

Deer in Iowa

Primeval Iowa was the natural habitat of deer. The evidence of their early existence and importance is to be seen in effigy mounds built by ancient Indians near the mouth of the Wisconsin River. Marquette saw "deer and cattle" as he paddled down the Mississippi in the summer of 1673. Lewis and Clark, Long, and other explorers feasted on venison as they passed the western border of Iowa on their various expeditions. A party of fur traders shot deer in the Iowa hills as they proceeded slowly up the Missouri River in the summer of 1812. Hunters in the McGregor region in 1834 would "watch for the red deer as it came down from the bluff at mid-day, to slake its thirst, and cool its panting sides in the crystal waters" of nearby streams. John C. Fremont, while on a map-making expedition in 1838, went hunting with H. H. Sibley, J. B. Faribault, and a band of Sioux Indians. The hunting ground was at the headwaters of the Blue Earth River, "in Iowa, where game was abundant; many deer and some elk. It was in November, when the does are in their best condition." And deer may still be found in Iowa.

The pioneers must have observed the herds of deer with keen delight, for venison was a staple article of food. John B. Newhall, one of the first to publicize conditions in Iowa, declared in 1841 that deer were "quite numerous and valuable, particularly to that class of population which have been raised to frontier life; the flesh affording them food, and the skins clothing. No sight can be more captivating to the traveler, than to witness a flock of deer gracefully bounding over the prairies with the fleetness of the wind."

In the literature of pioneer times there are many allusions to the abundance of deer on the prairies of Iowa. In Washington County, deer were so plentiful that venison was "a very commonplace dish" and buckskin was worn "by most men". In Muscatine County "during the winter deer would drift in from the high prairies," and one "could see a dozen any day without much trouble." A pioneer of Scott County — James Brownlee — wrote that he had seen "as high as twenty deer in one drove", and William L. Cook declared that while hunting he had seen "one hundred deer between Duck Creek and the groves beyond."

Early Iowa pioneers sometimes found deer in unexpected places. In the early eighteen thirties two hunters in the valley of the Maquoketa River started up a ravine that led from the river and

soon struck "the trail of ten or a dozen deer". The bluffs on either side were too steep for the deer to ascend. Looking ahead the hunters noticed that the ravine seemed to terminate in what appeared to be a great bridge of rock. They were delighted, for they thought they had their game in a death trap. But suddenly, to their surprise, the deer "disappeared as completely as if the ground had opened up and swallowed them". They had escaped through the openings in the Maquoketa Limestone Caves.

In the late thirties deer were frequently seen in Jones County. In Delaware County, elk and deer were "about as plentiful as sheep"; a deer skin sold for fifty cents. In Johnson County, citizens who "understood the use of the rifle could supply themselves and neighbors with a fine haunch of venison at any time they wished; and it was not an unusual thing to see the deer coming up from the south part of the county and passing over College Hill . . . taking their course toward Rapid Creek and Big Grove." This was "a favorite runway" where "the flight of many a noble buck has been suddenly stopped by the unerring ball from the rifle" of a pioneer.

Moreover, the killing of the deer was not restricted to the actual needs of the pioneer hunter. J. E. Burnside, an early settler in Scott County,

reported that two men of his acquaintance had killed 110 deer in less than two months. They had sold them for a dollar each and considered that a good price. Even in the late thirties venison was worth only two or three cents a pound.

Unusually severe, snowy winters were also detrimental to the deer. Deep snow handicapped these animals in their flight from hunters and hounds. The winter of 1848 was particularly severe in southern Iowa. Deer, being unable to travel because of the exceptional storms, were caught in snowbound thickets. "Here they remained", it is said, "till their prison walls vanished under the warmth of spring". Meanwhile many of them perished.

"How cold this first winter was!" wrote S. H. M. Byers, describing weather conditions and the plight of the deer. "The snow was deep, and the frozen crust would bear a man. It helped to give us our meat, however. Drovers of deer were abundant, and at times, almost starving, they would wander close to the little hay stacks. Chased by the dogs (of which my father kept a dozen, one for each member of the family) they would attempt to escape, flounder over the deep snow, break through the frozen crust, and fall an easy prey to dog or gun. The finest of venison was to be had for the taking."

The winter of 1856 has been described as one of great severity and hardship for the deer. "The snow covered the ground to the depth of three feet and a crust was formed sufficiently strong to hold up a dog but not strong enough to hold up a deer, their sharp hoofs breaking through it. Large numbers of them were easily captured and slain in their vain efforts to escape." Indeed, a single hunter in Montgomery County killed seventy-eight deer that winter.

When deer were plentiful and hunting conditions were favorable, they were frequently captured or killed without the aid of a gun. Byers related that he and another boy were going on horseback, through the woods, to the mill when "a splendid deer" bounded out into the path. Attempting to escape by swimming a nearby stream, the young buck was met on the opposite bank by one of the boys who had crossed the stream on a fallen tree, and who "with a club drove the deer back to the first bank". There the other boy pounded him over the head with a club. Back and forth from bank to bank swam the frightened animal until, exhausted by blows and desperate exertion, he was dragged out on the shore. "Had we boys killed an elephant in Africa," Byers recalled, "we would not have been more proud."

By the second decade of Iowa's Statehood the

activities of the hunter, the severity of the weather, and the unwonted killing of wild game had materially reduced the number of deer on the Iowa prairie. A pioneer writing in 1859 concerning Deerfield Township in Chickasaw County said: "A few deer of the hundreds which once abounded here are all that now remain." By the middle of the sixties, it is recorded that deer were "practically unknown" in the central and eastern parts of the State, though until about 1870 "one or more" deer might be seen passing through Monroe County.

Meanwhile, legislation had been passed to protect the deer. In 1857, the General Assembly of Iowa adopted a measure which provided that it should be "unlawful for any person except on his own premises, to kill, ensnare or trap any wild deer, elk or fawn", between the first day of February and the fifteenth of July. Any one violating this law could be fined fifteen dollars for each such animal that was thus captured or killed. The law in substantially this form remained on the statute books for many years. Meanwhile, under the protection of the law, deer tended to again increase in numbers. Meanwhile, too, lovers of wild life became interested in the protection and propagation of deer.

About 1885 W. B. Cuppy of Avoca in Potta-

wattamie County purchased five head of deer and placed them in a private park adjoining his home. By 1900 this herd had increased to thirty-two and had become very tame, much to the delight of their owner. Not infrequently, it is said, Mr. Cuppy would take his pet deer "Nannie" and "Billy" into town, where they would "follow him into the stores and back home again."

One night somebody opened the park gate and let the herd out. The deer followed the road east to some timber land which happened to belong to Cuppy. There they found favorable conditions and resumed their natural habits. Cuppy's farm was so large that the deer seldom strayed from his property. One day, however, L. C. Ward, a neighboring farmer, saw some of the deer in his field. He took a pan of corn, called them to him, and started to town, "the deer following and eating the corn from his hand." Presently the strange procession arrived at the Cuppy home. "Bill," said Ward, "here are your deer; I found them in my field."

"Let them go," responded Cuppy. "I do not care for them."

Henceforth the deer roamed at will, not only in the Cuppy timber but on the adjoining farms near Avoca. Some of them were taken when young, and pet fawns were not uncommon around the

farm yards in that vicinity. Many of the animals were unlawfully killed, some died of disease, others met death by accident. On the whole, however, the number tended to increase.

In April, 1911, the General Assembly amended the law which had long been on the statute books to provide that when it should become necessary to distraint any deer running at large within the State, this should be done "under the authority and direction of the State Fish and Game Warden". Thus deer hunting became a rare sport.

On Thanksgiving Day, 1911, a posse of men under the leadership of the local game warden began a "drive" some five miles north of Avoca. Eight men moving northward succeeded in driving within a half mile of the corral "over 200 deer". The pursued animals, not fully aware of the danger, would run ahead of the drivers about a half mile and then stop on a hillside "and play like kittens". At one point in the drive two young bucks locked horns and "put up a beautiful fight" which, by means of field glasses, was watched by the hunters a mile away. A reporter for the *Omaha News*, it is said, "stood behind a tree not fifty yards away and acted as referee, but refused to break them in a 'clinch'." Presently a larger buck came along. Observing the situation, "he backed off and the way he went into these young

bucks, sending them rolling twenty feet away, was a sight to behold."

Just before the deer reached the corral they took alarm and stampeded. Many of them got away. After another half hour's work, between thirty and fifty deer were driven into the park. As the crowd came up to the corral, three large deer jumped the eight-foot woven wire fence. Others tried to jump through the fence and over it but were unsuccessful. Some of the deer that were captured were sold for twenty-five dollars per head, and the "drive" was considered "the finest ever pulled off".

But lovers of wild life, particularly in the vicinity of Avoca, were not pleased with the deer hunt. At a large meeting of farmers an organization was formed to protect the deer. On December 26, 1911, the *Des Moines Register and Leader* reported that the "farmers find that their fondness for the deer considerably outweighs any consideration for damage done to their crops and the recent attempt of the state game warden to capture and sell the deer is resented in no uncertain terms."

An incident showing the attitude of the people of the community occurred a night or two after the deer had been driven into a big corral. Some one cut a hole in the fence and all but about a

dozen of the deer escaped. Except for the fun, the drive was a failure.

Thus again, for a time, the deer were permitted to run at large, and to increase in number. Although they were beautiful creatures and interesting to observe, they came to be something of a nuisance to the farmers who had so long protected them. By 1914 there were about two hundred of them. No ordinary fence was sufficient protection against this "magnificent herd". On the contrary, the gentle but sometimes obnoxious animals went where they pleased and ate what they liked. They would go up to an enclosure, "and without any noticeable effort whatever, lift themselves gently and gracefully, and apparently glide over the highest fence and wander off into a field as if there had been no impediment whatever".

At length farmers became exasperated at the frequent and extensive damage caused by the recurrent visits of the deer. Not infrequently when crops were destroyed the owner in his vexation would threaten to kill the deer, but he was deterred by the law which forbade killing except under the authority and direction of the State Game Warden.

Finally, in 1914, L. C. Ward, who had long been annoyed by the presence of the deer, determined to test the validity of the law. Accordingly,

without permission he shot and killed a deer while it was eating fodder in his field. The carcass was delivered to the game warden with the admission that the animal belonged to the State. If convicted of a misdemeanor, Ward would be subject to imprisonment for thirty days or a fine of \$100 or both. He claimed exemption from the penalty on the ground that a man has a right to protect his property. Violation of the statute, however, seemed perfectly clear to the justice of the peace before whom the dispute was heard, and the district court of Pottawattamie County, to which the case was appealed, affirmed that decision.

On May 8, 1915, the case of *Iowa v. Ward* was decided by the Supreme Court of the State. The defendant maintained that shooting the deer was a justifiable means of protecting property and maintaining a constitutional right. If homicide is legitimate in self-defense, there was no fair reason, it was contended, for holding that the same plea might not be interposed "in justification of the killing of a goat or a deer". The deer was killed not only while on the defendant's premises, but "while he was actually engaged in the destruction of the defendant's property". Ward did not claim any property interest in the deer and, upon killing it, he gave the dead animal to the proper officers. He freely admitted violation of the statute pro-

tecting certain wild animals but claimed exemption under the circumstances. The Supreme Court recognized his right to protect property, sustained his plea of justification, reversed the decision of the district court, and released the defendant.

Subsequently "this magnificent herd of deer" was not protected and soon vanished. In 1933 the General Assembly repealed the law which purported to prohibit the killing of deer. Since that time deer have occasionally been seen but not frequently killed in Iowa. Only recently, however, a "six-point, 400-pound buck deer" was killed on highway 64, a few miles east of Panora, when it was struck by an automobile. This was an unusual incident, but it serves as a reminder that wild deer may still be seen on the Iowa prairies.

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