REPORT

W. H. GIBBES
Chief Game Warden

OF THE
State of South Carolina
1918
REPORT OF W. H. GIBBES, CHIEF GAME WARDEN OF SOUTH CAROLINA

The Hon. R. I. Manning, Governor, and the Members of the General Assembly of South Carolina:

Gentlemen: At some time or other I have stated that our Game Laws are a crazy quilt, and I beg to justify this assertion.

They provide in the first paragraph that "All wild birds, both resident and migratory, in this State, shall be, and are hereby declared to be, the property of the State." This declaration is good only so far as it goes. It should include all wild game and fishes, except those in strictly private ponds or lakes, and should modify the declaration of ownership in migratory wild birds to conform to the treaty between the United States and Great Britain, which is the supreme law of the land.

In the light of these declared premises it would seem that no State law could be consistently enacted which would present this property of all the people to certain favored citizens and sections, and make others pay a price for it, but that everyone would be required to pay alike just as the State charges a royalty for mining her phosphate rock.

Yet, what do we find at the outset? First, while hunters in thirty and one half counties are required to pay for "a license in order to hunt birds or animals within the borders of this State," yet those in fourteen and a half counties are allowed to do such hunting free of charge and, in that exempted territory, to appropriate to their own use the property of the people of the State. Would it not be just as well to suspend the laws against larceny and assault and battery where they might be distasteful to local citizens?

Then, immediately after this provision for the purchase of a license to hunt in two-thirds of the counties of the State, there follow the words "except landlords and tenants and their respective children on the freeholds and leaseholds, respectively."

This makes a favored class out of those who are fortunately able to own or lease real estate—the very people who are best able to pay the price of a license.
Then, again, it is “provided, however, that any landlord may give written permission to any resident of the county in which he lives to hunt on his premises.” Mark you, the State first makes a present of the people’s property to the landlords and then permits the landlord to make a present of it to his friends and neighbors in his county, but let it be noted that his liberty in this regard is restricted for he may not invite a friend from outside of his county to hunt with him without a license even upon his own property.

When it comes to State property it is “provided, however, that the provisions of this act shall not be construed as applying to the public lands and waters of this State.”

Under such laws it seems absurd that citizens should buy licenses at all to hunt in their own counties! They are permitted to hunt on the public lands without them, and the laws of trespass require them to get permits from landlords to hunt on private property with them; but this permit itself does away with the necessity of a license.

All that the landlord has a right to expect is to have his property protected against trespass. No more than others should he be given a right, free of all charge, to destroy the property of the State temporarily on his land or to give anyone else whomsoever the right to do likewise.

A STATE GAME REFUGE.

A lady who has been very devoted in the cause of bird protection calls attention to the devise to the State by Dr. John De la Howe in 1797 of seventeen hundred acres of land lying in what is now McCormick County. She states that a provision of this bequest was that one thousand acres of said tract should be kept as a perpetual forest. Game asylums or refuges where wild life is carefully guarded and not allowed to be destroyed are being established by philanthropists in the interests as well of humanity as of wild birds and animals themselves. Such preserves tend to make for the perpetuation of species already native to the country and the propagation of other imported species of game.

It would seem that her suggestion that this tract of land be thus used is most timely, and that the lands in question would be ideal for the purpose.

It fits in precisely with my purpose to ask for the establishment of a State Game Farm where game could be propagated
and perpetuated. The Game Warden for McCormick County could be the resident game-keeper upon this game refuge. We could start the breeding of pheasants and kindred birds to be introduced all over the State. I heartily urge your attention to this matter and recommend it for your favorable consideration. Such a use of the property would not in any way conflict with the present use of a small portion of it by your Board of Penal and Charitable Institutions of the State.

RESIDENT HUNTERS’ LICENSE LAW.

The hunters’ license law should apply to the whole State; to every person in the State; to all manner of hunting and fishing, and to all the game birds, animals and fish in the State.

Under a State-Wide License Law local County licenses should be done away with, and one license should be sufficient for hunting and fishing anywhere in the State. If anything our game fish are more in need of protection than our birds and animals. Red breasts, bream, bass, warmouth and other species are threatened with extinction unless the laws can be radically changed.

NON-RESIDENT HUNTERS’ LICENSE LAW

While not exactly another patch in the quilt the present Non-Resident Hunters’ License Law, if justifiable, is an argument in favor of making resident land owners pay a license for the privilege of hunting on their own holdings, as it forces non-resident owners to pay a license of $15.25 for hunting on their own private property. The old adage, “what is sauce for the goose is sauce for the gander,” applies here.

A good suggestion comes from one who is interested in such property. He is raising cattle on his own preserves, and thinks that all absentee landlords of hunting preserves should be required to devote a fixed percentage of such holdings to useful agricultural or industrial purposes, or else pay a heavy tax upon a luxury which is beyond the enjoyment of most mortals. Such a law should apply to all large tracts held for this exclusive purpose, whether their owners reside in or out of the State. Thus industry would go hand in hand with legitimate sport, and development would be promoted and not retarded.

The Federal law should apply to the shipment of game by hunters.
Being asked for an interpretation of this law as affecting United States soldiers and attendants stationed in this territory I ruled that they should be allowed to purchase resident hunters’ licenses, as they were here in no sense to exploit our game, but were forced here in the service of their country and were temporarily without other legal residence. This was in line with equity and the intent of our law makers, I am sure, but the matter should be explicitly covered by suitable enactment, as a strict, technical construction might overthrow my ruling.

**THE CLOSED SEASON FOR HUNTING.**

Our game laws should always consider the interests of our farmers. The protection of our birds is a protection to their crops. Consistently the hunting season should be arranged to conserve and control their labor supply. Every kind of hunting should be barred from March 15 to Oct. 1, so as to prevent the demoralization of our farm labor, and keep it better under the control of our farmers whose crops are needed for our civilian as well as our military departments.

The pot hunter and dog are ubiquitous in non-license counties, but he is rarely seen out of season in those counties where the hunters’ license law is in force.

**A LICENSE FOR FISHING.**

Even under our partial and imperfect game laws there has been marked increase in game and insectivorous birds in the license counties, but the reverse is the case with our game fish.

Everywhere the warning is given that we must tighten up our laws or lose our supply of game fish. The story is the same from New River to Waccamaw, and along all of our clear water creeks and the mill ponds they run through. Private property owners hate to say “No” when asked for permission to fish, but now that they can rarely get a mess of fish for themselves, they are regretting that the law gives them the right to give such permits. During the bedding season our red-breasts, bream and warmouth are destroyed by tens of thousands, and our bass are killed while rearing their young. German carp are looked upon everywhere as an enemy to our game fish. The laws should be made stricter in the case of the good and looser in the case of the bad.

This can be accomplished by having a closed season from May 1 to July 1, in all clear water streams and ponds upon them for
every kind of fishing, and by permitting any kind of fishing the year round in the muddy water streams of the State except within a hundred yards of the mouths of clear water streams emptying into them. This would confine netting, seining and trapping to our muddy rivers and creeks, where catfish, carp, suckers and red horse abound, except that it might be wise to permit the use of gill nets only during the open season in our clear water streams, lakes and ponds as it is a rare occurrence for a game fish to be caught in a gill net while such nets do catch the non-game fish extensively.

No trapping should be allowed in the tide-water section, where game fish have been destroyed by wholesale by nets and traps in rice field ditches.

Such laws as above proposed would permit the greatest latitude practicable in the matter of cooperation with the United States Department in the establishment of Carp Fisheries in this State.

A "private pond or lake" should be legally defined in the clearest terms and the restrictions of the law should be made to apply to all bodies of water directly upon running streams which pass through any other property except that of the owner of such ponds or lakes. "Tickling" should be prohibited in terms, and the game department should be allowed to give permits to collect fish along streams about to go dry in seasons of drought. Bait seines for catching live bait should be allowed to be used.

The license for fishing should be incorporated with that for hunting, and no one should be allowed to hunt or fish without it except that the owner of a segregated and disconnected lake or pond should be allowed to collect his own fish at his pleasure. His own interests would teach him to protect his supply.

THE ENEMIES OF OUR GAME.

In the order of destructiveness our Game Enemies may be classed Poachers and Pot Hunters, small boys, vagrant dogs and cats, wild cats and hawks of the destructive species.

The poachers and pot hunters should be strictly handled by law; the small boys should be interested and educated; the owners of cats and dogs should be made to pay for badges and keep them at home and the vagrants abroad without their owners should be killed; and wild cats and destructive hawks should be outlawed.
The protection of foxes for the sport they give is an anachronism. There is nothing which goes further in breeding class feeling and resentment than the reckless riding of inconsiderate fox hunters over the lands of small farmers. Such hunting should be strictly confined to unsettled sections.

There is an undoubted glamour about the note of the hunting horn and the bay of the hunting hound, but times change and the progressive citizens should change with them. Doubtless many fine citizens indulge in fox hunting properly within the law. Those who do not should be made to.

**PROGRESS.**

The report of the Game Department for 1916 showed total collections of $30,593.36 and there was a return to the license counties of $10,591.00, but this report did not show that $4,532.00 had been drawn from the State Treasury direct for the support of the Department. Had this amount been deducted the net returns would have shown as $6,059.00.

For the last fiscal year, or rather from July 28, 1917, to July 1, 1918, not a cent was taken from the treasury, the collections being $34,599.02, the department being entirely self-supporting, and $13,299.50 was returned to the license counties, despite the fact that Oconee, Jasper and half of Beaufort had been exempted from the operation of the license law.

Besides this, more than $3,000.00, of back debts of the department have been paid by the present administration.

Although the heavy military draft may be expected to cause a decrease of revenue in the present fiscal year, yet there is no reason to fear that there will be any deficit, and you may be assured that the department will continue to be self-sustaining.

We have now more than twice as many game wardens actively at work as were in the field at the beginning of the present administration.

**TRAVELING EXPENSES OF CHIEF GAME WARDEN AND ASSISTANTS.**

This is a matter to which especial attention is directed. Train travel in no way meets the requirements of this department. Automobiles alone solve the problem.

One should be provided for the Chief Game Warden, and one for two assistants at least, or possibly three, if a State-wide License Law shall be passed. Constant vigilance and work in the
field are the only measures which will bring results, and the increase of business attributable to these factors will far more than justify the necessary expenditures by a self-supporting and revenue-producing department, which should be conducted on the same basis as a private business.

The expenses of running automobiles for Messrs. F. W. Little, V. S. Sloan and the Chief Game Warden have been included in the fiscal statements in last year’s reports, but these officers should not be forced to supply their own machines for the State’s service.

**EDUCATIONAL INFLUENCE.**

The response of our good citizens to well directed educational work in the interests of game protection is most gratifying. Public sentiment is crystallizing on this point, and the people are becoming awakened in their own interests. The earnest work which has been done by the State and National Audubon Societies is beginning to bear fruit and the work should be perpetuated through the State Game Department.

To this end the Chief Game Warden should be authorized to employ a capable educational Secretary charged with the special duty of forming bird clubs all over the State, besides acting as an assistant in other work when needed.

Having been in every county in the State, and many of them several times, I can sincerely assure you that the people are ready to give enthusiastic support to constructive work in this regard.

No people have ever lost their wild game and bird and fish life without disastrous results industrially, hygienically and sentimentally, and bitter regret has often come too late.

Now is the golden time to save these treasures in South Carolina.

**THE UNITED STATES MIGRATORY BIRD LAW.**

According to the best legal opinion the treaty entered into between Great Britain and the United States has become the supreme law of the land, and the regulations for enforcing its provisions are effectively validated.

This law embraces most of our game birds and it is clear that our State Laws should conform to it so as to prevent confusion and save our citizens the penalties of unintentional violation, as
all hunters study the State Law and most of them are ignorant of National enactments.

Therefore, I am offering you an Act in proper shape to effect this purpose and trust that you will adopt it as State wide legislation.

No harm can come from doing so, and much good will result.

A SOUTH CAROLINA GAME, BIRD AND FISH LAW.

Herewith I venture to present for your consideration a complete set of laws for the protection of our domestic birds, game and fish, which I trust you will improve or adopt, and enact into a uniform law for the whole State so as to save the unending confusion now existing because of local exemptions and exceptions.

Simplicity, equality and uniformity are the soul of effectiveness in law acceptability and enforcement.

There are a few counties which now have shorter seasons than are here provided for, but their game conditions will be improved if an equal law shall be equally enforced everywhere.

Game increasing in one county will overflow into the next, just as it does from protected preserves to surrounding territory, and no part of the State will then become a selected section for discriminatory slaughter and lawlessness.

In the administration of the business affairs of this office I have had the hearty cooperation of all departments of the State Government and I wish to express my acknowledgments to your Excellency, your Honorable bodies, and to my fellow State officers for courtesies and consideration shown.

W. H. GIBBES,
Chief Game Warden.

ADDENDUM.

Since writing this report my careful study has been given to the idea of using the surplus funds of the Game Department for the support of the John de la Howe school for the occupational training of the normal poor girls and boys of the State.

The conviction grows on me that this would be a most admirable use of such money, and that it would command the support of the people from one end of the State to the other.
Should the Legislature pass such a State-wide license law as I have suggested it would be safe to promise, with a proper management of the Department, the first year would produce a net sum of $25,000 for this purpose.

In what way could the money contributed by the sportsmen of the State be better used? First law enforcement and bird, game and fish protection and propagation and then the uplift of our worthy handicapped children; and such results without a cent of cost to the taxpayers!

W. H. G.

Section 1—A State Wide License for Hunting and Fishing. With the exceptions noted hereinafter, no citizen of South Carolina shall kill, take, hunt or pursue any birds or animals in this State in any way or manner, wherever they may be, whether migratory or domestic; or fish, trap, net or seine in any manner in any of the waters of the State without first procuring a license to hunt or fish, which said license shall cost $2.25, 25 cents to be paid as a commission to the salesman and $2.00 to be paid into the Game Protection Fund, said license to be salable only to citizens of this State, to soldiers and sailors of the Army and Navy and attaches of same stationed with them, or other employees of the United States temporarily in the State on official duty.

a. Children under 12 years of age may fish with hook and line in proper season without license when accompanied by an adult with license.

b. An owner of a private pond or lake, not upon any stream communicating with other ponds, lakes or streams, may take fish from such pond or lake as he may please except by the use of poisons or explosives.

c. Children under 12 years of age may destroy English sparrows with slingshots, airguns or traps at any time without the payment of a license.

Sec. 2—Non-Resident Hunting License. With the exceptions noted in Section 1, all non-residents of this State before hunting within the State in any way shall first procure a non-resident hunting license the price of which shall be $15.25, 25 cents being payable as a commission to the selling agent, and $15.00 to the Game Protection Fund.

Sec. 3—Non-Resident Fishing License. With the exceptions noted in Section 1, all non-residents of this State, before fishing
for game or other fish in any manner in the inland streams or waters of the State, shall first procure a non-resident fishing license which shall be $5.25, the $5.00 to be paid to the Game Protection Fund and the 25 cents to be payable to the selling agent.

Sec. 4—*Fines and Penalties.* The penalty for violation of Sections 1, 2 and 3 shall be $25.00 fine or 30 days' imprisonment for the first offense, and for the second offense both fine and imprisonment shall be imposed.

Sec. 5—The forms of these licenses shall be determined by the Chief Game Warden; they shall be non-transferable and non-replaceable; and they shall be on sale on and after July 1st each year in every County in the State and shall expire at midnight on June 30th following.

Sec. 6—All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Sec. 7—Where citizens are found in the field where hunting is done equipped with hunting guns and ammunition these facts shall be taken as *prima facie* evidence that such persons are actually hunting the game or birds of the State and they must be provided with hunting licenses or be liable to penalties named in this Act. The same provision shall apply to fishing.

AN ACT FOR THE PROTECTION OF DOMESTIC BIRDS, GAME AND FISH AND THE REGULATION OF HUNTING AND FISHING, AND OTHER PURPOSES.

Section 1.—All wild birds, wild game and fish (except fish in strictly private ponds and lakes entirely segregated from other waters) shall be and are hereby declared to be the property of the State subject to the ownership by the United States in migratory game and insectivorous birds under the Migratory Bird Treaty Act between Great Britain and the United States.

Sec. 2.—For the purposes of this Act the following classifications shall be recognized:

a. Domestic Game Birds.
   - Black Birds, Pheasants, Partridges (Quail) and Wild Turkeys.

b. Destructive Birds.
   - Eagles, Buzzards, Crows, Cooper's Hawk, Duck Hawk, English Sparrows, Great Horned Owl, Jay Birds, Loggerheads and Sharp Skinned Hawk.
c. Game Animals.
Bear, Deer, Fox, Mink, Musk Rats, Opossum, Otter, Rabbits, Racoon, Skunk and Squirrels (except Flying Squirrels).

d. Game Fish.
Jackfish or Pickerel, Pike, Black Bass or pond Trout, Striped Bass or rock fish, Warmouth, Red-Belly, Robin, Bream, Copper Face or Ball Faced Bream, Banded Bream, Yellow Belly Perch, Sunperch, Red-Fin Trout, Speckled Trout, Flyer, Crappie, Rock Bass, Goggle-Eye and White Perch.

e. The open season for partridges and wild turkeys shall be from December 1 to February 28, of each year, and the bag limits shall be 15 partridges or quail per day, and two wild turkeys per day. Baiting or trapping turkeys or partridges is prohibited. The open season for black birds shall be from October 1 to March 15, of each year. There shall be a closed season for pheasants for five years after the passage of this Act.

f. Destructive birds, foxes and wildcats, may be killed by owners and renters and officers of the law upon their holdings and without license at any time.

g. All domestic birds not named above are non-game birds and shall not be destroyed in any way at any time.

h. The open season for hunting game animals shall be from October 1 to March 15, of each year, except that deer may be hunted from September 1 to January 31 only. No deer shall be killed except bucks with horns and the bag limit shall be five per season.
The bag limit for squirrels shall be fifteen per day.

i. The open season for catching game fish (which shall be caught with hook and line only) shall run from July 1 to April 30, of each year, in all the clear water streams and waters of the State.

j. Gill nets (not to extend more than half way across a stream, lake or pond) may be used in season in any of the waters of the State, and traps, seines, trot lines or any other device which does not block the passage of fish in streams, may be used in the muddy streams of the State at any season, provided they be not used within 100 yards of the mouths of clear water streams emptying into same.
No traps, nets or other devices shall be used at the mouths of or inside of any rice field ditches.
k. The tickling, pegging or catching of game fish by any means except rod and line or hand line, or single set line outside of beds is strictly forbidden.

1. Where any of the waters of this State are about to go dry, Game Wardens may authorize the collection of fish therein so as to save them as a food supply.

Sec. 3.—Birds or Animals injurious to property, destruction of.—In the event that any species of birds or animals protected by the laws of this State shall become, under extraordinary conditions, seriously injurious to agricultural or other interests in any particular community, the Chief Game Warden shall make an investigation to determine the nature and extent of the injury. Whether the species of birds alleged to be doing the damage should be killed, and, if so, he shall have power in his discretion to direct any game warden, or to issue a permit to any person on whose property the birds or animals are doing the damage, to kill or capture such species of birds and dispose of the same in such manner as the Chief Game Warden may direct, but the birds or animals captured or killed under this section shall not be shipped or sold except they may be shipped for scientific purposes or to any charitable eleemosynary institution in the State.

This section shall not be construed to authorize the killing, capturing, or otherwise molesting migratory birds in violation of any Federal law or regulation.

Sec. 4.—The penalty for violation of any of the provisions of Section 2 shall be $25.00 fine or 30 days' imprisonment for the first offense, and for the second and subsequent offenses both fine and imprisonment shall be imposed.

Sec. 5.—No domestic game fish or game shall be sold in this State during the closed seasons, and upon conviction the buyer and seller shall both be subjected to a fine of $25.00 or imprisonment for 30 days for the first offense, and to both fine and imprisonment for the second and subsequent offenses.

Each sale to a customer by a hotel, restaurant or boarding house by serving such fish or game at meals or on order in the closed season shall be a separate offense, and the possession by hotels, restaurants and boarding houses of such fish or game out of season (without a bona fide invoice from the shipper outside of the State naming the kind and quantity of such fish or game
shipped, with the shipper's receipt therefor) shall be *prima facie* evidence of violation of this section.

Sec. 6.—Should any game-fish be taken by net or other appliances while fishing for other fish than game fish, they shall be immediately returned to the water from whence they came.

Sec. 7.—It is unlawful to poison the streams or waters of the State in any manner whatsoever for the purpose of taking fish. The muddying of streams or ponds or the introduction of any substance which results in making the fish sick, so that they may be caught, is hereby declared to be poisoning in the sense of this Act. No sawdust or acid, or other injurious substance, shall be discharged into any of the streams of the State where fish breed or abound. It shall be unlawful to throw, place or put any dynamite or any explosive in any lake, stream or water in the State for the purpose of taking fish. For violation of this section the person or persons so violating shall be fined ($500.00) five hundred dollars or imprisoned one year.

Sec. 8.—It shall be unlawful for any transportation company to receive for shipment any of the game birds, fish or animals of the State, except in season and unless the package containing them shall be so labeled as to show the consignor and consignee, and the number and names of the birds and animals.

A duly commissioned game warden is authorized, upon making an affidavit before a Magistrate or in any Court of the State, that there exist reasonable grounds to believe that birds, game or fish are in possession of a common carrier in violation of the law, to procure a search warrant and to open and enter and examine all cars, warehouses, and receptacles of common carriers of the State where they have reason to believe any game, taken or held in violation of this section, is to be found and seize the same. It shall be the duty of said game wardens to prosecute all persons or corporations having in their possession any birds, non-migratory fish, or game, contrary to the bird, fish and game laws of this State. It shall be their duty to see that the bird, non-migratory fish and game laws are enforced, and to obtain information as to all violations of the said bird, non-migratory fish, and game laws. The penalty for violation of this section by any common carrier or its agent shall be a fine of $100.00 or imprisonment for 90 days.

Sec. 9.—No fish stream not wholly within the lands of one owner of this State shall be obstructed by dam or otherwise unless
there be provided a fishway in same. For the violation of this section the person or corporation so violating shall be fined not less than ($25.00) twenty-five dollars for each day that said obstruction shall exist without said fishway in same after having been notified in writing by any person that such obstruction exists.

Sec. 10.—If any person shall keep, put or cause to be kept, put or placed by him, her or them, any fish trap in or near any boat sluice in any of the rivers within this State so as thereby to injure or in the least obstruct the free navigation of said rivers, every such person or persons so offending shall forfeit for each and every such offense the sum of $25.00 for each day said obstruction shall exist after notice, and shall be imprisoned until its removal if said obstruction shall remain therein for more than five days thereafter.

Sec. 11.—The possession by any person or persons within the State of any game fish, game or birds or parts or fresh hides thereof out of season except as provided in section 5, shall be prima facie evidence of the violation of the said laws against taking or killing said birds, fish or game, and the penalty for such possession shall be the same as if the said person or persons had been convicted of said killing or taking.

Sec. 12.—There shall be no night hunting in this State except for coons and opossums and foxes, and the penalty for hunting deer with torches or artificial lights of any kind shall be $100.00 fine and ninety days’ imprisonment.

Sec. 13.—If any person, at any time whatsoever, shall hunt or range on any lands, or shall enter thereon for the purpose of hunting, fishing or trapping, without the consent of the owner or manager thereof, every such person so offending shall forfeit and pay a fine of twenty dollars, or be imprisoned at hard labor not more than 30 days for each and every such offense, and shall be liable to the owner for all damages done to his property as a result of such trespass either directly or indirectly, by fire, destruction of timber or otherwise.

Sec. 14.—When not otherwise specified the violation of any part of the game, bird or fish laws of this State, whether migratory of domestic, shall be $25.00 or thirty days’ imprisonment for the first offense, with both said fine and imprisonment for the second and subsequent offenses, all of said fines being payable by Magistrates and Courts to the Chief Game Warden, who shall transmit them to the State Treasurer for the credit of the Game Protection Fund.
No Judge or Magistrate or Warden shall have the right to abate or refund any part of said fines or sentences, but the pardoning, paroling or suspending power shall vest alone in the Governor and Board of Pardons.

Sec. 15.—It shall be the positive duty of all Sheriffs, Deputy Sheriffs, Constables, Rural Policemen and Special Officers to actively cooperate with the Game Department and Game Wardens in the enforcement of the Game and Fish laws of the State and the Chief Game Warden may compensate them for such assistance and cooperation in cases convicted through their work by the payment to them of not more than 50 per cent. of the fines actually collected and paid into the Game Protection Fund.

Sec. 16.—It shall be the duty of Game Wardens and other officers named above, and the privilege of owners of property on their premises to kill all stray dogs and cats roaming at large when not accompanied by their owners or some person or persons in charge, and the officers or property owners killing such dogs or cats shall be held harmless in performing such duty.

Sec. 17.—The destruction of birds’ nests shall be punishable in the same way as the destruction of birds. The Chief Game Warden shall have authority to give special permits for the collection of birds or eggs for scientific purposes, or for trapping birds, game or fish for the purpose of stocking preserves.

Sec. 18.—The Federal Migratory Bird Regulations, which are published herewith, are hereby adopted as State Regulations governing all birds named therein, and the penalty for the violation of any of these regulations shall be $25.00 fine or thirty days’ imprisonment for the first offense and $25.00 fine with thirty days’ imprisonment for the second and all subsequent offenses.

Sec. 19.—One shipment per week in season of an amount of game not to exceed two days bag limit shall be allowed a licensed hunter in this State, whether resident or non-resident, to be transported within or without the State, provided said shipment be clearly marked to show complete contents with names of both consignor and consignee, the consignor to be the licensed hunter who actually killed the game. Shipments by others is prohibited.

Sec. 20.—All bird, game and game fish regulations or Acts heretofore existing in this State are hereby repealed, except where such Acts provide for the appointment, election or regulation and further duties of Game Wardens or other legal officers connected with the Game Department.
MIGRATORY BIRD TREATY ACT REGULATIONS.
(Effective July 31, 1918.)
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,
A PROCLAMATION.

Whereas, section three of the Act of Congress approved July third, nineteen hundred and eighteen, entitled "An Act to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes" (Public, No. 186, 65th Congress), provides as follows:

"That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, (sic), sale, purchase, shipment, transportation, carriage, or export of any such birds, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President."

And, Whereas, The Secretary of Agriculture, pursuant to said section and having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, has determined when, to what extent, and by what means it is compatible with the terms of said convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, and export of such birds and parts thereof and their nests and eggs, and in accordance with such determinations has adopted and submitted to me for approval regulations, which the Secretary of Agriculture has determined to be suitable regulations, permitting and governing hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, and export of said birds and parts thereof and their nests and eggs, which said regulations are as follows:
"REGULATIONS, MIGRATORY BIRD TREATY ACT.

"REGULATION 1.—DEFINITIONS OF MIGRATORY BIRDS.

"Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

"1. Migratory game birds:
"(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans
"(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
"(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
"(d) Limicolae, or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
"(e) Columbidae, or pigeons, including doves and wild pigeons,

"2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whip-poor-wills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

"3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemonts, gulls, herons, jaegers, loons, murrels, petrels, puffins, shearwaters, and terns.

"REGULATION 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN.

"The migratory game birds specified in Regulation 4 hereof may be taken during the open season with a gun only, not larger than number 10 gauge, fired from the shoulder, except as specifically permitted by Regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, from a blind or floating device (other than an airplane, powerboat, sailboat, or any boat under sail), with the aid of a dog, and the use of decoys.
"REGULATION 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS.

"For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

"Waterfowl (except wood ducks, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, wilson snipe or jacksnipe, and mourning and white-winged doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, by the means and in the numbers permitted by Regulations 3 and 5 hereof, respectively, and when so taken, each species may be possessed any day during the respective open seasons herein prescribed therefor and for an additional period of 10 days next succeeding said open season.

"Waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe.—The open seasons for waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe shall be as follows:

"In Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, and Louisiana the open season shall be from November 1 to January 31; and

"Rails (except coot and gallinules.)—The open season for sora and other rails (except coot and gallinules) shall be from September 1 to November 30, except as follows:

"Black-bellied and golden plovers and greater and lesser yellowlegs.—The open seasons for black-bellied and golden plovers and greater and lesser yellowlegs shall be as follows:

"In the District of Columbia, North Carolina, South Carolina, Tennessee, Arkansas, Oklahoma, New Mexico, Arizona, California, and Alaska the open seasons shall be from September 1 to December 15;

"Woodcock.—The open seasons for woodcock shall be as follows:

"In Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, and Oklahoma the open season shall be from November 1 to December 31.

"Doves.—The open seasons for mourning and white-winged doves shall be as follows:
"In North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana the open season shall be from September 16 to December 31.

"REGULATION 5.—BAG LIMITS ON CERTAIN MIGRATORY GAME BIRDS.

"A person may take in any one day during the open seasons prescribed therefor in Regulation 4 not to exceed the following numbers of migratory game bird:

"Ducks (except wood duck and eider ducks).—Twenty-five in the aggregate of all kinds.

"Geese.—Eight in the aggregate of all kinds.

"Brant.—Eight.

"Rails, coot, and gallinules.—Twenty-five in the aggregate of all kinds.

"Black-bellied and golden plovers and greater and lesser yellowlegs.—Fifteen in the aggregate of all kinds.

"Wilson snipe, or jacksnipe.—Twenty-five.

"Woodcock.—Six.

"Doves (mourning and white-winged).—Twenty-five in the aggregate of both kinds.

"REGULATION 6.—SHIPMENT AND TRANSPORTATION OF CERTAIN MIGRATORY GAME BIRDS.

"Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe, or jacksnipe, and mourning and white-winged doves and parts thereof legally taken may be transported in or out of the State where taken during the respective open seasons in that State, and may be imported from Canada during the open season in the Province where taken, in any manner, but not more by one person in one calendar week than the number that may be taken under these regulations in two days by one person; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional times immediately succeeding such open season, not to exceed five days, necessary to deliver the same to their destination; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds
shall be transported from any State, Territory, or District to or through another State, Territory, or District, or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District, or Province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any State, Territory, or District from another State, Territory, or District, or from any State, Territory, or District into any Province of the Dominion of Canada at a time when such State, Territory, or District, or Province of the Dominion of Canada prohibits the possession or transportation thereof.

"REGULATION 8.—PERMITS TO PROPAGATE AND SELL MIGRATORY WATERFOWL.

"1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

"2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him in any manner except by shooting, and the unplucked carcasses and the plucked carcasses with heads attached thereto of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit.

"3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.
Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the first day of January next following; also for the calendar year for which permit was issued the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with number and species and whether sold alive or dead; and the date of each transaction. A written report correctly setting forth this information shall be furnished the Secretary during the month of January next following the issuance of the permit.

A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

Permits issued under this regulation shall be valid only during the calendar year of issue, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder.

A person engaged in the propagation of migratory waterfowl on the date on which these regulations become effective will be allowed until September 30, 1918, to apply for the permit required by this regulation, but he shall not take any migratory waterfowl without a permit.
"REGULATION 9.—PERMITS TO COLLECT MIGRATORY BIRDS FOR SCIENTIFIC PURPOSES.

"A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same.

"Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: name and address of applicant and name of State, Territory, or District in which specimens are proposed to be taken and the purpose for which they are intended. Each application shall be accompanied by certificates from two well-known ornithologists that the applicant is a fit person to be entrusted with a permit.

"The permit will authorize the holder thereof to possess, buy, sell, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, buy, sell, and transport in any manner and at any time migratory birds and parts thereof, and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit.

"Permits shall be valid only during the calendar year of issue, shall not be transferable, and shall be revocable in the discretion of the Secretary. A person holding a permit shall report to the Secretary on or before January 10 following its expiration the number of skins, nests, or eggs of each species collected, bought, sold, or transported.

"Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.
“REGULATION 10.—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY.

"When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made."

Now, Therefore, I, Woodrow Wilson, President of the United States of America, do hereby Approve and Proclaim the foregoing regulations.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done in the District of Columbia, this thirty-first day of July, in the year of our Lord One Thousand Nine Hundred [seal.] and Eighteen and of the Independence of the United States of America the One hundred and Forty-third.

WOODROW WILSON,

By the President:

FRANK L. POLK,
Acting Secretary of State.

STATISTICAL.

Cash Receipts.

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$44,125.14
### DISTRIBUTION OF RECEIPTS:

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**Total**: $34,599.02

*Barnwell and Bamberg were under the same Game Warden in 1917 and the accounts were not properly separated.*

The salary and expenses of the Warden were greater than the income. This year this Warden has been placed on a commission basis and these counties will get their proportion of the State and County license money.

Commissions were retained by agents as follows:

- County licenses: $2,020.00
- State licenses: $234.10
- Non-resident licenses: $86.00

**Total**: $2,340.10

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**Distribution of Expenditures, July 29, 1917, to June 30, 1918.**

- Rent: $160.00
- Office Furniture, Fixtures, etc.: $556.27
- Printing and Advertising: $938.14
- Traveling Expenses Game Wardens: 1,291.96
- Salaries Stenographer, Bookkeeper and Help: 1,317.25
- Attorney's Fees: $82.50
- Back Debts of Office: $3,184.49
- Salaries and Commissions of Game Wardens: 14,040.18
Salary Chief Game Warden........................................... 1,604.12
Traveling Expenses Chief Game Warden.......................... 987.63
Payments to Counties ............................................... 11,178.50

$35,341.04

Balance, July 1, 1918 ............................................. 8,784.10

$44,125.14

**Itemized Remittances to State Treasurer.**

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$34,782.92

Receipts per Cash Book........................................... 34,599.02

Overpaid .......................................................... $183.90

**Back Debts of Office Paid by W. H. Gibbes and Included in General Statement.**

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<td></td>
<td>Palmetto National Bank, Rent</td>
<td>768.60</td>
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<td>Mar. 16</td>
<td>J. D. Nance</td>
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<td>April 29</td>
<td>L. N. Chamberlain</td>
<td>43.60</td>
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<td>May 31</td>
<td>P. H. Grumble</td>
<td>22.50</td>
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<td>3,184.49</td>
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</table>

Refund to Counties from Game Protection Fund.

July 28, 1917, to July 1, 1918

<table>
<thead>
<tr>
<th>County</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbeville</td>
<td>$146.00</td>
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<tr>
<td>Anderson</td>
<td>582.00</td>
</tr>
<tr>
<td>Beaufort</td>
<td>374.00</td>
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<tr>
<td>Calhoun</td>
<td>148.50</td>
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<td>Charleston</td>
<td>806.00</td>
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<tr>
<td>Darlington</td>
<td>531.50</td>
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<tr>
<td>Dillon</td>
<td>131.00</td>
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<tr>
<td>Dorchester</td>
<td>235.00</td>
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<tr>
<td>Edgefield</td>
<td>380.50</td>
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<tr>
<td>Fairfield</td>
<td>516.50</td>
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<tr>
<td>Florence</td>
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<td>Greenville</td>
<td>1,163.00</td>
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<td>339.00</td>
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<tr>
<td>Horry</td>
<td>46.50</td>
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<tr>
<td>Kershaw</td>
<td>233.50</td>
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<td>Laurens</td>
<td>1,338.50</td>
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<tr>
<td>Lee</td>
<td>235.50</td>
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<tr>
<td>Lexington</td>
<td>699.50</td>
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</tbody>
</table>
Marion ............................................. 112.50
McCormick ...................................... 291.50
Newberry ........................................ 514.50
Orangeburg ...................................... 682.50
Pickens ........................................... 322.50
Richland .......................................... 1,050.50
Saluda ............................................. 186.50
Spartanburg ...................................... 702.00
Sumter .............................................. 572.00
Union ............................................... 483.00

$13,299.50

*$2,121.00 of this amount was paid after July 1, 1918.

WARDENS AND ACTING WARDENS IN SOUTH CAROLINA.

Abbeville ...... J. M. Huckabee ....................... Lowndesville
Anderson ...... H. S. Trescott ....................... Pendleton
Bamberg ...... J. Crum Smoak ...................... Branchville
Bamberg ...... O. B. Lane .......................... Olar
Bamberg ...... W. J. Hutto ........................ Denmark
Bamberg ...... J. A. Copeland ...................... Lodge
Barnwell ...... H. W. Richardson ................ Allendale
Barnwell ...... A. S. Corley ....................... Dunbarton
Berkeley ...... Henry N. Poppenheim ............. Oakley
Berkeley ...... S. P. Parker ........................ Oakley
Berkeley ...... W. J. Matthews .................... Strawberry
Berkeley ...... W. P. Mixon ........................ Early Branch
Beaufort ...... J. D. Parler ........................ Beaufort
Calhoun ...... J. P. Chartrand ..................... St. Matthews
Charleston ...... V. S. Sloan ...................... Charleston
Charleston ...... E. A. Hutchinson ............... Charleston
Charleston ...... E. L. Grimball ................... Johns Island
Charleston ...... Ed. M. Bailey .................... Edisto Island
Charleston ...... J. A. Chinness ................... Ravenel
Charleston ...... Norman Welch .................... Charleston
Chester ...... J. G. L. White ........................ Chester
Chesterfield .... D. H. Laney ..................... Chesterfield
Clarendon ...... P. H. Grumble .................... Manning
Colleton ...... C. N. Langdale ..................... Walterboro
Colleton ...... I. M. Redish ........................ Colleton
Darlington ...... J. L. Jordan ...................... Hartsville
Dillon ...... C. S. Bethea .......................... Latta
Dorchester ...... A. G. Varnadoe ................... Ridgeville
Most of these Wardens have full commissions as Game Wardens for South Carolina and they have jurisdiction over the entire State.