

Office with their recommendations. Proper notation shall be made on the records of the local land offices of the receipt of such applications, but no such application shall be placed of record except upon the order of the Commissioner of the General Land Office. An application to enter by one claiming the right under the drawing provided for in this Proclamation including land previously applied for but prior to the disposition of such prior application will be suspended and the applicant notified of the conflict and that he may, within ten days, enter another and different tract.

Occupancy.

10. None of the lands opened under this Proclamation shall become subject to settlement and entry prior to nine o'clock, a. m., on December thirtieth, nineteen hundred and thirteen, except in the manner prescribed herein, and all persons are admonished not to make any settlement prior to that hour on lands not covered by entries or filings made by them under this Proclamation. At nine o'clock, a. m., on December thirtieth, nineteen hundred and thirteen, all of the lands opened under this Proclamation not otherwise withdrawn or reserved and which have not been entered or filed upon in the manner herein provided will become subject to settlement and entry under the provisions of the land laws applicable thereto.

Disposal of undisposed of lands.

Regulations.

11. The Secretary of the Interior shall make and prescribe such rules and regulations as may be necessary and proper to carry this Proclamation into full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirtieth day of September, in the year of our Lord one thousand, nine hundred and [SEAL.] thirteen, and of the Independence of the United States the one hundred and thirty-eighth.

WOODROW WILSON

By the President:

W. J. BRYAN

Secretary of State.

October 1, 1913.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Protection of migratory birds.
Preamble.

WHEREAS, an Act of Congress approved March fourth, nineteen hundred and thirteen, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen" (37 Stat., 847), contains provisions as follows:

Provisions in Act of March 4, 1913.
Vol. 37, p. 847.

All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device

kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned not more than ninety days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however,* That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

WHEREAS, the Department of Agriculture has duly prepared suitable regulations to give effect to the foregoing provisions of said Act and after the preparation of said regulations has caused the same to be made public and has allowed a period of three months in which said regulations might be examined and considered before final adoption and has permitted public hearings thereon;

And, WHEREAS, the Department of Agriculture has adopted the regulations hereinafter set forth and after final adoption thereof has caused the same to be engrossed and submitted to the President of the United States for approval;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by authority in me vested do hereby proclaim and make known the following regulations for carrying into effect the foregoing provisions of said Act:

Regulations declared in effect.

REGULATION 1. DEFINITIONS.

For the purposes of these regulations the following shall be considered migratory game birds:

Definitions.

(a) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidæ or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidæ or rails, including coots, gallinules, and sora and other rails.

(d) Limicolæ or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plover, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellow legs.

(e) Columbidae or pigeons, including doves and wild pigeons.

For the purposes of these regulations the following shall be considered migratory insectivorous birds:

(f) Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, night-hawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whip-poorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

REGULATION 2. CLOSED SEASON AT NIGHT.

A daily closed season on all migratory game and insectivorous birds shall extend from sunset to sunrise.

Closed season at night.

REGULATION 3. CLOSED SEASON ON INSECTIVOROUS BIRDS.

Closed season on insectivorous birds.
Post, p. 2025.

A closed season on migratory insectivorous birds shall continue to December 31, 1913, and each year thereafter shall begin January 1 and continue to December 31, both dates inclusive, provided that nothing in this or any other of these regulations shall be construed to prevent the issue of permits for collecting birds for scientific purposes in accordance with the laws and regulations in force in the respective States and Territories and the District of Columbia; and provided further that the closed season on reedbirds or ricebirds in Maryland, the District of Columbia, Virginia, and South Carolina shall begin November 1 and end August 31 next following, both dates inclusive.

REGULATION 4. FIVE-YEAR CLOSED SEASONS ON CERTAIN GAME BIRDS.

Five-year closed season on certain birds.

A closed season shall continue until September 1, 1918, on the following migratory game birds: Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs.

A closed season shall also continue until September 1, 1918, on wood ducks in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, California, Oregon, and Washington; on rails in California and Vermont; and on woodcock in Illinois and Missouri.

REGULATION 5. CLOSED SEASON ON CERTAIN NAVIGABLE RIVERS.

Closed season on certain navigable rivers.
Post, p. 2032.

A closed season shall continue between January 1 and December 31, both dates inclusive, of each year, on all migratory birds passing over or at rest on any of the waters of the main streams of the following navigable rivers, to wit: The Mississippi River between Minneapolis, Minn., and Memphis, Tenn.; and the Missouri River between Bismarck, N. Dak., and Nebraska City, Nebr.; and on the killing or capture of any of such birds on or over the shores of any of said rivers, or at any point within the limits aforesaid, from any boat, raft, or other device, floating or otherwise, in or on any such waters.

REGULATION 6. ZONES.

Zones established.

The following zones for the protection of migratory game and insectivorous birds are hereby established:

Zone No. 1, the breeding zone, comprising States lying wholly or in part north of latitude 40° and the Ohio River and including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Oregon, and Washington—25 States.

Zone No. 2, the wintering zone, comprising States lying wholly or in part south of latitude 40° and the Ohio River and including Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, New Mexico, Arizona, California, Nevada, and Utah—23 States and the District of Columbia.

REGULATION 7. CONSTRUCTION.

Closed seasons construed.

For the purposes of regulations 8 and 9, each period of time therein prescribed as a closed season shall be construed to include the first day and to exclude the last day thereof.

REGULATION 8. CLOSED SEASONS IN ZONE NO. 1.

Closed seasons in Zone No. 1 shall be as follows:

Waterfowl.—The closed season on waterfowl shall be between December 16 and September 1 next following, except as follows:

Closed seasons in
Zone No. 1.
Waterfowl.
Post, p. 2033.

Exceptions: In Massachusetts the closed season shall be between January 1 and September 15.

In New York, except Long Island, the closed season shall be between December 16 and September 16.

On Long Island and in Oregon and Washington the closed season shall be between January 16 and October 1.

In New Jersey the closed season shall be between February 1 and November 1; and

In Minnesota, North Dakota, South Dakota, and Wisconsin the closed season shall be between December 1 and September 7.

Rails.—The closed season on rails, coots, and gallinules shall be between December 1 and September 1 next following, except as follows:

Rails.

Exceptions: In Massachusetts, New Hampshire, and Rhode Island the closed season shall be between December 1 and August 15.

In Connecticut, Michigan, and New York, and on Long Island the closed season shall be between December 1 and September 16.

In Minnesota, North Dakota, South Dakota, and Wisconsin the closed season shall be between December 1 and September 7; and

In Oregon and Washington the closed season shall be between January 16 and October 1.

Woodcock.—The closed season on woodcock shall be between December 1 and October 1 next following, except as follows:

Woodcock.

Exceptions: In Connecticut, Massachusetts, and New Jersey the closed season shall be between December 1 and October 10.

In Rhode Island the closed season shall be between December 1 and November 1; and

In Pennsylvania and on Long Island the closed season shall be between December 1 and October 15.

Shore birds.—The closed season on black-breasted and golden plover, jack-snipe or Wilson snipe, and greater and lesser yellow legs shall be between December 16 and September 1 next following, except as follows:

Shore birds.

Exceptions: In Maine, Massachusetts, New Hampshire, Rhode Island, and on Long Island the closed season shall be between December 1 and August 15.

In New York, except Long Island, the closed season shall be between December 1 and September 16.

In Minnesota, North Dakota, South Dakota, and Wisconsin the closed season shall be between December 1 and September 7; and

In Oregon and Washington the closed season shall be between December 16 and October 1.

REGULATION 9. CLOSED SEASONS IN ZONE NO. 2.

Closed seasons in Zone No. 2 shall be as follows:

Waterfowl.—The closed season on waterfowl shall be between January 16 and October 1 next following, except as follows:

Closed seasons in
Zone No. 2.
Waterfowl.
Post, p. 2033.

Exceptions: In Delaware, Maryland, Virginia, North Carolina, Alabama, Mississippi, Louisiana, and Texas, the closed season shall be between February 1 and November 1.

In the District of Columbia, Kansas, New Mexico, and West Virginia the closed season shall be between December 16 and September 1.

In Florida, Georgia, and South Carolina the closed season shall be between February 16 and November 20.

In Missouri and Nevada the closed season shall be between January 1 and September 15; and

In Arizona and California the closed season shall be between February 1 and October 15.

Rails.

Rails.—The closed season on rails, coots, and gallinules shall be between December 1 and September 1 next following, except as follows:

Exceptions: In Tennessee and Utah the closed season shall be between December 1 and October 1.

In Missouri the closed season shall be between January 1 and September 15.

In Louisiana the closed season shall be between February 1 and November 1; and

In Arizona and California the closed season on coots shall be between February 1 and October 15.

Woodcock.

Woodcock.—The closed season on woodcock shall be between January 1 and November 1, except as follows:

Exceptions: In Delaware and Louisiana the closed season shall be between January 1 and November 15.

In West Virginia the closed season shall be between December 1 and October 1; and

In Georgia the closed season shall be between January 1 and December 1.

Shore birds.

Shore birds.—The closed season on black-breasted and golden plover, jack-snipe or Wilson snipe, and greater and lesser yellowlegs shall be between December 16 and September 1, next following, except as follows:

Exceptions: In Florida, Georgia, and South Carolina the closed season shall be between February 1 and November 20.

In Alabama, Louisiana, Mississippi, and Texas the closed season shall be between February 1 and November 1.

In Tennessee the closed season shall be between December 16 and October 1.

In Arizona and California the closed season shall be between February 1 and October 15; and

In Utah the closed season on snipe shall be between December 16 and October 1, and on plover and yellowlegs shall be until September 1, 1918.

REGULATION 10. HEARINGS.

Hearings as to changes.

Persons recommending changes in the regulations or desiring to submit evidence in person or by attorney as to the necessity for such changes should make application to the Secretary of Agriculture. Whenever possible hearings will be arranged at central points, and due notice thereof given by publication or otherwise as may be deemed appropriate. Persons recommending changes should be prepared to show the necessity for such action and to submit evidence other than that based on reasons of personal convenience or a desire to kill game during a longer open season.

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

Done at the city of Washington, this first day of October in the year of our Lord one thousand nine hundred and thirteen
[SEAL.] and of the Independence of the United States the one hundred and thirty-eighth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.