, treasurer; and Willard Lloyd Simpson, secretary. The report of the program committee, which presumably contained the game law proposals, was received and adopted, but the details of the report are unknown.  

The legislature that convened in January 1891 was not responsive to the concerns of the sportsmen and a comprehensive game law was not produced. The legislature did, however, pass an act to protect seagulls, egrets, herons, pelicans, and their eggs. There seems to be no record of any organized effort by the sportsmen to influence the legislatures of 1893 or 1895 and, as a result, no significant changes were made in the game laws during this time. Sportsmen were, however, active in the formation of game protective societies in Velasco (1892), Harris County (1894), and Quanah (1896). The society at Quanah, concerned with the immense numbers of birds being taken for the northern market, hired an agent to obtain evidence to prosecute illegal hunters and gathered enough money to lease 25,000 acres as a quail refuge.

**Texas Game Protective Association**

Texas sportsmen were again active during the summer of 1896 in the drafting of proposed legislation. In May 1896, James A. Andrews of the American Game, Bird and Fish Protective Association wrote to Tom Padgitt of the Waco Game and Fishing Club, informing him of the recent Supreme Court ruling [*Geer v. Connecticut*] that game animals belong to the states and that the states now had the right to regulate the harvest and transport of game. Andrews further advised that to reverse the decline of Texas wildlife, it would be necessary to stop all market hunting and transportation of game out of the state.

On September 4, 1896, representatives from across the state gathered in Waco to organize the Texas Game Protective Association. In addition to securing protective legislation, the organization was intended to disseminate knowledge of the habits and usefulness of birds to mankind. Representatives of the Harris County Game Protective Association played a major role in drafting the proposed amendments to the game law. Each proposal was based on laws passed in other states and tested by court decisions. Major provisions included prohibitions on market hunting, out-of-state transport of protected game, and hunting during the breeding season. Additional amendments proposed by the assistant state attorney general, Robert R. Lockett, included the declaration that game was the property of the state, that enforcement be assigned to the fish and oyster commissioner, that pheasants be protected for five years and
doves protected from March through August, and that possession of out-of-season game be considered *prima facie* evidence of guilt. Opinions and recommendations were also received from M.R. Bortree, president of the National Game, Bird and Fish Protective Association, and Isaac Pease Kibbe, state fish and oyster commissioner, both of whom delivered addresses to the convention. All of the proposals were accepted with only minor revisions and a committee was appointed to draft the final document. Robert R. Lockett of Austin was elected president of the association; Turner Erath Hubby of Waco, secretary; and Walter Vinson Fort of Waco, treasurer. According to various reports, somewhere between 125 and 200 protectionists attended the convention.

The fall of 1896 was a period of testing for the newly formed protective association. By early November, Secretary Hubby had received reports of "heavy slaughter" of game by market hunters. These reports were, however, counterbalanced by successful prosecutions in counties not exempt from the game law. According to Hubby, "the market hunters and the protectors [were] at war, and ... the protectors have held their ground." Landowners along the coast, particularly in San Patricio County, were sympathetic with the sportsmen in their struggle with the invading market hunters. The manager of the Coleman-Fulton Pasture Company, Captain Charles E.H. Glazbrook, reportedly prosecuted several market hunters, presumably for trespassing upon ranch property.

The next move of the protective association was to call a general meeting in Austin on January 25, 1897, to coincide with the opening session of the state legislature. This pressure technique was apparently successful and the legislature accepted many of the proposals of the association. Most significantly, game was declared to be public property and its harvest could be regulated by the state. Gone forever was the day when counties could declare themselves exempt from game laws! Market hunting and out-of-state transport of protected game were prohibited but, tragically, ducks and geese were excluded because of a strong protest from the Board of Trade at Rockport. No provision was made for a warden system, and enforcement of the law was left up to local law officers. After its successful effort to influence passage of the 1897 game law, the Texas Game Protective Association gradually dissolved and was no longer a major force.

**Conservation Activity Slows**

Sportsmen were justly proud of the general game law that was passed in May 1897. They were, however, soon distracted from pressing their gains by the Spanish-American War of 1898. Oscar Guessaz became directly involved in the war effort by serving as a quartermaster and as an inspector of small arms and small-arms practice. During late 1898 and early 1899, he also saw service in Cuba. Many of the other sportsmen were likely also involved in the war effort.

Conservation was once again became an issue at the Texas State Sportsmen's Association convention held in San Antonio in 1902. In particular, attendees were concerned with the continued commercial hunting of ducks
and geese as exemplified by their long-time antagonist, Colonel William Lewis Moody, and his market hunting operation on Lake Surprise in Chambers County. 18

Market Hunting on Lake Surprise

Lake Surprise no longer exists, but before the turn of the century it was widely known as the finest duck and goose lake in Texas. The 714-acre lake was situated on the north side of East Bay, a branch of Galveston Bay, about six miles from Smith's Point. In size it was about a mile wide by 1-1/2 miles long, with an average depth of about four feet. Dense beds of wild celery fed the countless canvasbacks, scuups, redheads, teal, and other species that visited the lake during the winter. 19

Lake Surprise was originally state property and, as such, was freely accessible to sportsmen wishing to hunt along its banks. Then, in June 1893, Colonel W. L. Moody, a businessman and banker in Galveston, was granted a patent to the lake. 20 Moody obtained the patent on the premise that the lake was not a permanent body of water and that he intended to drain it and convert it into a rice farm. 21 It soon became obvious that Moody had no intention of converting the lake into a rice farm. He fenced the lake and hired a gamekeeper and four professional hunters to harvest the canvasbacks for market. Moody reportedly received one-fourth of the income from the sale of the ducks and, as an additional source of revenue, he occasionally day-leased the lake to visiting hunters.

The first confrontation between Moody and the sportsmen came early in 1894, when a visiting party of businessmen from San Antonio asked permission to hunt the lake. Moody refused to allow the entire party to hunt, but he did sell a day-lease to four of the men. The entire party then proceeded to the lake, where the gamekeeper denied access to those men who had not paid. The legality of denying access was apparently contested, resulting in an exchange of harsh words between the gamekeeper and the sportsmen.

After returning to San Antonio the sportsmen related their experience to Oscar Guessaz, who publicly opined that Moody's title was invalid since Lake Surprise was a permanent body of water and could not be legally patented. Guessaz also maintained that the patent had been obtained on false premises and that the State Sportsmen's Association and the National Game Protective Association would work to revoke Moody's title. Hoping to shame Moody into abandoning his operation, Guessaz further declared that "a man who poses before the public as a clean sportsman and an upholder of sportsmen's principles has no moral right to profit by market hunting." 22 However, since market

THE MARKET HUNTERS

are organizing every day and it behooves every sportsman in the state to be energetic in that he does not neglect to help the cause of GAME PROTECTION. We have a good law now, but it needs some changes and the sportsmen of Texas must have a CHAMPION. They have it in TEXAS FIELD AND SPORTSMAN and they are asked to aid in extending the sphere of influence of the magazine. Study the following pages carefully.

GAME PROTECTION

Texas Field and Sportsman,

June 1906
hunting was still legal in 1894 the sportsmen could bring no charge against Moody on this account. Guessaz renewed his public attack at the convention of the Texas Game Protective Association in 1896 by referring to Moody’s hunters as “paid assassins.” Thus, the tone was established for an ongoing skirmish between Guessaz and Moody that continued for over a decade. In the meantime, Moody consolidated his position by building duck blinds on the lake and constructing a two-storied hunting lodge on the premises.

By 1897 Moody had developed his hunting lodge into a profitable business. In order to appear respectable, he no longer hired professional hunters but instead invited guests to hunt at his lodge. Visiting hunters were taken by wagon each morning to the lake, where they were instructed to shoot only canvasbacks. Shooting proceeded until promptly 4:00 p.m. when the wagon circulated around the lake to pick up the day’s bag. Often a wagonload or more of ducks was killed in a single day. After supper the canvasbacks were cleaned and packed with ice into barrels for shipment to northern markets such as St. Louis, Chicago, Washington, Philadelphia, New York, and Boston. The 1897 game law, much to the chagrin of sportsmen, did not protect ducks and geese and since Moody was still operating within the law, he could not be prosecuted.

In 1900 the Galveston hurricane filled Lake Surprise with salt water and destroyed much of the wild celery, thus reducing the number of canvasbacks that frequented the lake. Other species, however, remained abundant, and Moody’s business continued as before. At its May 1902 meeting, the State Sportsmen’s Association voted to challenge Moody’s title to Lake Surprise, hoping that it would be declared invalid and revert back to the state. In an attempt to arouse public support for this cause, Guessaz declared in February 1903 that thousands of birds were being killed annually at Lake Surprise and that it was “not right that a few men should... grow rich from the sale of something [ducks and geese] that rightly belongs to the public.”

Moody continued his activities even after the general game law of 1903 prohibited the sale and transport of ducks and geese. In October 1903, an enraged Oscar Guessaz referred to Moody as “the Galveston Rice Farm Canvasback banker” and predicted that 250,000 birds would be killed during the year at the hands of his “hired butchers.” In December 1904, Guessaz charged that Moody was “still killing ducks” or, as one informant described it, Moody was placing ducks in cold storage where they were “metamorphosed into fish and shipped north by express.” There were no wardens to enforce the game law and the sheriff was reluctant to move against a person of Moody’s standing in the community. Although it was suggested that Texas Field and Sportsman raise a fund to prosecute Moody and the other lawbreakers in the Galveston area, this was apparently never accomplished. Some claimed that ducks killed on Lake Surprise were still being shipped to New York City as late as 1912.

The 1903 Game Law

The year preceding the passage of the 1903 game law was a time of contention between sportsmen and farmers. This rift developed as a result of the
mounting evidence that many species of birds ate the boll weevil, and cotton farmers were desperate for relief from the ravages of this destructive insect that had entered Texas early in the 1890s. At the Boll Weevil Convention held in 1902 at Dallas, a resolution was passed requesting a law prohibiting the killing of all kinds of birds for a term of years. Reporters picked up on this extreme proposal and in their news articles described hunters as great enemies of the birds. Offended by this accusation, sportsmen responded that they were "the only active friends that the birds have" and that they had "more interest in the birds than any other class [of people] in the state." Most conservationists believed the position of the farmers was regressive and it received little support when the legislature considered amendments to the game law.

The general game law passed in May 1903 was patterned after the model proposed by the American Ornithologists' Union Committee on Bird Protection. Market hunting of ducks and geese was finally prohibited and bag limits were set. Provisions were also established for scientific collection and propagation. Even without a system of centralized enforcement, Texas now had one of the best game laws in the country.

Most conservationists enthusiastically supported the 1903 game law. Oscar Guessaz, however, was quick to remind sportsmen that their duty was not yet complete. They had helped pass the law and now they must enforce it. Believing that education was an important aspect of enforcement, Guessaz had cards printed with a summary of the law in English, Spanish, and German. Sportsmen were further instructed that it was their duty to inform everyone about the new law, so that no one who was in violation could plead ignorance.

A few sportsmen believed that the 1903 game law was inadequate in some respects. One individual from Beaumont wanted to call a convention to adjust open season dates and to plan a strategy to obtain a game warden system. Guessaz supported the attempt to amend the law but counseled that, for the present, everyone should channel their energies toward resisting the growing efforts of the market hunters to amend the law to suit their purposes. Complacency had also set in among some sportsmen. In August 1904, the Houston Post reported that the game law was being violated regularly in Harris County. An effort to form a protective association had proved futile and the local law officers were oblivious to violations. Renegade and hypocritical sportsmen were also a source of considerable embarrassment. Several prominent sportsmen in Houston who publicly supported the game law were rumored to be routine violators, thus providing ammunition for market hunters who claimed that they had more respect for closed seasons than did the so-called "sportsmen."

Oscar Guessaz clearly recognized the economic implications of the 1903 game law. Advocates of market hunting contended that the law must be changed because it had destroyed an "industry." To counter this claim, Guessaz took the offensive in Texas Field and Sportsman to demonstrate that just the opposite was true, that an industry had been created that would provide a source of recreation and commerce for years to come. Guessaz estimated that
sportsmen were, at that time, spending five million dollars each year in Texas. 35

In February 1905, Oscar Guessaz, W. Weiss, C. Taylor Cade, and M. B. Davis appeared before the House Committee on Game and Fisheries chaired by Representative John Lowry Peeler. Since market hunters and business interests were threatening to amend key provisions of the law, it was decided by the sportsmen to hold the line on the 1903 law rather than ask for changes that would advance the interests of game protection. 36

The 1903 game law survived the legislature of 1905 without any significant change, a victory for both the sportsmen and the Audubon Society. Speaking at the April meeting of the State Sportsmen’s Association, Guessaz credited Captain Mervyn Bathurst Davis, secretary of the Texas Audubon Societies, and J. A. Jackson of Austin for this success. Guessaz then proposed that the association form a standing committee to review game law legislation. This proposal was unanimously accepted and Guessaz, Davis, and Jackson were appointed as members. 37

Illegally Trapping of Quail

Reports of extensive quail trapping near Pleasanton and in Frio County during early 1906 alerted Constable Charles F. Stevens of San Antonio to the possibility that there might be a violation of the law that allowed quail to be collected in small numbers for scientific study or propagation. 38 Then, following a short investigation, Constable Stevens arrested Will W. Carter and his son, Freeman Carter, for possession of over 400 quail. Freeman Carter had a scientific collecting permit and an affidavit from the president of the Board of Fish and Game Commissioners of the State of New Jersey attesting that the quail were being used for propagation. However, correspondence confiscated at the time of arrest revealed that the Carters had already shipped hundreds of quail to E. B. Woodward, a merchant in New York City, who had placed orders for 37,000 more. Other letters showed connections with merchants in Denver and Chicago and contained incriminating statements regarding the sale of quail. 39

Constable Stevens immediately wrote to W.J. Clay, Commissioner of Agriculture, to verify the authenticity of Freeman Carter’s collecting permit. Clay responded on March 22 that Carter’s permit was indeed valid and that two citizens of San Antonio had posted his bond. 40 In the meantime, however, a second incident of quail trapping near the city of Floresville had convinced Stevens that the Carters should be held for further investigation.

W.X. Carter, of unknown relationship to Will and Freeman Carter, was arrested at Floresville on March 22 for possession of over 400 live quail. The records of the express companies further showed that over 2,000 quail had already been shipped from Floresville. Alarmed at the magnitude of this infraction, Oscar Guessaz immediately retained a lawyer at Floresville and also sent attorney H.S. Crawford to aid in the prosecution. To prevent Carter from posting bail and leaving the state, he was charged with 400 counts of illegally trapping quail [one count for each quail] for a total bail of $40,000. Guessaz then left for Austin to lobby for the game law to be amended in the
special session of the legislature to prevent quail from being shipped from Texas for any reason. 41

W.X. Carter did not have a valid collecting permit. However, as investigation of his case continued, Charles Payne from Wichita, Kansas, appeared at Floresville claiming that Carter was supplying him with quail for propagation purposes and that the legality of his activities could be verified by T.S. Palmer of the Biological Survey. When notified, Palmer refused to endorse Payne and denounced his activities as an evasion of the statutes. Payne then admitted that he was only a middleman and that he did not know what happened to the quail after they were resold.

In San Antonio, the continuing investigation of Will and Freeman Carter revealed that their collecting permit had been issued based on the recommendations of two “well-known” scientists, A.W. Conklin and A. Rahman, both of New York City. Inquiries into the identities of these two “scientists” revealed that Conklin was a minor employee at Central Park whereas Rahman was never found at all. Thus, it was determined that the Carters had obtained their permit fraudulently.

All of the confiscated correspondence of Will and Freeman Carter was published with appropriate commentary in Texas Field and Sportsman. 42 So enraged were the local sportsmen that about twenty-five of them gathered in San Antonio on March 30, 1906, to organize the Texas Game Protective Association. Officers of the new association were John J. Stevens, president; O. C. Guessaz, secretary; and Henning Bruhn, treasurer. At a second meeting on May 9, members resolved to ask the Secretary of Agriculture to investigate the applications of all other collectors then holding Texas permits. 43 Will and Freeman Carter were finally brought to trial after being held in jail for almost 2-1/2 months. Both men pled guilty and were assessed court costs and jail time. 44

The protective association formed in San Antonio was intended to be the nucleus around which local associations would form in various parts of the state. In October 1906, Texas Field and Sportsman reported that protective associations had been formed in Harrison County and at Tyler, but the Texas Game Protective Association that was organized in 1906 gradually died away due to a lack of support.

Use of Live Birds as Targets

Target shooting of live birds had been a tradition with Texas sportsmen since the first trapshooting clubs were organized in the 1870s. “Pigeons” [presumably passenger pigeons] were originally used, but their unavailability in later years necessitated the use of other species such as the Rock Pigeon,
Common Grackle, Yellow-headed Blackbird, and Red-winged Blackbird.\(^45\)

Texas sportsmen were aware that many humane societies opposed the use of live birds for trapshooting. They were also aware, however, that the Criminal District Court of New Orleans had ruled that it was not cruelty to animals, nor was it a violation of the law for sportsmen to shoot pigeons.\(^46\)

Enormous numbers of birds were killed in the annual shoots of the State Sportsmen's Association. 5,000 pigeons were slaughtered in the 1880 shoot at Dallas. In 1882 another 5,000 pigeons were imported from Sparta, Wisconsin, for the shoot at Austin. The 1883 shoot at Lampasas featured 4,000 pigeons in addition to 3,000 clay pigeons and glass balls. Only 800 blackbirds were used at the 1884 shoot in Gainesville but as late as 1891, 6,000 pigeons were used at the annual shoot in San Antonio.\(^47\)

Inanimate targets, such as blue rocks, and "clay pigeons," were used by gun clubs as the years passed. This change may have been due, in part, to the difficulty and expense of obtaining live birds. The accurate downing of a live bird, however, was still acclaimed the ultimate evidence of competence. The February 1904 cover of Texas Field and Sportsman proclaimed that Turner Hubby had won the Sunny South Handicap at Brenham by killing fifty-three live birds without a single miss.

What finally prompted the State Sportsmen's Association to stop the use of live birds is unknown. In 1906 over 800 birds were used at the state shoot, although it was noted that they were an inferior lot providing poor sport. At the business meeting held at the end of the tournament, a resolution was unanimously approved to discontinue the shooting of live birds.\(^48\) The following year, as a substitute, the state association contracted with the Dickey Bird Target and Trap Company for the use of traps and service.\(^49\) The discontinuance of live bird shooting by the state association in 1906 was a landmark decision, but it did not stop the practice of local clubs. In fact, the practice has continued into recent times; the Houston Gun Club still holds weekly live pigeon shoots.\(^50\)

**Renewal of the 1903 Game Law**

The game law of 1903, enacted for a five-year period, was scheduled to expire on July 1, 1908. Since the legislature would not meet until January 1909, the state would be without a game law unless an extension was provided by the legislature convening in 1907. Although no one believed that the law would be allowed to lapse, it was a time of uncertainty and concern was at a high level. In fact, due to lax or nonexistent enforcement of the law, market hunters were still active, as evidenced by the discovery at San Antonio in January 1907 that three barrels marked "Fish" actually contained 600 ducks consigned to a Chicago Restaurant.\(^51\)

Enforcement of the existing law was a major issue and, in the spring of 1906, C. W. Connally, a sportsman from Cuero, circulated a petition requesting that the next legislature appoint a state game commissioner who, in turn, could appoint wardens in each county. Salaries and expenses of these wardens would be paid from the revenue derived from licensing both resident and non-resident hunters. Oscar Guessaz supported Connally's efforts and asked that
sportsmen throughout the state sign and distribute the petition.\textsuperscript{52}

Captain Mervyn Bathurst Davis, secretary of the Texas Audubon Societies, was the mastermind of the strategy that eventually developed for renewal of the game law. Davis had been in Texas for over thirty years, had been one of the founders of the earliest game protective association in the state, and was a highly respected protectionist.\textsuperscript{53} In a press release from Waco on January 12, 1907, a joint committee consisting of Davis, Alfred Abeel, and H. M. Minier announced that a special Bird and Game Conference would soon be held in Austin. A second release by the joint committee set the meeting dates of the conference for January 24 and 25, and an invitation was extended to all persons interested in the protection of game.\textsuperscript{54}

During the conference M.B. Davis, H.P. Attwater, Oscar Guessaz, Frank P. Holland, J.H. Connell, C. Taylor Cade, and Hugh Jackson were appointed to draft recommendations that would be presented to the legislature. Guessaz and Davis had worked together since early 1905 and a close rapport had developed between the two old hunters who had participated in the “slaughter [of] the buffalo in the days of long ago.” Repenting this transgression, they now worked together to save the remaining wildlife of Texas. Guessaz was so impressed with the work of the older man that he spoke of Davis as “making two birds grow where scarcely one grew before” and, in a further expression of respect, he intimated that Davis was always a welcome guest in the councils of the sportsmen.\textsuperscript{55} How different it might have been if these two men had viewed each other as antagonists, rather than comrades engaged in a mutual struggle!

The Game Law Committee appointed at Austin recommended that the 1903 law be re-enacted without any major changes. It also recommended that both resident and nonresident hunters be licensed, and that the revenue be used for propagation and enforcement, with the enforcement division located in the Fish and Oyster Commission.\textsuperscript{56} The Legislature of 1907 accepted the major recommendations of the committee. The 1903 law was reaffirmed and a license for nonresidents was required. Residents were allowed to continue hunting without a license. The game warden bill introduced by Representative Henry B. Terrell of McLennan County also passed and the enforcement division assigned to the Game, Fish and Oyster Commission. In August 1907 Robert W. Lorance, a newspaperman from San Angelo, was appointed head of the law enforcement division. Lorance was soon about his business, publishing in \textit{Texas Field and Sportsman} a detailed account of the powers and duties of deputy game wardens.\textsuperscript{57}

\textbf{Licensing and Enforcement, 1908-1915}

In July 1908 the State Sportsmen’s Association pledged to work with the Audubon Society for a more satisfactory opening date for dove season, and T. E. Hubby agreed to be the liaison with the legislature on this matter. Violations of the game law were a major problem and the association agreed to work for better enforcement.\textsuperscript{58} Since additional revenue was needed to help pay for enforcement, sportsmen continued to lobby for a resident hunting license. To bring these matters to the attention of the legislature, \textit{Texas Field and
Sportsman provided a tear-out petition for readers to sign and circulate. Guessaz also encouraged the farmers to see to it that the law protecting songbirds was enforced since several species were known to eat boll weevils. 59

The licensing of resident hunters was finally achieved in 1909 when the law was amended to require a license when not hunting in the county of residence, adjacent counties, or on land owned by the hunter. A serious deficiency in the 1909 law was that it did not provide a season for ducks, geese, pigeons, plover, snipe, curlew, or robins, which could be killed at a rate of twenty-five per day at any time of the year. Neither did the law extend protection to such useful birds as hawks, owls, and vultures.

Many species of birds and game animals continued to decline in spite of the priority given to licensing and enforcement. There was still no adequate revenue to provide wardens where they were needed, and in many places the law was not enforced at all. So serious was the situation that there was talk of legislating a closed season on all game and fish. To forestall this drastic and unacceptable remedy, Game, Fish and Oyster Commissioner W. G. Sterrett requested that sportsmen again take the initiative in protecting the wildlife of Texas. 60

Late in May 1912 a news release from the Associated Press announced that a sportsmen's convention would be held in conjunction with the state shoot in Waco to form an organization for the protection and propagation of game and fish. At the first meeting on May 20, W. Gingrich Jones presented letters of support from 300 prominent Texans. Philip S. Farnham, Special Agent of the American Game Protective and Propagation Association, provid-
ed advisory guidelines, and M.B. Davis assured the group of the continuing support of the Audubon Society. At the meeting of the delegates on May 21, the name Texas Game Protective Association was chosen for the organization. Officers elected at this time included W. Gingrich Jones of Temple, president; Jack Ray of Waco, vice-president; Dr. Frank Kent of San Antonio, secretary; and Turner Hubby of Waco, treasurer. A Board of Directors of prominent citizens from around the state was chosen to act in an advisory capacity.

Oscar Guessaz, patriarch of the sportsmen’s conservation movement, was the featured speaker at the convention. Guessaz first reminisced about the role sportsmen had played in stopping market hunting and then requested that the association place a priority on removing W.L. Moody from the game-selling business in Texas. In conclusion, Guessaz pleaded for enforcement of the law and for emphasizing the propagation of endangered species. Several people then delivered brief comments, including Jack Ray, who spoke eloquently of the need for sportsmen to protect and propagate birds.

In the fall of 1912, the directors of the protective association met with Game Commissioner Sterrett to formulate recommendations for the next legislature. Key provisions included reduced bag limits on doves, quail, ducks, geese, and jacksnipe; elimination of a spring season on ducks, geese, plover, and shore birds; prohibiting the killing of song and insectivorous birds; and requiring permits for museums and scientific societies to collect, transport, and breed wild turkeys and prairie chickens. Additional requirements dealt with licensing, prohibiting the shooting of game by agents of hotels and restaurants, and setting aside a special appropriation for game farms and refuges.

The recommendations that were delivered to the House Game Law Committee in January 1913 were enthusiastically received. In fact, the committee was so eager that it tacked on several additional amendments, some of which were unacceptable even to the sportsmen, e.g., closing quail season for two years and banning automatic and pump shotguns and automatic rifles. These objectionable amendments were passed by the house in the closing days of the regular session, but were mercifully killed by the senate, much to the relief of most game protectors.

When the Texas Game Protective Association met in Temple in May 1913, its major order of business was to re-think its position with regard to the crisis at hand. Knowing that the legislature was soon to be called into a special session, and that it was not likely to reconsider the recommendations previously tendered, a new set of greatly abbreviated proposals was drawn up and submitted to Governor O.B. Colquitt. W. Gingrich Jones was optimistic that the desired amendments could be obtained in the special session. However, when the legislature met in July 1913 it failed to enact any game legislation and it was not until 1915 that the desired season was obtained for doves and the bag limit was reduced on quail.

**EPILOGUE**

The amendments passed in 1915 were the last significant changes in the game law for several years and it seemed that the conservation movement had
lost its momentum. The only hope of sportsmen during this time was that the money from the sale of licenses would eventually be used to hire sufficient wardens to adequately enforce the laws then existing. Then, with an attitude of utter disregard, the legislature of 1921 diverted the entire license fund of nearly $100,000 to other purposes. In this face of this financial setback and declining game populations across the state, the conservation movement again sprang to life. In June 1922 the Texas Game and Fish League was formed at Houston to protect the interests of wildlife and, in 1923, the legislature used the entire license fund to hire wardens. Thus with the legislative decision to fund law enforcement adequately, the conservation movement entered a new era.

Oscar Guessaz's enthusiasm for conservation began to fade in his later years. Following the Spanish-American War, Guessaz held several positions in the Texas National Guard and in 1913 was appointed a Brigadier-General. After 1913 he devoted more time to military affairs and less to conservation issues. During World War I, Guessaz served as a colonel in the 141st Infantry, 36th Division. When discharged for health reasons, he volunteered for the United States Guard and was commissioned a major. He died on January 16, 1925, in San Antonio and was buried in the national cemetery.

Turner Hubby was one of the old guard who managed to outlive the original movement. Always an avid sportsman-conservationist, he was appointed Game, Fish and Oyster Commissioner for 1925 and 1926. During his tenure as commissioner over 1,250,000 acres of land were set aside as game refuges not to be hunted for a period of ten years. After retiring as game commissioner, Hubby returned to Waco, where he became active in political life and was killed in a hunting accident in 1932.

NOTES

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"A game law," Nueces Valley (Corpus Christi), December 19, 1857, p. 2. The proposed law was tabled and did not reach the floor of the legislature.

'Austin Statesman, May 16, 1877, p. 4.


'City directories of St. Louis, Missouri, 1875-1884.

'The San Antonio city directories for 1885-1906 list Guessaz as proprietor of The Times, correspondent of Forest and Stream, and editor of Texas Field. The San Antonio Daily Times for May 15, 1889, p. 7 carries an advertisement for the Texas Field.


"Accounts of the 1890 convention are found in the Waco Daily News. May 6, 1890, p. 8; May 7, 1890, p. 8; May 8, 1890, p. 4.

"There appears to be game here," Forest and Stream, 39(1892), p. 510; "Texas game inter-
EAST TEXAS HISTORICAL ASSOCIATION


"For game protection," San Antonio Daily Express, January 22, 1897, p. 5.

"Retirement of Brigadier-General Roy W. Hearne, and appointment of Col. O.C. Guessaz to command the Texas Brigade," Texas Field and National Guardsman, August 1913, pp. 428-430.


"Lake Surprise is described by Forest W. McNeir. Forest McNeir of Texas (San Antonio, 1956), p. 74.

"Abstract of all original Texas land titles comprising grants and locations to August 31, 1941 [Chambers County, p. 129].


"To protect fish and game," San Antonio Daily Express, September 6, 1896, p. 4.

McNeir, Forest McNeir of Texas, pp. 79, 80, and 83.


O.C. Guessaz, "To sportsmen," Texas Field and Sportsman, December 1904 [insert].


"The game law is being violated by many," Texas Field and Sportsman, August 1904, p. 356.

"Game law violations," Texas Field and Sportsman, October 1904, pp. 441-442.

"For the legislature," Texas Field and Sportsman, December 1904, pp. 547-548; "Let the law stand," Texas Field and Sportsman, January 1905, pp. 1-7; "The value of game," Texas Field and Sportsman, January 1905, p. 11.

"The game law," Texas Field and Sportsman, February 1905, p. 52.


"Permits to trap quails were legally issued," San Antonio Daily Express, March 22, 1906, p. 12.


"Sportsmen organize to protect game." San Antonio Daily Express, March 31, 1906, p. 12;
“Meeting of the Texas Game Protective Association,” Texas Field and Sportsman, May 1906, p. 84.

“Quail Cases are settled,” San Antonio Daily Express, June 2, 1906, p. 10.


“Houston gun club resumes live-pigeon shoots,” Killeen Daily Herald, February 17, 1985, p. 8 C.

“Texas Field and Sportsman, February 1907, p. 16.


“The friend of the birds,” Texas Field and Sportsman, April 1908, p. 169.

“Report of the game law committee,” Texas Field and Sportsman, February 1907, pp. 33-34.

“Deputy game wardens - their powers and duties,” Texas Field and Sportsman, October 1907, pp. 550-551.

“Annual state trap tournament,” Texas Field and Sportsman, August 1908, pp. 403-406.

“The birds to protect,” Texas Field and Sportsman, October 1908, pp. 514-517.


“State association to protect game and fish in this state,” Waco Daily Times-Herald, May 22, 1912, p. 12; also see “For better protection,” Texas Field and National Guardsman, June 1912, pp. 441-443.

“Texas game protective association,” Texas Field and National Guardsman, November 1912, p. 723.

“President’s address,” Texas Field and National Guardsman, August 1913, pp. 391-395.


“Review of Texas Wild Life and Conservation,” Texas Game Fish, and Oyster Commission, 1929, pp. 90, 95-96.

“Former game chief is slain on hunt,” Houston Post, October 12, 1932, p. 1.