

ANNUAL REPORT

OF THE

Board of Fish and Game  
Commissioners

OF THE

STATE OF NEW JERSEY

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For the Year Ending October 31st  
1908

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TRENTON, N. J.  
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1908.

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Commissioners

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FRANKLIN D. ...  
MADISON ...

*Letter of Transmittal*

**List of Fish and Game Commissioners Holding Office at  
the Date of this Report.**

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B. C. KUSER, *President*,  
Trenton, N. J.

WILLIAM A. LOGUE, *Treasurer*,  
Bridgeton, N. J.

PERCIVAL CHRYSTIE,  
High Bridge, N. J.

SIMEON H. ROLLINSON,  
West Orange, N. J.

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WALTER H. FELL, *Secretary*.  
Office of the Board, State House, Trenton, N. J.

List of Fish and Game Commissioners Holding Office at  
the Date of this Report.

— : —  
E. C. KUSCH, Chairman,  
Trenton, N. J.

WILLIAM A. LODGE, Treasurer,  
Edgewater, N. J.

BERNARD CHRISTIE,  
High Bridge, N. J.

SIMON H. ROLLINSON,  
West Orange, N. J.

— : —  
WALTER H. ELLIOTT, Secretary,  
Office of the Board, State House, Trenton, N. J.

REPORT

**Letter of Transmittal.**

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*To His Excellency, John Franklin Fort, Governor, and  
to the Members of the Senate and General Assembly  
of the State of New Jersey:*

As required by law, we submit herewith the annual  
report of the doings of the Board of Fish and Game  
Commissioners for the year ending October 31st, 1908.

Very respectfully,

B. C. KUSER,

PERCIVAL CHRYSTIE,

WM. A. LOGUE,

SIMEON H. ROLLINSON,

*Commissioners.*

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H. C. KUSHER,

BERNARD CHRISTIE,

WM. A. LOQUE,

SIMON H. KOLLINSON,

Commissioners.

## REPORT.

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In making our report for the year, one month of which includes the administration of the former board, we are of the opinion that certain details of operation should be set forth, as the importance of the work and its continuation in the State depend to no small degree on the public's knowledge and estimate of the value of the Commission. We believe that the people are rapidly becoming aroused to the necessity of bird and fish protection for both agriculture and food values, and that the interests are to grow to magnificent proportions. To share in such an aroused interest is regarded by your Board as no small honor.

It seems settled that the birds of our country, in their feeding on rapidly multiplying insect life which attacks vegetation, are closely related to the production of the farm and garden, almost equally with rain and sunshine. If this is true, then not only vegetables and meats, but even our clothing and life are dependent upon the policing of the country by insectivorous birds. Annihilate these birds even in part and the effect is an increased cost to the consumer of the products which enter into his happiness. In a recent publication it was stated that without birds insects would so multiply that within a few years the land would be desolate, and President Dutcher, of the National Association of Audubon Societies, declares that America now suffers an annual crop loss of \$800,000,000, due to the destruction of insect eating birds.

The alarm on this subject is not imaginary. Once wild pigeons flew in great flocks resembling clouds, and sold in New Jersey at fifty cents a dozen. It is now declared that ornithologists will pay a large amount of money for a single pair, dead or alive. S. R. Morse, State Curator, reports that he is unable to secure a single specimen for the State Museum, after years of effort.

The woodcock, the wood duck, and other birds are reported as vanishing, and will become extinct without strong protective measures. One of the deputy wardens, prior to his appointment, said he saw an Italian family picking for food a half bushel of robins and song birds. Law-defying foreigners have become a new menace to our insectivorous and game birds and fish. In Pennsylvania, in one year, guns in the hands of unnaturalized, foreign-born residents resulted in the killing of three wardens and the wounding of seven in the enforcement of the State's game laws.

It would be well if more communities fully arose to the value of bird life, and formed organizations to work in connection with the Fish and Game Commission. In securing evidence against unnaturalized, foreign-born residents, several of whom often contribute for the purchase of a gun for the use of each contributor on occasions, to shoot everything in sight, such societies would be of invaluable assistance. To meet such a condition of affairs, the Board, immediately following the adjournment of the Legislature, had printed in Italian and Hungarian cards showing the seasons and giving a synopsis of the more important fish and game laws.

The law enacted last winter, on recommendation of your Commission, to license unnaturalized, foreign-born resident gunners, from careful observation, has been successful in doing away with considerable illegal shooting by this class of residents.

Your Commissioners entered on their duties immediately upon qualifying, and they soon found that the fish and game interests of the State required more than mere attendance at a monthly meeting. It was not long before each commissioner realized that it was necessary to devote considerable of his time to the work. The Board was organized November 25th, 1907, with the election of B. C. Kuser, of Trenton, as president, and William A. Logue, of Bridgeton, as treasurer. The treasurer has given a bond of a surety company for \$20,000 for the faithful performance of the duties of the office, which bond is on file in the office of the State Treasurer.

At once the counties were allotted to the members for their immediate supervision, and the wardens were required to report to them in writing, in detail, every two weeks of their work.

There are now 230 deputy wardens acting without any compensation, and each was appointed upon his personal application, the Board having called for the resignations of the deputies under the former Board, reappointing such as were regarded efficient. A large number of these deputies take a keen and intelligent interest in the enforcement of the laws. The value of the moral effect of their presence in a community is undisputed, and their activities in protecting insectivorous and game birds and fish, which included in several cases the confiscation of illegal devices and nets, have had a direct monetary value to the State.

During the session of the Legislature, several bills endorsed by the Commission were introduced, passed and signed by the Governor. In one instance a bill presented by the Board became a law, with an amendment which was not approved by the Commission. Reference is had to the law in relation to rabbit, quail, partridge, grouse, English or ring-neck pheasant, squirrel, wild turkey, prairie chicken and woodcock, in which two distinct seasons in the State for gunning were fixed, the distinction being based on well-known climatic conditions of northern and southern Jersey. It was intended by the Board to make no change in the season for shooting rabbits, and the early opening of the season for such game was against our judgment.

One of the laws abolished the shooting of woodcock in July, a measure which meets with the approval of almost every hunter. This was in line of the policy of the Board to make uniform and simplify the seasons with a view of securing the greatest possible protection for game. As far as possible it was intended to give all hunters an equal chance at all game. With seasons opening at widely varying dates, there is a strong temptation of the hunter, not guided by law, to shoot as he pleases. And it is a common experience that if a hunter's dog points a bird, he will shoot rather than fool the dog. If the season is made to open late in November, it cuts down the time of shooting in the northern part of the State oftentimes to a few days, by reason of the prohibition against hunting in a tracking snow.

The season in northern New Jersey was fixed at October 15th, so as to allow the pursuit of woodcock, as this bird commences to migrate with the first frosts, and unless there was such an early date hunters would be unable to secure this game. While

there has been some criticism of this law, it has been confined chiefly to the counties abutting the dividing lines. If the two seasons will increase the supply of game food in the State, these criticisms fail. Experience has shown in other States that laws of this character are enforceable, and in this connection it might be well to point out that counties in New York State, and in southern States, have their own separate seasons.

The fact must not be lost sight of that for a period of seventeen days the season of the northern section and the season of the southern section run concurrently, and this for the time being makes the season in both ends of the State as one. This period is from November 15th to December 1st.

At the time of writing it seems beyond question from the number of woodcock in the State, based on written reports, that the abolishment of shooting of that bird in July has already proved beneficial, and reports are to the effect that in some parts of the State game has not been so plentiful for many years past.

Of the changes made in the laws by the last Legislature, your commissioners have nothing to add, except to say that each act was intended to protect the fish or game interest of the State, and that the results have, we believe, generally proved their value, at the same time recognizing that some amendments may be necessary to make them more effective.

When the area of a city requiring twenty-five policemen for its protection is compared with that of New Jersey's fish and game domain, the magnitude of the task imposed on the regular twenty-five fish and game wardens of the State is apparent at once. In this connection it might be stated that no small portion of the work is in protecting insectivorous birds a large part of the year, and while there have been complaints of violators who have escaped arrest, we must not lose sight of the above observation. Every effort has been made to enforce the laws. Not so many prosecutions were instituted as in former years, as the wardens had to depend almost entirely on their own resources, due to the fact that the deputy wardens and witnesses now receive no portion of the penalties imposed, the entire amount going for the use of the State.

Taking into consideration the small compensation allowed the regular wardens, much has been accomplished by them. In many

instances their lines are most laborious, and at the same time they are looked upon in their communities as centers of information on technical points of law which arise in the enforcement of the statutes, requiring in many instances correspondence with the commissioners or the office at the State House. Our wardens covered the ocean, bays, rivers, lakes, streams, forests, fields, swamps and mountains of the State, and whether engaged in restocking streams or in hatchery work, patrolling land and water in advance of the seasons, watching butcher shops and the markets, supplying buckwheat seed to applicants for the same, removing fish impounded by high tides, feeding quail in winter, running down complaints, gathering evidence for cases, preventing the pollution of waters, guarding the deer land and duck grounds, covering marshes to enforce the mud-hen law, bi-monthly reporting in writing to the commissioners, and monthly reporting in writing to the protector, they have a record for the year which is greatly to their credit.

For the purpose of patrolling shallow bodies of waters where the launch "Protector" was impracticable, a small boat, owned by the State, was installed with an engine at a cost of \$155. The hire of such a craft would have cost \$10 a day. It did effective work on the Delaware river, the bays around Atlantic City and on Great Egg Harbor and Little Egg Harbor in June, July and August. Later we found this boat drew too much water, and at a cost of \$92 a new boat, drawing only fifteen inches of water, was built, which was put in commission October 5. The new boat was used with good results in raids on illegal net fishermen in Barnegat bay, where thirty nets were captured. These Barnegat bay violators keep a strict lookout night and day to prevent arrests, and will not go to their nets as long as a stranger is near. Their nets were thirty to fifty feet long, of a very fine mesh, and were staked near the grasses of the shore. The Commission will continue to take the nets, and hopes to devise means to eradicate the violations.

During the shad season the "Protector" patrolled the Delaware river, night and day, from Bayside to Trenton to protect the industry, to see that nets of any kind were not used on Sunday, and to prevent the use of anchored or staked nets during the week.

It is extremely gratifying to report no arrests for violations, and we feel the fact is due to the knowledge that the boat was in this section. The temptation for illegal fishing this year was unusually great by reason of the large run of shad and the high prices realized for them.

On Barnegat bay illegal duck shooters and fishermen were watched. On the Atlantic ocean and Sandy Hook bay and Raritan bay the operations were to prevent the catching of food fishes by the boats that have menhaden licenses, and to detect boats that might attempt to use purse or shirred nets without license.

Every complaint received was promptly and thoroughly investigated, and when sufficient evidence was obtained the offenders were arrested.

During the year there were one hundred and eighty-seven prosecutions, resulting in one hundred and eighty-one convictions and five acquittals, and one case is still pending. One hundred and forty of the defendants paid fines, fifteen were committed to the county jail for terms of thirty to ninety days in default of payment of fines, and eight cases were appealed. In sixteen cases, where the poverty of the defendants or other mitigating circumstances appeared, sentence was suspended on payment of costs, and in one case the gun of a non-resident was confiscated and sold.

An investigation was made of the increase in deer in the State as the result of the stocking and the close season. Excellent reports were received, and that deer are in the State in greater numbers than for many years is now a matter of common knowledge.

There were distributed during 1908 the following:

Brook trout, .....	100,000
Brown trout, .....	3,400
Black bass, .....	4,052
White and yellow perch, .....	5,271
Pickeral, .....	400
Catfish, .....	325
Crappie, .....	180
Bait fish, .....	2,500
Total, .....	116,128

The brook trout were purchased from the Flat Brook Valley Club Hatchery, located near Bevans, Sussex county, and the Paradise Brook Trout Company, of Henryville, Pennsylvania. Fifty thousand were secured from each hatchery, which number was contracted for by the former Board of Fish and Game Commissioners at a cost of \$2,750, over which the present Board had no control, except to distribute the fish and pay the bills. The demand for brook trout is unprecedented, which may be attributed to the fact that during the year large catches of the same have been general.

The brown trout were secured from a hatchery at Caledonia, New York, and were planted in the south branch of the Raritan river, Hunterdon county, and the Millstone river, Mercer county. This was an experimental introduction in New Jersey waters of this species of fish, and it is too early to determine the results, but there seems to be no good reason why they should not prove a success and add not only a valuable article of food but increased sport for the angler.

The Commission's source of supply for securing black bass, pickerel and other game fish has been the Delaware and Raritan canal. In winter, during the suspension of navigation, the water is drawn off and the fish are netted from the holes and pools and transported in cans to lakes in other parts of the State.

Persons residing near the canal have made objections to the removal of the fish to other waters, but if they were permitted to remain during the extreme cold weather, the ice would freeze to the bottom and the fish would be destroyed.

There was a general distribution in all suitable lakes throughout the State, and no favors, either personal or political, were shown.

In addition to the game fish mentioned, there were hatched and planted in the Delaware river 9,676,000 shad. This work was done jointly by New Jersey and Pennsylvania, and the distribution equals the output of any two years since the United States Fish Commission discontinued the work and it was taken up by the two States. The eggs were gathered from the fisheries along the Delaware river, hatched at the Torresdale hatchery, and distributed in the river at various places between French-

town and Bushkill, excepting 555,000 which were planted in Rancocas creek, near Centerton. Very early in the season it was noticed that the waters of the Rancocas were alive with small shad from two to three inches long. If the commercial fishermen would assist us by saving the eggs, whenever possible, there is no doubt that 20,000,000 or 30,000,000 fish could be hatched yearly, and the fishermen of the two States would be benefited in a short time. Some haul seine fishermen, understanding this condition, have furnished us with eggs, but the gill netters, as a rule, refuse co-operation, although they are the ones to be benefited the most, as there are one hundred drift gill nets to one haul seine.

There were four hundred and forty-one ring-neck pheasants purchased, and liberated where application was made for them, in suitable places, in trios of one male and two females, in every county of the State, excepting in Hudson, where there is no cover.

The difficulty in getting quail from other States makes it necessary that some other bird should take its place. The ring-neck pheasant and the Hungarian partridge seem to be the best substitutes, as they are good strong fliers and can stand the severest winters, and will hatch their eggs, notwithstanding statements made to the contrary. Many of the pheasants liberated last spring were seen during the summer with broods of young birds. We believe it practical to establish a game farm where yearly there could be raised from 5,000 to 8,000 pheasants, and this output liberated in the spring would mean by fall from 35,000 to 50,000 birds. We would advise that a limit of a bag of five birds a day be fixed for these pheasants. Messrs. A. R. and J. L. Kuser have offered to the State free of charge a ten year's lease on a property suitable for the establishment of a game farm. The license fees from a resident license system and the non-resident licenses would pay all the expenses of the farm.

The Board has given out contracts, after receiving bids for the same, for the purchase of one thousand English pheasants and one hundred thousand trout.

Forty-eight gray squirrels were released in the Capitol park at Trenton, and they proved to be an attraction to residents and visitors.

Extra precaution was taken to prevent the gathering of mud-hen eggs, principally in Ocean, Atlantic and Cape May counties. Formerly the eggs were gathered by the thousands as an article of food. The practice has been broken up, as no violations of the law were reported this year.

The game laws in many instances are the result of patch upon patch, containing much that is confusing, and in the interest of a clearer understanding of the same by the masses, and the actual intent of the Legislature, we would recommend that a commission be appointed to make a revision and codification.

A commission, composed of representatives of New Jersey, Pennsylvania and New York, met during the summer and prepared a bill for the better regulation of fishing in the Delaware river, which will be presented to the Legislature for adoption. There is no question of the necessity of the passage of a law affecting this boundary stream.

We intend to lay before the Legislature a bill to license all hunters. Last winter Louisiana adopted such a measure, and with the law only six months old the State has an income of \$75,000 from these licenses. New York State has already collected \$102,000 for resident licenses, all issued since last July first, a period of five months. Twenty-four states of the Union have now a resident license system. These States and their license fees follow: Alabama, \$1.00, good for county; \$3.00, good for State. California, \$1.00. Colorado, \$1.00. Connecticut, \$1.10. Idaho, \$1.00. Illinois, \$1.00. Indiana, \$1.00. Kansas, \$1.00. Louisiana, \$1.00. Massachusetts, \$1.00, after January 1, 1909. Michigan, \$1.50, deer only. Minnesota, \$1.00. Missouri, \$1.00, adjoining counties; \$2.50, rest of State. Montana, \$1.00. Nebraska, \$1.00. New York, \$1.10. North Dakota, 75 cents. Oregon, \$1.00. South Dakota, \$2.50, big game. Tennessee, \$3.00, for hunting on lands with verbal permission—special. Utah, \$1.00. Washington, \$1.00, good for county; \$5.00, good for State. Wisconsin, \$1.00. Wyoming, \$1.00, birds only; \$2.00, all game.

The fees in the provinces of Canada are: Alberta, \$2.50, big game. Manitoba, \$2.00, big game. New Brunswick, \$2.00, big game; 25 cents, Westmoreland county. Nova Scotia, \$5.00, for

shooting woodcock and snipe. Ontario, \$2.00, deer; \$5.00, moose and caribou. Quebec, \$5.00, three deer, three caribou in excess of limit.

In many States the income from the license fees has put the game department on a self sustaining basis. In the United States and the Provinces of Canada the fees last year amounted to nearly one million dollars.

Your Board is in favor of a small resident license fee for this State.

The passage of a law providing that complainants and witnesses shall receive remuneration in cases of conviction for violations of the laws would be of great assistance for the enforcement of the laws and to increase the revenues of the State.

To give wide publicity to the laws has been the aim of the Commission, and with the generous distribution of the printed laws, large and small cardboard charts, the publication of charts in Italian and Hungarian, furnishing newspapers with chart cuts and immediately printing a brief circular on the adjournment of the last Legislature giving the changes made, we believe that this object has been attained. We also believe that the Commission should be empowered to provide for all of its printing and be given funds to pay for the same, so as to be able to issue the book of fish and game laws immediately upon the Governor signing bills changing the laws. Under the present system the contract for printing the laws was given out by the Comptroller June 8th of this year. If the Board could be empowered as suggested above, the fish and game book could be distributed long before this date.

Your commissioners have adopted a policy of refusing to issue permits to individuals for the taking of fish, birds and bird's eggs for study. Under the law any natural history society of the State is exempt from the prohibition on the subject, and with such a provision it seems that the doors are opened wide enough for all purposes.

Several of our wardens have been made special wardens for Pennsylvania, and we have empowered wardens of Pennsylvania with the authority of our deputy wardens.

The location of the offices of the Commission at the State House is fully justified by reason of the geographical position of the capitol, and the relation of the business of the Commission with the Governor, Legislature, State Treasurer, Comptroller, State Auditor, Attorney General, the Board's legal adviser, and other departments of the State.

Every bill ordered paid by the Commission is carefully audited and approved as required by law, and receipts for all expenditures are on file.

Owing to the changes in the act as to the disposition of the fines, many justices of the peace, who were not acquainted with the new law, were negligent in handing the money over to the State. The Comptroller of the Treasury took the necessary steps to collect the same.

### Financial Statement.

#### INCOME.

Balance October 31, 1907, .....	\$9,706 78
Fines, old Board, .....	166 68
Alien licenses, new Board, .....	90 00
Sundries, new Board, .....	18 00
Fish basket licenses, new Board, .....	75
Menhaden licenses, new Board, .....	2,500 00
Non-resident licenses, old and new Board, .....	2,660 00
Appropriations, less \$751.25 lapsed, .....	27,073 75
	<hr/>
	\$42,215 96

#### EXPENSES.

Paid from appropriations, 11 months, new Board, .....	\$24,848 76
Paid from appropriations, 1 month, old Board, .....	2,131 81
Paid from receipts, 11 months, new Board, .....	4,821 19
Paid from receipts, 1 month, old Board, .....	107 29
	<hr/>
	31,909 05
To balance, October 31, 1908, .....	10,306 91
	<hr/>
	\$42,215 96

The fines collected during the year for the use of the State amounted to \$3,771.51.

The total amount of receipts collected during the year for the use of the Board, as found in income account, amounted to \$5,268.75.

**List of Fish and Game Wardens Holding Commissions at the Date of this Report.**

STRATTON, JAMES M., <i>Protector</i> , .....	North Long Branch.
AVIS, JOHN H., .....	Woodbury.
CONNOR, FRED. S., .....	Bridgeton.
CUDNEY, HARRY E., .....	Dunnfield.
DANE HERBERT E., .....	Orange.
DAVIS, EDWARD R., .....	Salem.
DORAN, LAWRENCE T., .....	Camden.
FOLKER, CHARLES W., .....	Camden.
HALL, FRED. J., .....	Bloomfield.
HENDERSHOTT, J. B., .....	Newton.
HOBLITZELL, WILLIAM, .....	Rahway.
KNIGHT, S. R., .....	Spring Lake.
LODER, WILLIAM B., .....	Egg Harbor City.
MATHIS, HOWARD, .....	New Gretna.
MILLER, GEORGE H., .....	Somerville.
PHIFER, GEORGE W., .....	Ormond.
PARK, JOHN J., .....	White House Station.
REEVES, STEPHEN, .....	West Cape May.
RIDER, ANSON J., .....	Tuckerton.
SHORTER, EDWARD, .....	Paterson.
SMITH, MAHLON, .....	Lake Hopatcong.
STEUERWALD, CHARLES, .....	South Amboy.
TORTON, THOMAS J., .....	Pennsgrove.
VARIAN, WARD, .....	Demarest.
WOOD, E. D., .....	Hopewell.