

SENATE No. 325

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March, 1930.

MAJORITY REPORT.

In compliance with the provisions of Article XLVIII of the Amendments of the Constitution, the Committee on Conservation to whom was referred the initiative petition of Francis H. Rowley and others, accompanied by "An Act to amend Chapter 131 of the General Laws," transmitted to the General Court by the Secretary of the Commonwealth, on January 1, 1930, and printed as House Document No. 201, having heard the petitioners and all parties in interest, and having duly considered the matter, herewith submits its recommendations relative thereto, and the reasons therefor:

The petitioners for the proposed legislation seek to make it illegal to use, set or maintain any trap or other device for the capture of fur-bearing animals which is likely to cause continued suffering to an animal caught therein, and which is not designed to kill such animal at once or to take it alive unhurt, and provides for a penalty of fifty dollars for each offence. The proposed bill further provides that it shall not apply to traps or other devices for protection against vermin if set or maintained not more than fifty yards from any building or cultivated plot of land to the use of which the presence of vermin may be detrimental.

The trap whose use is thus sought to be restricted is commonly known as a steel trap.

It will be noted that the proponents of the proposed law admit the necessity of using traps, without restriction as to their construction or method of operation, for the protection of property against vermin, but with restriction as to the location where the traps shall be set or maintained.

Such restriction as to the location of the traps almost vitiates the only effective means now available to property owners to pro-

tect their property against the depredations of animals. Traps must be set near the burrows of animals, wherever they are, in order to capture them and such burrows are frequently located beyond the limitations prescribed by the proposed bill.

The enormous loss caused by predatory animals to property, and particularly to crops and poultry, throughout the Commonwealth, makes it inadvisable to restrict the use of steel traps, as set forth in the proposed bill, which prove to be practically the only effective means of successfully combating destructive animal pests.

There is no suitable substitute for the steel trap, and until such a substitute is available, the proposed law should not be enacted.

The petition was vigorously opposed at the hearing by representatives of agricultural societies and organizations, including the State Grange, whose membership approximates 49,000, and the Massachusetts Farm Bureau Association with a membership of about 3,000.

If this proposed bill is not passed by the General Court, it will, in all probability, be submitted to the voters and they can decide whether the legislation sought by the petitioners should become a law. Proposals for similar legislation have frequently in past years been submitted to the General Court and have been rejected, and a vote of the people as to the advisability of enacting said legislation should be desired by all parties.

For the foregoing reasons, a majority of the committee believes that the law asked for by the petitioners is inadvisable, and therefore recommends that the bill ought not to pass.

SENATOR SAMUEL H. WRAGG,
SENATOR THOMAS J. WORRELL,
REPRESENTATIVE ERNEST J. DEAN,

House Chairman.

REPRESENTATIVE SYDNEY M. WILLIAMS.
REPRESENTATIVE NORMAN L. SNOW.
REPRESENTATIVE FRANCIS H. PERRY.
REPRESENTATIVE IRA C. WARD.
SENATOR CHARLES W. FAULKNER.
REPRESENTATIVE JOSEPH ROACH.
REPRESENTATIVE CHARLES HOLMES.

MINORITY REPORT — HOUSE BILL NO. 201.

We dissent from the majority report, believing that humane types of traps have been developed to such a point of perfection that the use of torture types of traps is no longer necessary.

We have carefully considered the matter from all angles, including to what extent the fur industry would be affected and conclude that the amount of fur produced annually in this state, and put into use by our local furriers, is a small per cent of the total amount they annually buy and sell.

We concede that a slight economic readjustment over a period of two years might result, but we believe that the fur industry and all parties concerned would profit thereafter.

The first, and possibly the second, year the annual local catch would probably be less than that of previous recent years, due principally to the fact that trappers would have to adjust themselves to the use of new types of traps. Following this two-year period, the annual catch will exceed any made in recent years, because the time required for the trapper to adjust himself would also be the time required for our valuable fur-bearers to multiply sufficiently to breed a larger annual crop.

If the claim is made that it would be more difficult to make the annual catch by the use of humane traps, it is based on a given number available. With an increased number available in the covers, it is obvious that the chances of an equal catch would be so increased as to overcome the presumed loss of efficiency because of the elimination of torture types of traps.

To illustrate the point: suppose there were 3,000 muskrats available in a given area at the beginning of the trap season and 2,000 were taken; 1,000 are left to breed, which, we assume, are equally divided in sex. If the females bear young at the rate of four each, and all survive, the total new stock would be 2,000. The total available at the beginning of the next trap season would be 3,000; but all do not survive.

Suppose the same 3,000 muskrats were available at the beginning of the year that this law were to go into effect, and due to the unaccustomed use of the new types of traps, together with the presumed loss of efficiency, only 1,000 were caught; 2,000 breeders would remain, 1,000 of which would bear young at the rate of four each. The new stock would amount to 4,000, bringing the total available the following trap season up to 6,000.

With the added amount available and his accumulated experience in the use of the new types of traps, the trapper should have no difficulty in exceeding any annual catch made in recent years with the added feature of securing the pelts in a humane manner. The same principal applies to all local species with the possible exception of fox and raccoon which is considered herein.

The estimated loss of efficiency where torture types of traps are prohibited is 10 per cent. This appears to be the necessary amount of trap-control required to assure a larger and continuous supply of fur, and is, therefore, a measure of protection to future generations as well as to the fur industry.

The fact is that the steel-jawed trap is so efficient that its use, together with the ever-increasing destruction of the natural covers, jeopardizes the very existence of our local fur-bearers and could destroy the last existing remnants. If it be true that a slight economic readjustment would be met; we are nevertheless convinced that it should be tolerated in justice and respect for warm-blooded animals which are known to suffer as intensely as do human beings and more so if their suffering is increased by restraint of freedom and fear of assault.

By keeping our local fur-bearers at a hopeless minimum and shipping in foreign goods, the furriers are able to maintain high prices, with corresponding profit. Their aim seems to be to make a small turnover of goods with a large turnover of money. This policy should be discontinued for the good of the Commonwealth. Our citizens are entitled to profit from whatever can be gained by proper management and development of our natural resources in which we all have a share. If a slight curtailment of trapping would produce an increased supply of fur with a consequent result that this very valuable commodity could be sold at prices consistent with their incomes, then such action should be taken in justice to them.

The plea of the fur industry is indicative of the continuance of the policy which they have adhered to since their inception. It was necessary for the federal government to interfere on the Pacific coast in order to prevent the extermination of seal in that region. Many similar cases are a matter of record and history.

Civilization demands conservation and the most efficient management of our natural resources, in order that civilization itself can exist.

Certain arguments presented in opposition to this bill were to the effect that if fur-bearers are allowed to increase they will prey upon game species of wild life. If this is true, what is the slight loss to the sportsmen compared to the excess cost of fur to our entire population?

The steel-jawed trap was invented about the time of the civil war and is recognized as the most cruel and dangerous device in legal use. The use of it is inefficiently managed and not confined to competent persons. Existing trap laws are so constructed as to render them practically useless. That the trend is toward laxity is evidenced by the proposal of the Codification Commission that *minors twelve years old be given the right to use torture types of traps.*

It is a recognized fact that our game species as well as fur-bearers have been reduced to a seemingly hopeless minimum since the invention of the steel-jawed trap. Before it became the universal trap, there was plenty of fur and plenty of game. In reservations where no trapping at all is allowed, there is an abundance of game. We do not believe that any great harm would be done to our game species. It has never been proven to be otherwise. We venture to state that it would prove very beneficial to conservation of game species of wild life. If this is not so, the Department of Conservation would have informed the committee at the public hearing when this bill was considered. We do not believe that the enactment of this proposed law would cause any hardship to poultry raisers or farmers because they may continue to use a steel-jawed trap within fifty yards of buildings and cultivated lands, which is ample.

It is true that the fur industry has offered a substantial reward for the invention of a humane trap that would take the place of the present steel-jawed trap, but the conditions of this offer make it appear ridiculous.

Although this is, in part, a humane measure it is meritorious in many other ways and we believe it should be recognized by civilized persons with a view toward eliminating unnecessary torture of warm-blooded animals and uplifting the morale of the younger generation, by teaching respect for the rights of animals as well as to assure the Commonwealth a continued supply of fur.

To enforce this proposed law would, in our opinion, be far less difficult than the present trap laws, and would rectify a very complicated and unsatisfactory condition by clarifying the rights of trappers, farmers and sportsmen. Sportsmen are continually striving to effect a measure of protection for their hounds. In view of the fact that so many dogs are annually caught in steel-jawed traps and rendered useless as the result, we believe the plea of these sportsmen should be given consideration.

It is generally recognized that any specie now being taken in this state by torture types of traps can be successfully taken in humane traps, with the possible exception of fox and raccoon. The present method of trapping is responsible for the scarcity of these species.

Sportsmen earnestly desire practical and profitable hunting. The problem of keeping the covers stocked amply with hares, rabbits, pheasants, partridges, woodcock and bob-white and at the same time exterminating foxes and raccoons, appears to be aimless and hopeless. Pheasants were introduced to divert the attention of gunners from other species which were rapidly decreasing, but this practice has not been productive of any great change. These species cannot stand the annual slaughter which prevails.

It is, therefore, our opinion that if it is true that foxes and raccoons cannot be trapped successfully in humane types of traps, the effect of the enactment of this proposed law would be a tremendous asset to conservation and sportsmanship, because it would provide something which would be self-sustaining and would not need artificial propagation, for the sportsmen to hunt, with a consequent saving of a tremendous number of our game species.

Occasionally wild-cats are caught in traps but are most effectively kept at a minimum by hunters. Since cat-hunting

became a popular sport, wild-cats have been reduced to a harmless minimum. They have very little value as fur-bearers, and are not trapped purposely.

The theory that wolves might invade the state seems to be mythical and without foundation. With the continuous expansion of civilization, we do not believe that wolves could ever get a foothold in this state. If it were so, they could not be successfully controlled by steel traps.

The local granges were not polled on this matter. We believe a large majority of the farmers would be in accord with this movement. We recognize the farmers as descendants of the original New England settlers who were the builders of our country churches. The present-day generation continues to support these institutions and adhere to its doctrines which conflict with the evil resulting from the use of torture traps. They are a retiring, peace-loving, law-abiding and conscientious group of people who, by their very dependence on animal life for sustenance, have learned to respect the rights of animals, and they do object to unnecessary torture.

The proponents of this bill presented facts without exaggeration and did not involve sentiment. Much of the opposition appeared to be the result of continuous propaganda and misguidance. Much of the testimony was vague and exaggerated.

When a person sets a steel-jawed trap his intention is to catch his victim by the leg and hold it until the trap-setter returns. He has perfect knowledge that the animal must suffer intense agony, even as long as twenty-four hours, lawfully under existing statute. He sets not only one of these instruments, but from 1 to 250 or more, and the law does not limit the number.

When a sportsman goes afield he carries one instrument, — his gun. His intention is, if he shoots, to kill instantly and painlessly.

Believing that if the electorate of Massachusetts were informed of the true facts concerning this entire matter, free from stifling propaganda, ninety per cent or more would demand the passage of this bill, and that if the general court does not act favorably on this petition and the proponents are able to reach the voters

with plain facts we will become the object of statewide criticism, we therefore submit this minority report for additional consideration.

Respectfully,

SENATOR GEORGE H. NELSON,

Senate Chairman.

REPRESENTATIVE FELIX J. DUSSAULT.

REPRESENTATIVE LEWIS S. GRAY.

REPRESENTATIVE WILLIAM H. KEATING.

REPRESENTATIVE PATRICK F. NESTOR.