

Colonial Hunting Laws

With this year's hunting season upon us, accompanied by the age-old arguments and misunderstandings as to what to hunt and where the hunting is to take place, I thought we might look at some early laws established by the Colonial Connecticut legislature. The difference between then and now was the necessity to supply food to the hunter's family in the early years, whereas today it is considered a sport, and although deer and turkey are welcome additions to today's table, it is, after all, supplemental to the super market.

By the 1760's, the forests in this state had been greatly modified, primarily cleared for agricultural purposes. This undoubtedly had a great impact upon animal life, although we as a state were on the threshold of an even greater cycle of tree removal in the quest for charcoal to run the iron industry. The need for charcoal caused the entire state to be almost completely denuded. By the early nineteenth century, just before the advent of the railroad era, charcoal was being carted into the state (primarily Litchfield County) from as far away as southern Vermont.

With this in mind, what appears to be a peculiar law concerning deer begins to make some sense; here is one such law from 1769, as written in the "Acts and Laws of the Colonial Connecticut Legislature" on page 38:

"An act for the preservation and increase of deer; and for the encouragement of keeping them in parks, or other enclosures."

"Whereas the killing of deer at unseasonable times of the year is very prejudicial to the public good, the flesh and skins being then but of little value, and their increase greatly hindered, this law is enacted that no person or persons, Indians or others whatsoever within this colony, at any time between the first day of January and the first day of August next following, in each year, annually, for ever hereafter, shall anyways whatsoever kill, or destroy – directly or indirectly, any buck, doe or fawn, on pain that every such person so offending and being thereof convicted shall forfeit and pay for every such offence the sum of 4 pounds.

One half the fine to go to the prosecutor, the other one half to the town in which the offence took place."

Possession of any amount of venison or skins during the prohibited time was considered proof that that person was the killer of the deer, unless he could prove to the judge's satisfaction that the meat or skin had been forced upon him as an act of entrapment.

"However, if a person has an enclosed area in which he kept deer, he is not governed by this law and may harvest them at any time.

And whereas sundry persons in this colony have erected parks, or enclosures for keeping and preserving deer, which is likely to be for the public good; and more may be erected for that purpose.

Therefore anyone who shall kill or destroy any buck, doe or fawn kept in a park, or who shall course, chase, hunt or wound any such deer, or shall willfully pull up, open or throw down any fence, gate or bars enclosing such park, upon conviction shall pay the owner of the park 7 pounds besides the price of such deer so killed or destroyed.

Any person trespassing within such park shall pay to the owner 30 shillings plus damages if any. If a person be convicted of willfully pulling up fencing around a park or leaving open bars or gates, shall pay the park owner 13 pounds plus damages.”

So as to put this fine in perspective, if a person back then was to be paid for a day’s work (which most were not – they were more likely to be paid in bartered goods), he would receive about 70 cents for a 10-hour workday; thus a 13 pound fine would equate to around 60 workdays. A very severe fine indeed!

The law continues:

“Provided never-the-less that if the defendant in such action be an Indian or other person ignorant of the nature of an oath, then such court shall refuse his oath to discharge him, and shall proceed on the defendant’s part to enquire according to, and by any other proper evidence (according to their description) that may be produced by the defendant.”

At a January 1779 Town Meeting in Norfolk, it was voted that “any person being an inhabitant of the town of Norfolk that shall kill and destroy any wolf (*sic.*) or painter (panther, or mountain lion) within the bounds of this town between this time and the annual town meeting in December next shall be entitled to the sum of 6 pounds money for every wolf or painter or painter so killed and destroyed as aforesaid, which shall be certified by a justice of the peace or justices of this town to the selectmen who shall give their order on the back of said certificate and order.

And any inhabitant as above said who shall have taken the track of either of said vermin in this town and continues the chase into any neighboring town or towns and their killing as above said shall be entitled to said sum being certified as aforesaid.” (Page 8, vol. 1, Norfolk Town Records.)

Later on, at a Colebrook town meeting held on December 16, 1813, it was voted that the town lay a bounty for the destruction of wild cats and foxes - \$5.00 for each wildcat, \$1.00 for each old fox killed in town from now to the November meeting and excepting young foxes from the first of January to June 19, which shall be .50 cents each. Voted that there be a bounty of twelve and one half cents for each crow killed in town from now ‘til the November meeting.

Interestingly, all mention of bounties ceased after 1815. Whether this meant that enough “varmints “ had been eliminated that they no longer were deemed a threat to the well being of the townspeople and their crops or not, I cannot say. Perhaps attitudes changed. Certainly the bounty system never went out of fashion, as there used to be a .50-cent bounty on porcupines not too many years ago, and may still be in effect as far as I know. The hunter did not have to bring in the entire porcupine, only the ears were required.

Returning to the topic of our deer, although we no longer have privately owned deer parks, we do have game sanctuaries, one being the large portion of Algonquin Forest lying east of Sandy Brook and south of Beech Hill/Chapin Road where no hunting of any kind is allowed. Several concerned citizens, among whom was Mrs. Kitchel, established this in the 1930’s.

Historic Bytes

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