

# ANNUAL REPORT

OF THE

## Board of Fish and Game Commissioners

FOR THE

Year Ending October 31st, 1909



TRENTON, N. J. :  
STATE GAZETTE PUBLISHING Co., Printers.

1910.

ANNUAL REPORT  
OF THE  
COMMISSIONERS OF THE  
FISH AND GAME BOARD  
OF THE STATE OF NEW JERSEY  
FOR THE YEAR 1914

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 CHRYSIE .....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.

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, 1909.

Very respectfully,

B. C. KUSER,  
WM. A. LOGUE,  
PERCIVAL CHRYSTIE,  
SIMEON H. ROLLINSON,  
*Commissioners.*

## REPORT.

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We believe that the activities and results of the Board of Fish and Game Commissioners for the year ending October 31st, 1909, will commend themselves to you and the people of the State. There has been a marked advance in all lines of the work. The resident hunter's license system inaugurated during the year is in itself a progressive movement, the accomplishment of which cannot fail to have a good and lasting effect, and its importance in all fairness cannot be successfully underrated.

The proposition that the people as a whole should not pay for benefits directly derived by a class is perhaps new within the past twenty years as applied to hunting, but that no one of the thirty-four States having licenses, as we are informed, has repealed its law, makes it clear that the license system has come to stay.

None know better of the manifold advantages of the system than the hunter himself, whether he is from the city or from the small village and farm. For many years our farmers have complained that in the hunting seasons some hunters, without regard to decency or law, have defiantly trespassed on posted ground and done damage to their property. This year there has been but little heard on this line, and the improvement can be laid directly to the license law. To-day a hunter is not a wandering armed man from nowhere. No longer is he easily in a position to disregard rights of others. He is liable to arrest for the mere hunting without a license on his person. He is properly identified and his license may be demanded by anyone. Still more, the data contained on the license card helps to fix an individual responsibility that cannot fail to make a welcome change on the old order of things.

At the end of the fiscal year there had been received by the State Treasurer from county clerks on account of resident licenses \$9,404.05, and this amount has been increased to \$35,356.15 on December 18th. The law went into effect July 4th, 1909, and the

first six months' operation of the act justifies fully the wisdom of its enactment. It will be recalled that when the bill was proposed and following its passage by the Legislature and approval by your Excellency, there was some opposition to the general principle of the law. Much of this was due to misapprehension as to its provisions. A rumor was widespread that an occupant of a farm was prohibited from hunting thereon. Many other like reports were circulated. As the people, however, became familiar with the act there was a decided cessation of the complaints. We know of many cases where persons who were strenuous in their objections to the law, now commend where before they condemned, since they have seen the benefits derived from the law as a revenue producer for stocking the State, and an added protection to our game. The enforcement of the law has been gratifying. In September two of our wardens intercepted ninety-eight gunners on marshes in South Jersey, and each had a license. Similar reports have been made by other wardens. The Commission is satisfied that the law will still grow more popular. To anyone who can afford a gun and ammunition, and the time to hunt, the cost of the license is a small proportion of his outlay.

Among the many effects of the resident license law was the impetus it gave to the taking out of licenses by non-residents. During the fiscal year ending October 31st, 1909, there was received from this source \$5,460, as against \$2,660 last year, the increase being more than double, \$2,800. The increase continued up to the opening of the hunting season.

There was also an increase in the taking out of the unnaturalized foreign-born resident licenses, the amount reported at the close of the year being \$600, against \$90 last year. This cannot be taken as an increase in the number of non-resident and unnaturalized gunners. The reports show that there is a large decrease in hunting by aliens. The greater figures for the year are due to the compulsion of hunters to elect one of the three forms of licenses due to the fear of detection if the status of the licensee be misrepresented.

The unnaturalized foreign-born resident license law has been productive not only of an increased revenue over the first year, but its restrictions have been most wholesome in preventing the destruction of all kinds of birds by a class of our residents, against

whom complaints from hunters and non-hunters have been numerous.

In a word, it is well to remember that now every person, except an occupant of a farm, and his immediate family residing on said farm, and they are restricted to hunting on the farm on which they reside, must have a license when hunting birds and animals protected by law, and that the license law on each class of gunners operates in its effect on the other, so that each law may be readily enforced, with but little chance of evasion, a circumstance which goes far to give the State a new and better control of the entire hunting situation.

We are glad to report that despite any substantial facts for guidance in supplying licenses to the four hundred and seventy-six municipal and county clerks of the State, and in the issuance of the licenses, the law has been administered smoothly and effectively. Much credit for this must go to the county clerks, who with great care and intelligence efficiently executed their duties under the act.

The licenses for the second year are being printed and will be in the hands of the clerks in due time. Profiting by the first year's experience, the card to be carried will be made smaller, the cardboard improved, and the writing required of the clerks in issuing licenses will be reduced by reason of a decision not to demand on the stubs for the clerks much of the detailed information contained on the license card itself.

The license fees for vessels authorized to take menhaden amounted to \$3,075, as against \$2,500 last year. The increase can be accounted for largely through the use of the launch "Protector" on the Atlantic ocean. Owners of vessels now know that the boat is continually in service. The steamers licensed were thirty-one and the sailing vessels nine. The greatest number of licenses ever taken out before by steamers was twenty-eight, which was in 1903.

We have conducted a successful campaign against fishing boats from New York taking food fish within the three-mile limit in the Atlantic ocean. Special supervision has been given to the services of our wardens. The curtailment of the duck season and the abolishment of July woodcock shooting, among other legislation recommended by the Commission, have, we believe, promoted the interests of the State.

The Commission feels that the new concurrent acts for the

Delaware river between New Jersey and Pennsylvania are forward steps of highest credit to the State, and with their successful operation during the year they are the best laws enacted for the waters of the State in recent years.

However, excellent as is the showing for the year, your commissioners realize that there is much still to do in the enforcement of the present laws, the enactment of wise new laws, the judicious stocking of the State, and in drawing attention to the economical value of insectivorous birds, the protection of which must be ranked with the most important work of the Board. This latter subject in its relation to the conservation of the State's and Nation's natural resources, is commanding the attention of leaders of thought throughout our country. To point out the vigilance required for this feature it need only be mentioned that the greater portion of the \$2,345.17, collected in fines during the year was on account of violators connected with the killing of insectivorous birds. With power to police the State more efficiently these fines would probably have been doubled, thus showing a wanton destruction of an incalculable gift to mankind. Yet with all the drawbacks it can be reported that the song birds of the State are increasing, and assisted by the widespread interest of the schools and the public in bird protection, we are of the opinion that the day is not far distant when the people to a man will have awakened to this wonderful asset.

Comment is often made that there is needless changing of the fish and game laws, and it has been proposed that the laws shall be fixed and not amended for a long period of years. Those who have the subject at heart would gladly welcome such a happy state of affairs, if it were possible.

The facts must be looked squarely in the face. This State is not alone in its effort to improve its laws. In Michigan last year over half of the bills introduced related to fish and game. With the growth of the country hunting areas are becoming restricted and with a prosperous people the demand for guns maintains great factories. It has been said that more money is invested in the manufacturing of firearms and ammunition, than in any outdoor sport except automobiling and motor boating. Game would have poor chance indeed were it not for progressive legislation. We are all agreed that the laws should be simple, uniform and effective. Laws are made every year in other lines long considered

as practically adjusted by the people. It is then no wonder that where there is a new condition produced by new causes that thinking men are everywhere striving to preserve for themselves and posterity, as far as possible, the natural productiveness of our land and waters. And it must not be forgotten that with wise game laws there can be kept in this country for the farmer hundreds of thousands of dollars which now go abroad annually to buy game for Americans, besides furnishing a wealth of cheap food supply for our citizens.

It is true that attempts to reform the laws wisely have not always been successful. Legislators having no special knowledge of a subject have often been indifferent to the opinions of those conversant with it. Frequently local and special selfish interests have been powerful enough to prevent desirable legislation. Those who oftentimes pretend to be most interested have failed to request action by their representatives in the Legislature. Positive carelessness has prevailed in making laws, and until recently a statute, drawn by a gentleman successful in his vocation, permitted that which he sought to prohibit. Then the legislators have become perplexed between varying statements of those supposed to possess expert knowledge, and authorities have not agreed as to best methods of protection.

The record of our Board will show that we have stood for and urged beneficial legislation with no other motive than solemnly recognizing the responsibility placed on us as commissioners.

While many fish and game bills were introduced at the last session of the Legislature only five became laws. These were:

A concurrent act for the Delaware river above Trenton Falls, between New Jersey and Pennsylvania, in which Pennsylvania concurred.

A concurrent act for the Delaware river below Trenton Falls, between New Jersey and Pennsylvania, in which Pennsylvania concurred.

An act providing for resident hunter's license.

An act regulating the taking of deer.

An act providing a season for rabbits.

With regret we must record that a third uniform measure, for the Delaware river and bay, between New Jersey and Delaware, failed.

However, the enactment of the two concurrent laws governing

the Delaware River, between New Jersey and Pennsylvania, is a step forward. To anyone acquainted with the old acts governing this stream between the two States, with their conflicting seasons, sizes of fish, regulation of devices, time of taking fish, &c., the uniformity and simplicity of the new measures commend themselves not only in the matter of a desirable plain enactment but in the direct object of the legislation, the increasing of the supply of food and game fish of all kinds.

If this uniformity is desirable for that part of the stream between New Jersey and Pennsylvania it is equally as desirable between New Jersey and Delaware. The legislation already accomplished fixes the closed period when nets cannot be used as from twelve o'clock noon on Saturday to six A. M. Monday. Such a regulation should be provided for between Delaware and New Jersey. Even if Delaware will not concur it would be wise to enact a measure for New Jersey, as in the Delaware bay and river between New Jersey and Delaware most of the fishing is done in New Jersey waters. This added closed period above referred to is in the interest of permitting a greater quantity of shad and other fish reaching the headwaters of the river for spawning, a provision highly endorsed by the United States fishing authorities. With this provision adopted for the lower river and bay the water between the States would be free from nets twelve hours longer each week than at present. No hardships to the commercial fisherman can result, as very few fish after Saturday noon. The fish which are caught after that time do not reach the market until Monday. The additional chance given for more fish to reach the upper waters for spawning will eventually result in profit to the fishermen. The fishermen on the waters between New Jersey and Delaware are agreed in most cases that there should be a longer closed period for shad during the season. In having the closed period commence Saturday noon, and close at 6 A. M. Monday, the Tri-State Commission which formulated the legislation already enacted, believed that it would do away with the temptation of the fishermen under the cover of darkness to fish illegally, and to prevent the same effectually it would be necessary for the State to have a dozen boats instead of one. Uniformity of the law for the entire river and bay should be granted.

The deer act as enforced this year has provoked discussion on the question as to whether it would not be proper to permit the

running of deer with dogs. Without the use of dogs it is claimed that deer are frequently wounded and escape and not being successfully pursued, go off in the woods to die. Those in favor of the prohibition against dogs contend that with their use it would be possible to exterminate the deer in a single season. Many other states, including New York, Pennsylvania and Maine, have prohibited the use of dogs for this purpose. The pursuit of deer with dogs has resulted in driving deer from New Jersey across the river into Pennsylvania in the upper part of the State.

Contracts for furnishing the State with 100,000 trout, for stocking purposes, were awarded during the year after proper advertising according to law. The trout were placed principally in the streams of Northern New Jersey, and there were fine results, giving food and sport to our citizens, and an attractiveness to remote places to the profit of the hotels, boarding houses, liverymen and railroads, and houses handling fishing tackle.

The source of supply for fish, other than trout, is in the Delaware and Raritan Canal, when the water is drawn off for the winter. The fish obtained from this source were 4,248 black bass, 5,919 white and yellow perch, 950 crappie, 385 catfish, 80 pickerel and 5,000 bait fish.

The distribution of game fish was the most successful in the history of the Commission, excelling not only in number, but in size the fish planted. Some of the bass weighed four pounds and the perch and crappie were unusually large.

Our wardens receive the fish in cans from the railroad station at the hatcheries and remain with them in baggage cars. It is their duty constantly to aerate the water in the cans. At points of destination applicants for fish met the wardens promptly and provided conveyances to the streams. The wardens take pride in delivering their cargoes in good condition and they are to be highly commended for the interest shown. Despite a twelve mile haul from the hatchery to the cars and in some cases an equally long haul from the cars to the streams, there was scarcely any loss. In one shipment the mortality averaged one fish to each can of one hundred and seventy-five, and other shipments were made without any loss.

The shad fishermen have had the best season in ten years; more shad have been caught, the fish were larger, and the prices realized averaged far above other years. Several of the fishermen in the

lower part of the river have realized from \$1,500 to \$1,800 for the two months they fished.

After a study of the fish laws of the several States the National Association of Scientific Angling Clubs has highly commended those of New Jersey. The president of this association is Hon. E. P. Sperry, of Chicago. In an elaborate report of the association on propagation and protection of and legislation for game fishes, Mr. Sperry says on page thirteen of the printed report that the New Jersey laws are "the most complete and sane aggregation of sensible clauses of any of the laws of the States mentioned. All honor to New Jersey! May all the other States emulate her example in this great step toward relegating the unsportsmanlike bait to oblivion." The occasion for this statement was a reference to the provisions of the New Jersey law which makes it unlawful at all times to use, have in possession, offer or expose for sale any artificial bait with more than three hooks or more than one burr of three hooks attached thereto, under penalty.

In the matter of night fishing as considered in the report, the following is noted: "Here is another case where New Jersey shows her progressiveness and puts her stamp of approval upon its abolishment."

The success of stocking with pheasants in 1908 has been repeated. In all 1,353 birds were distributed during the year, and the reports from every point agree that they bred well and that the birds grew up strong and hardy.

There were also put out 800 Hungarian partridges. These birds were in good shape when liberated and they all seemed to take kindly to their new climate and environment when released. The reports show that the birds remained in the vicinity where they were given their freedom for months, but that for a time later they were not easily found. However, with the approach of the opening of the season there were numerous reports that many were seen, which proves that the bird will breed in this country, while at the same time it cannot be denied that they failed to multiply as largely as was expected. The best reports concerning the partridges were from South Jersey.

During the year the work of the Commission has been closely connected with the attorney-general's department, and we feel that the courteous attention and learned counsel given have done much to promote satisfactory service by the Board.

The assistance of the State Board of Health in chemical analyses of water for the Commission, and in co-operating with the Commission in the matter of pollutions has been prompt and beneficial.

The record for the year in the duties of the commissioners and in the matter of correspondence and the work of the Board as directed from the office in the State House, goes to show a rapidly multiplying interest in the subject of fish and game by persons of every class. The work has increased each month.

We earnestly renew our suggestion offered last year that provision should be made to permit the publication of the fish and game laws as soon after the adjournment of the Legislature as possible. Under the present system the contract is not awarded until June, and then the printer has ninety days in which to complete his contract. During the year under this system the laws were not ready for distribution till after the middle of September.

Prior to this time, owing to the insistent demand for information concerning the new laws, the Commission ordered printed 8,000 copies of a circular giving a synopsis of new legislation and also 20,000 copies of a pamphlet containing the resident, non-resident and unnaturalized, foreign-born resident license acts. In addition there were 5,000 hangers printed giving a brief synopsis of the license laws.

As in former years 20,000 copies of the fish and game law books were issued, together with 2,000 large and 20,000 small cards showing the seasons and giving, in a condensed form, general fishing and hunting regulations. The supply of books proved inadequate. Every person who secured a license desired a copy, and the general demand indicated that at least double the number could have been distributed.

There was also printed a supply of game cards, 3,000 in Italian and 2,000 in Hungarian, which were distributed in Italian and Hungarian colonies in the State.

In June, Honorable Andrew C. Gray, Attorney-General of Delaware, in a communication to Honorable Edmund Wilson, Attorney-General of our State, asked that he advise the "Fish and Game wardens of your State that they have no right to arrest inhabitants of the State of Delaware and take them to New Jersey for trial." This was the result of an arrest of a resident of Delaware for violating the sturgeon law in New Jersey waters, the offender only being captured by our warden after a struggle with

his fellow fishermen. The Attorney-General in reply said that it would be improper for him to dispose of the matter in any official way unless such request were made by the Commission, and that he understood the whole matter would be presented to him formally, when he would promptly dispose of it, and at the same time he notified the Commission of his action. Our warden reported that the offenders claimed they were acting under instructions of the Delaware authorities.

The president of the Commission immediately wrote to Attorney-General Gray, notifying him that the laws of the State must be obeyed and that the Commission would enforce them. No reply was received to this, but from the public press it was learned that the Delaware authorities had fully receded from their position.

Every complaint of violations has been investigated and where the facts warranted the same prosecutions were brought.

In showing the activity of the wardens and to disprove the statement that wardens have grown lax since the law was repealed giving the complainant a portion of the fine, it can be stated that several of the wardens have prosecuted more offenders than in any year when they were permitted to receive fees.

There were one hundred and thirty prosecutions during the fiscal year. One hundred and twenty-five of the defendants were convicted and five acquitted. One hundred and one paid fines, eleven were committed to the county jails, three cases were appealed and in ten cases sentence was suspended on payment of costs. The number of arrests is not so large as in former years, which is no doubt due to the activity of the wardens and the deputy wardens, the latter under the law serving without compensation.

Suits are under way against several wholesale fish dealers of New York and Philadelphia for fishing with purse nets in the Atlantic ocean within the three-mile limit. On several attempts of the "Protector" to catch them in the act their lookouts discovered our launch, and on other occasions they have undoubtedly had warning of the approach of the launch in the vicinity. The offenders have all practically admitted their guilt.

The total amount of fines paid to the State Treasurer for the use of the State during the fiscal year was \$2,345.17. The financial statement of the Board will be found in a report on another page.

As never before has the value of the launch "Protector" and her

tender been so serviceable in the enforcement of laws, and its absolute necessity is unquestionable, taking into consideration that its operations extend in a wide area in part composed of the Atlantic ocean, Raritan bay, Sandy Hook bay, Barnegat bay, Delaware river and bay, Rancocas creek, Cohansey river, Raccoon creek, Mullica river, Wading river, Great bay, Grassy bay and Eagle bay. Strictest economy has been attained in the management of the boat, and its crew of wardens manage the craft, its repairs and running admirably. The small boat was used in patrolling waters where the use of the larger boat would defeat the objects sought.

The launch has also been used to convey the members of the State Board of Health to various places along the Delaware river, Cohansey and Maurice rivers, and Salem creek for the purpose of investigating causes of pollutions, studying tides, and taking samples of refuse from gas houses, glass factories, &c.

Sealed bids were received for supplying the State with 75,000 brook trout, *salvelinus fontinalis*, for the year commencing November 1st, 1909, and the contract awarded. No action has yet been taken in the purchase of birds for the new year.

A vacancy in the position of warden occurred during the year, and the place was temporarily filled. Application was then made to the Civil Service Commission for an examination for the purpose of securing a list of eligibles for wardens.

With the opening of the hunting season of 1909 in New Jersey, extra precaution was taken to see that the laws were enforced, and in addition to tramping through the woods and fields during the day the wardens guarded at night the ferries of the State to intercept persons who would attempt to remove game from the State. Extra vigilance was also arranged for in the enforcement of the deer law, and despite hardships the wardens as a rule have shown fidelity to their duties.

In recurring to the hunting season of 1908, it can be stated that it was the best hunters have experienced in many years past. Woodcock were more numerous than for ten years past. There is no doubt but that one of the causes leading to an increase in this bird was the law prohibiting the killing of them in July. At the end of the season in Southern New Jersey the reports were that more quail had been left than in former years.

Extraordinarily high tides during May in Ocean, Cape May and

Atlantic counties covered the meadows and destroyed thousands of the eggs of mud hens.

Forest fires burned over 6,000 acres of the best hunting grounds near Egg Harbor and May's Landing, Atlantic county, and, no doubt, much game was destroyed.

Each commissioner has given much of his time and attention throughout the year to his duties. It should not be forgotten that this work is constant. In the eyes of a portion of the public the Commission may seem only active during the hunting season, but the fact is that a daily service is given by the commissioners the entire year.

We make the following recommendations:

That the season for bass, pickerel and perch shall commence June 15th, and that yellow and white perch be classed as game fish.

That the pound net fishermen be licensed and that the cost of the license shall be between \$100 and \$200 a year. We estimate that about \$10,000 revenue would be derived from this source, and the amount would be used in the expense of protecting the fishing industry, including the operation of the launch "Protector," and in stocking streams and lakes.

That the State procure a farm for the propagation of game birds. Birds for stocking could be raised at half the cost of purchase, and besides there is such a demand for the purchase of birds raised in captivity that at times it is impossible to secure them, and the states generally have laws prohibiting the removal of birds out of their limits.

That a bill be passed exempting wardens from the operation of the Civil Service law. Under the present law it is necessary to make an appointment from a list of eligibles, and this means that an "eligible" from Hudson county can be named for Ocean county, when by his lack of knowledge of the territory and his unfamiliarity of local conditions, he is absolutely unfitted for the place. In other respects the law operates to hinder instead of promoting the work of our Commission.

That the number of trout that may be taken in any one day by a person be limited to twenty.

# Financial Statement.

## INCOME.

Balance, State game protection fund.....	\$90 00	
Fish baskets .....	20 00	
		<u>\$110 00</u>
Appropriation, State funds.....	33,025 00	
State game protection fund.....	600 00	
Resident license .....	9,404 05	
Non-resident license .....	5,460 00	
Menhaden .....	3,075 00	
Sundries .....	55 25	
		<u>\$51,729 30</u>
Less balance lapsed, State funds.....	\$536 81	
Less balance lapsed, receipts.....	3,774 15	
		<u>4,310 96</u>
		\$47,418 34

## EXPENDITURES.

Paid from appropriation, State funds.....	\$32,488 19	
Paid from receipts.....	4,816 10	
Paid from State game protection fund.....	246 44	
		<u>\$37,550 73</u>
To balance .....	9,867 61	
		<u>\$47,418 34</u>

Fines collected for use of the State, not in above..... \$2,345 17

## List of Fish and Game Wardens Holding Commissions at the Date of This Report.

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STRATTON, JAMES M., <i>Protector</i> .....	North Long Branch.
AVIS, JOHN H.....	Woodbury.
CONNER, FRED. S.....	Bridgeton.
CUDNEY, HARRY E.....	Dunnfield.
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.....	Bloomfield.
SIMONTON, WALTER G. (temporary).....	Paterson.
SMITH, MAHLON.....	Lake Hopatcong.
STEUERWALD, CHARLES.....	South Amboy.
TORTON, THOMAS J.....	Pennsgrove.
VARIAN, WARD.....	Demarest.
WOOD, E. D.....	Hopewell.

List of Fish and Game Wardens 1904-1905  
by Commission on the Game  
of the Region