

Document No. 18.

---

REPORT

OF

Fish and Game Commissioners

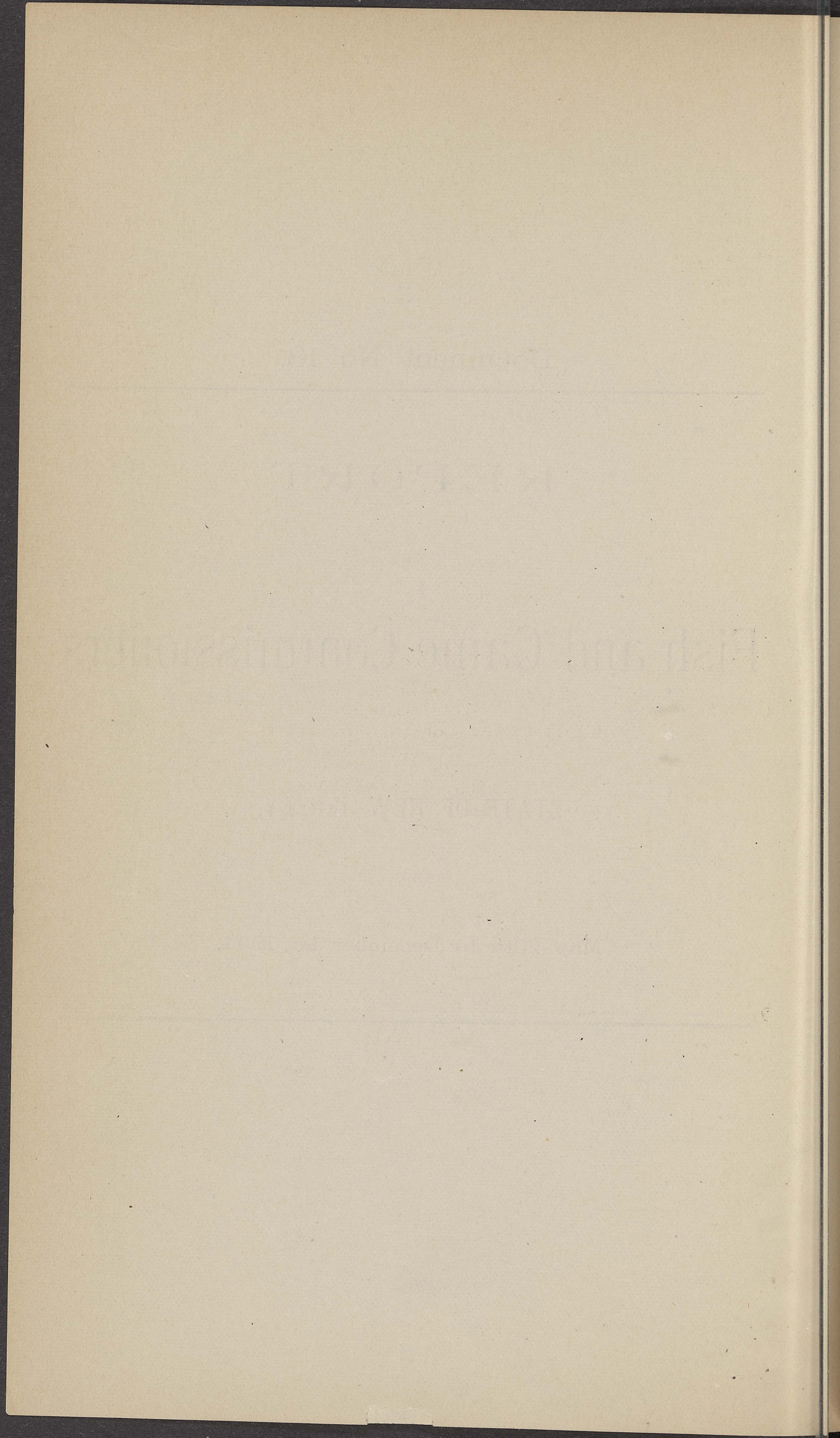
OF THE

STATE OF NEW JERSEY,

FROM

May 29th to December 1st, 1894.

---



## COMMISSIONERS.



GEORGE PFEIFFER, JR., President.....CAMDEN.  
PARKER W. PAGE.....SUMMIT.  
W. CAMPBELL CLARK. ....NEWARK.  
HOWARD P. FROTHINGHAM, Sec'y and Treas.....MT. ARLINGTON.

COMMISSIONERS

THE BOARD OF COMMISSIONERS  
OF THE LAND OFFICE  
OF THE STATE OF NEW YORK  
IN SENATE

## REPORT OF FISH AND GAME COMMISSIONERS.

---

*To His Excellency Hon. George T. Werts, Governor of the State of New Jersey, and Members of the Legislature :*

SIRS—The Fish and Game Commissioners of the State of New Jersey hereby present their Annual Report for the period extending from the time of their appointment, to wit, May 29th, 1894, to December 1st, 1894.

At the time the present Commissioners entered upon the discharge of the duties of their office, there were on file in the archives of previous Boards no records, papers or reports of any kind which could give the present Board any reliable data of the condition of the fish and game industries in the State, except a report of the Commissioners for the year 1884, so that the present Board were, in that respect at least, hampered by a lack of definite knowledge as to what had been accomplished by preceding Boards. This Board, however, has kept an accurate record of all its proceedings, and has met regularly at least once a month.

Under the provisions of the act of May 15th, 1894, which authorized the Commissioners to appoint not more than two Fish and Game Wardens for each county, the Commissioners have at various times appointed Wardens of the counties—in all, thirty-three Wardens.

The detailed record of all the proceedings of this Board since May 29th, 1894, it has not been deemed expedient or necessary to print in full in this report, but the minute-book containing the same is at all times accessible to interested parties at the temporary office of the Commission, No. 1 Exchange place, Jersey City.

The principal work in which the Commissioners have been engaged has been an endeavor to codify the present Fish and Game laws. They have prepared a digest of the same, showing the laws which are now on the statute-books and those that have been repealed since the year 1808, a copy of which digest has been mailed to each member of the incoming Legislature, and appendages thereto.

During these years so many changes and amendments have been made in the Fish and Game laws, those chargeable with their enforcement

find no little difficulty in arriving at their proper intent and meaning ; and at times it has been almost impossible for Wardens to ascertain the legal limits of their powers and duties in prosecuting violators of the laws. Different constructions and interpretations from time to time having been placed upon these various laws, the Wardens have become chary of attempts to enforce the laws for fear of rendering themselves liable to prosecution by suits for damages. For this reason the present Commission has deemed it to be their first duty to so codify and arrange the laws relating to fish and game that no Warden can properly make the excuse of ignorance or uncertainty in the discharge of his duties. A bill embodying the views of the Commissioners has been prepared by the Commission, and will be presented to the Legislature at its next session.

Another serious difficulty with which the present Commission has had to deal is the payment of Fish and Game Wardens, which, at the present time, is at the rate of \$3 per day and expenses when actually engaged in service. The Commission has prepared a blank form of statement, with affidavit thereto attached certifying to the correctness of the statement. These have been sent to the Wardens, and, when properly executed and sworn to, are returned to the Commission for its approval. The Commission is of the opinion that this system is essentially defective. While it has been found that the majority of the Wardens are energetic and conscientious in the discharge of their duties, and present fair and reasonable claims for their services, it has, however, been necessary in many instances to reduce the charges made for services, the correctness and legality of which the Commission has doubted.

It has heretofore been customary for Wardens when deeming it necessary to procure additional help to do so without consulting the Commission, and this plan has always been followed by Wardens without serious objection on the part of the Commission, although in many instances the Wardens have presented bills for hired help which, in the opinion of the Commission, were not warranted by the circumstances. The Commission is fully aware of the fact that it is impossible at times for the Wardens to properly discharge their duties without some assistance ; but the great latitude which has heretofore been allowed them in this respect has led to many abuses of the privilege.

This evil the Commission has endeavored to remedy by an amendment to the act authorizing the appointment of Fish and Game Wardens, and by which the authority of hiring assistants for Wardens is vested in the Commission, to be exercised when, in the opinion of the Commission, such assistance is necessary and advisable.

The bills for services rendered by the various Wardens under the pres-

ent system, and since the time of the appointment of the present Commission up to the 1st of December, 1894, have aggregated \$12,000, an amount entirely disproportionate, it is believed, to the results actually accomplished. Without proper limitations and restrictions to the present expenses of Wardens in this respect, the fund from which these payments are made will prove wholly inadequate.

The Commission recommends the appointment of twenty Fish and Game Wardens, each of whom shall be a State official, whose jurisdiction shall not be confined to any particular county, but shall extend over the entire State; each Warden to be paid a salary of \$50 per month, and allowed not more than \$200 per annum for traveling expenses in lieu of all the fees at present paid, and that the Fish and Game Wardens shall be under the absolute control of the Commission, and shall be sent, at the discretion of the Commission, from one county to another, wherever and whenever it shall appear that their services are needed for the proper enforcement of the law. It is also recommended that the Commission shall have power from time to time to designate one of the Wardens as a Fish and Game Protector, who shall remain such during the pleasure of the Board, and who shall have the direction, supervision and control of the Wardens, and whose salary shall be \$100 per month and \$300 per annum for traveling expenses.

It is the belief of this Commission, in making the above recommendation, that it would conduce very greatly to a better discharge of official duty by the Wardens than is secured by the present system, and would result in securing a greater proportion of convictions for violations of the Fish and Game laws.

It is also the opinion of the Commission that the Fish and Game Wardens, together with the Protector, should be put under bonds for the faithful performance of their duty in the sum of at least \$500.

The Commission has found that certain of the Wardens have been in the habit of appointing their own deputies, but it is the opinion of this Commission that the appointment of Deputy Fish and Game Wardens should rest solely with the Commissioners, on the request of ten freeholders of the respective townships throughout the State where such appointments are desired; and that such Deputy Fish and Game Wardens shall receive no compensation whatsoever.

In respect to the application from residents of this State for fish for stocking purposes, the Commission reports that since the 29th of May it has received about 300 applications, but has been unable to supply the demands by reason of the lack of an appropriation by the Legislature for the purchase of fry for stocking purposes. Therefore the Commission would respectfully recommend that your honorable body

authorize a sufficient appropriation for the establishment and maintenance of a hatchery in the State, and for the distribution of fish for stocking purposes to such applicants as the Commission may approve of.

On June 1st the Commission authorized George Ricardo, the Warden of Bergen county, to make an attempt to hatch shad in his section of the country, with the result that the latter reported that he had on June 9th, 11th and 13th procured 90,000 eggs, from which he succeeded in hatching 63,000 fry, which were placed in the Hackensack river; but owing to the lateness of the season and the fact that the eggs were over-ripe, his attempt can hardly be regarded as successful. The Commission feels confident, however, that if proper facilities be afforded, within a very short time the streams of the State can be plentifully stocked by a very small outlay.

Since this Commission has been in office it has, through the assistance of the Wardens, secured convictions of 29 violators of the law, the fines imposed upon such violators amounting, in the aggregate, to \$624, of which amount the Commission has received its share of one-third (amounting to \$208), which the Commission takes great pleasure now in turning into the treasury of the State.

The Commission reports that Warden Charles A. Shriner, of Passaic county, has been the most efficient and successful Warden in prosecuting and securing convictions for violations of the law. The services of Wardens Ricardo, of Bergen; Terhune, of Bergen; Schneider, of Atlantic, and Dare, of Cumberland, are also highly commended.

The Commission has received a number of complaints made by fishermen in regard to pound-net fishing, and it is strongly recommended that an act be passed regulating the use of pound-nets on the coast of the State.

In regard to the shad-fishing industry, a number of Wardens have reported that in their opinion it would be advisable to have a close-day in the middle of the week. In this the Commission do not concur with the Wardens. There are about 2,000 men engaged in the shad-fishing industry of the State, and the season being very limited, such a change in the present law would go far towards depriving these fishermen of the opportunity of earning a livelihood, without a corresponding benefit being secured. The Commission, however, strongly recommends the continuance of the close-day in the week as it now stands on the statute-books, from midnight on Saturday until sunrise on Monday morning. This, it is thought, will afford ample time for the shad to reach the spawning-ground, and will be much more productive of good results than by adding another close-day in the middle of the week. The reports of the Wardens

in general show a great falling off in the catch of shad during the year, which proves conclusively to the Commission that in the near future there will be pressing necessity of re-stocking the streams with shad.

#### SHELL-FISH.

The Commissioners have received a number of communications from large wholesale dealers in clams, in regard to the abuses now tolerated in that industry. This industry is growing more and more important every year.

The general expression of opinion in the communications received by the Commission was that unless the dredgers were prohibited from taking "peanut" clams, as they call the small clams, the beds would soon be exhausted, and it would become necessary to resort to cultivation in order to keep up the supply. In order to mitigate the present abuse, the Commission would respectfully recommend that an act be passed similar to that now in force in New York State, the general provisions of which are that no dredge operated by steam-power or weighing over fifty pounds shall be used on beds of natural growth, in dredging for shell-fish; no rake, tongs, dredge, or other device shall be used for taking hard or round clams with spaces or openings between the teeth or prongs of less than one inch, and no hard or round clams less than one inch in thickness shall be caught, or if caught, they shall be returned to the water from which they were taken without unnecessary injury.

#### OYSTER CULTIVATION.

The cultivation of the oyster in the State of New Jersey is a large and growing industry and needs special mention here. In the States of New York and Maryland especially stringent laws have been passed regulating the conduct of this industry, the result of which has been that in those States it has been developed to a high degree. New Jersey, having within its boundaries some of the finest oysters in the world, is far behind both of the States mentioned in its care of the oyster industry.

The Commission would therefore recommend that sufficiently stringent laws be passed to raise that industry to a level with that of New York and Maryland.

The pollution of waters from the refuse of oil refineries and other manufactories located on the shores of the Hudson river, New York bay, Kill von Kull and Raritan bay is a menace to the shell-fish industry of the State of New Jersey, and the Commission would recommend some

interstate arrangement or co-operation upon the part of both of the States as necessary to remedy the evil aforesaid.

In regard to the Fish and Game laws of the State, the Commission respectfully recommends the passage of a joint resolution by the Senate and Assembly referring all fish and game bills introduced to the Committees on Fish and Game, the same to be by such committees referred to the Fish and Game Commissioners of the State for their consideration before being reported upon by the respective committees to the Legislature. By this means all bills affecting the fish and game industry of the State would come before those who, by reason of their official position, are presumably familiar with such interests, and the passage of many useless, unnecessary and conflicting laws which have in the past crept into the statute-books would be obviated.

The act of 1890, for the preservation of shad and game fish in the Delaware river, provides only for the protection of the fish above Trenton falls, and makes no provision for the protection of fish below the falls, although this act is substantially the same as the act passed by the Pennsylvania Legislature.

It is the opinion of this Commission that a new act should be passed, making provision for regulating the fishing below Trenton falls.

The Commission in its efforts to frame a new law for the protection of fish and game to be presented to the Legislature, have considered it wise, as far as possible, to fix the same open and close seasons for nearly all kinds of game.

The following digest of the Fish and Game laws will show the urgent necessity of a proper codification and revision of the numerous laws, and particularly those affecting fishing in tide-water :

#### DIGEST OF FISH AND GAME LAWS OF NEW JERSEY.

An aid to Fish Wardens and others as to where to find the Fish and Game laws of New Jersey, this November 1st, 1894.

I. The law as to gunning and trapping game, other than fish, is uniform throughout the State, and is fully set out in the Fish and Game Law pamphlet published in August, 1894. As to acts set out in said pamphlet, see Section VIII., below.

II. The law as to fishing is not uniform throughout the State, but is classified as follows :

(1) Fishing in Delaware river, Delaware bay and their tributaries and islands.

Some of the following laws apply to fishing above tide-water, and others to fishing below tide-water, and some to both.

- (a) See Revision of New Jersey, pages 426 to 436.
- (b) See Supplement to Revision of New Jersey, pages 302 and 303. (Act of March 13th, 1883, on page 303, repealed.)
- (c) See following laws :
  1. Laws of 1890, page 221 (above tide-water).
  2. Laws of 1891, page 275 (young sturgeon).
  3. Laws of 1893, page 244 (shad in Delaware bay).
- (2) Fishing in Hudson river.
  - (a) See Revision of New Jersey, page 436.
- (3) Fishing in North and South Shrewsbury rivers, Sandy Hook and Raritan bay.
  - (a) See Supplement to Revision of New Jersey, page 303.
- (4) Fishing in Atlantic county.
  - (a) See Supplement to Revision of New Jersey, page 303.
  - (b) See Laws of 1888, page 47.
- (5) Fishing in Barnegat bay.
  - (a) See above-mentioned Fish and Game pamphlet, pages 24 and 25, or Laws of 1894, pages 30 and 290.
- (6) Fishing in Hackensack river and tributaries.
  - (a) See above-mentioned pamphlet, page 28, or Laws of 1894, page 592.
- (7) Fishing in Atlantic ocean.
  - (a) This is regulated by United States law, hence it is doubtful if Wardens have power here.
- (8) Fishing in private waters.
  - (a) See Laws of 1892, page 376.
- (9) Fishing in all other places except those enumerated above and in Section III., below.
  - (a) See above-mentioned pamphlet.

### III. Various Local Fish Laws.

Except so far as repealed by some general repealer (such as Section 57, on page 23 of above-mentioned pamphlet), or by limitations contained in the acts themselves, the following local acts are still in existence. Same are set out in a footnote on page 426 of Revision of New Jersey.

Such portions of the following as may be above tide-water are now regulated by the first act set out in above-mentioned pamphlet :

1. Bound creek, in Union and Essex counties, Laws of 1865, page 758.

2. Cape May county, Laws of 1839, page 75.  
Laws of 1844, page 129.  
Laws of 1859, page 548.  
(Lower township) Laws of 1860, page 536.  
(Middle township) Laws of 1861, page 61.  
(Lower township) Laws of 1868, page 923.  
(Dennis township) Laws of 1870, page 993.  
Laws of 1871, page 1001.
3. Cheesquake creek, Laws of 1862, page 267.
4. Cohansey creek, Laws of 1819, page 93.  
Laws of 1843, page 29.
5. Cumberland county, Laws of 1873, page 686.
6. Dividing creek, Laws of 1871, page 348.
7. Kill von Kull, Laws of 1867, page 996.
8. Maple Island creek, in Union and Essex counties, Laws of 1865,  
page 758.
9. Manasquan river, Laws of 1858, page 321.  
Laws of 1859, page 283.  
Laws of 1864, page 516.
10. Maurice river, Laws of 1868, page 815.  
Laws of 1871, page 348.
11. Millstone river, Laws of 1861, page 450.
12. Mullica river, Laws of 1823, page 50.  
Laws of 1857, page 410.  
Laws of 1870, page 833.
13. Newark bay, Laws of 1825, page 65.  
Laws of 1867, page 996.
14. Oldman's creek, Laws of 1836, page 255.  
Laws of 1845, page 95.  
Laws of 1852, page 156.
15. Oronoken creek, Laws of 1871, page 348.
16. Parson's creek, in Union and Essex counties, Laws of 1865,  
page 758.
17. Passaic river, Laws of 1825, page 65.  
Laws of 1828, page 42.  
Laws of 1835, page 129.  
Laws of 1836, page 115.  
Laws of 1862, page 268.  
Laws of 1863, page 407.  
Laws of 1864, page 263.  
Laws of 1867, page 996.
18. Patuxet creek, Laws of 1871, page 348.
19. Pleasure bay, Laws of 1873, page 369.
20. Salem county's creeks, Laws of 1816, page 114.
21. Shark river, Laws of 1854, page 425.
22. South river, Laws of 1844, page 65.
23. Rancocas creek, Laws of 1846, page 163.

24. Raritan river, Laws of 1844, page 65.
25. Raritan river and tributaries, Laws of 1875, page 279.
26. Walkill river, Laws of 1854, page 365.
27. Wheeler creek, in Union and Essex counties, Laws of 1865, page 758.
28. Woodruff creek, in Union and Essex counties, Laws of 1865, page 758.

#### IV. Formation of Game and Fish Associations.

(a) See Supplement to Revision of New Jersey, page 312.

#### V. As to Fishing with Steam Vessels.

(a) See Supplement to Revision of New Jersey, page 323.

#### VI. Boundaries.

The boundary line between New Jersey and Pennsylvania is the middle of the river Delaware; the boundary line between New Jersey and New York is the middle of the Hudson river, of the bay of New York, of the water between Staten Island and New Jersey and of Raritan bay to the main sea; the boundary line between New Jersey and Delaware is the middle of the Delaware river and bay; the territorial boundary upon the high seas extends out into the ocean a marine league (three miles) from the shore of the sea at low-water mark (but fishing in this part of the ocean is under control of Congress).

#### VII. Compacts.

The compacts between New Jersey and Pennsylvania of 1783 and 1785 are still in force and are the supreme law between these two States, except as modified by surrenders to the United States or by concurrent acts of the Legislatures of the two States. By these compacts the fisheries in the Delaware river were divided between the two States.

#### VIII. Acts published in above-mentioned pamphlet.

1. Laws of 1893, page 44 (Foot's act).
2. Laws of 1894, pages 154, 470, 471 (Supplements to Foot's act).
3. Laws of 1894, pages 30, 290 (Barnegat bay).
4. Laws of 1894, page 592 (Hackensack river).
5. Laws of 1894, page 61 (trespassing on private land).
6. Laws of 1894, page 316 (Supplement to act appointing Commissioners, &c.)

In conclusion, the Commission desires to express its appreciation of the aid which it has received from His Excellency the Governor, the Secretary

of State and the Comptroller, and for the interest which they have taken in the efforts of the Commission to enforce the Fish and Game laws, and to protect the fish and game of the State of New Jersey.

Respectfully submitted,

GEORGE PFEIFFER, JR.,  
PARKER W. PAGE,  
W. CAMPBELL CLARK,  
HOWARD P. FROTHINGHAM,  
Fish and Game Commissioners.

## REPORTS OF FISH AND GAME WARDENS.

---

*To the Honorable the Commissioners of Fisheries of the State of New Jersey :*

GENTLEMEN—In carrying out your instructions to present on the 1st of December a report of my doings as Fish Warden of Passaic county since the date on which you assumed your office as Fish Commissioners of the State, I do not think it necessary to make a statement of the various investigations made at different times which did not result in prosecutions. I have carefully investigated every complaint made to me from every source, and in a number I did not deem a prosecution advisable. I am glad to say that your honorable body has concurred in my views in these matters. Having already made a detailed report to you of all these transactions, I presume that, for the purposes of this report, a review of the prosecutions had will be sufficient.

1. Gardner Storms was arrested in May, charged with using gill-nets in Greenwood lake. He denied the charge, but after a trial was convicted. On May 30th he paid the penalty imposed, a fine of \$25 and the costs of prosecution.

2. David Storms was charged in connection with the foregoing with placing gill-nets in Greenwood lake. He also paid a fine of \$25 and the costs of prosecution on the 30th of May.

3. Henry Snyder was convicted on May 29th of having used set-lines in Pompton pond. His conviction was effected on his own admission, I having arrested him in the act of going over his set-line. The latter was destroyed, and Snyder was fined \$20 and the costs of prosecution.

4. Alphonse Gerber, charged in connection with Henry Snyder with having maintained set-lines in Pompton lake, also pleaded guilty, and was fined \$20 and the costs of prosecution.

5. Harris Rubinstein was tried on June 22d on a charge of having used a seine to take fish out of Mud pond, the fish being taken to the New York markets for sale. He was convicted and fined \$25 and the costs of prosecution. He declined to pay the fine, and was sentenced to ten days in the County Jail. Having served his term, he gave notice of appeal to the Court of Common Pleas. Here his appeal was dismissed

on the ground that he had already paid the penalty and that he had given no bond for the payment of the costs on appeal.

6. Louis Raffmann was also convicted on June 22d of having netted Mud pond. He was sentenced to pay a fine of \$25 and the costs, and appealed the case to the Court of Common Pleas. The trial in this court resulted in the judgment below being affirmed. Raffmann represented to the court that he was too poor to pay the fine and costs, and asked the court to remit the fine on the payment of the costs, and the court granted his request. When it was shown to the court that the facts as to his alleged poverty had been misrepresented, the court revoked the order remitting the fine. Raffmann declined to pay the fine, but as he had given a bond to abide by the decision of the court, a suit will be instituted on the bond.

7. In this and the following case I was not the complainant, but at the instruction of your honorable body defended the actions. Charles Luke was one of the principal witnesses in the suits against Rubinstein and Raffmann. After the conviction of the latter of having taken fish with a seine out of Mud pond, Rubinstein made a complaint charging Luke with having used a set-line in Mud pond. The trial of the suit resulted in the conviction of Luke, and he was sentenced to pay a fine of \$50 and the costs. Believing the defendant not guilty, I appealed the case to the Court of Common Pleas, where the judgment below was reversed and judgment entered for Luke. In order to get out of paying the costs Rubinstein escaped from New Jersey. An execution has been issued against him, and he will be lodged in jail should he return to the State.

8. Melvin Luke, son of Charles Luke, charged him with using set-lines in Mud pond. The history and result of this case were the same as the foregoing.

9. This and the following suits were of a friendly nature. George Tintle was the owner of the set-lines placed in Mud pond, and he and John Gleason placed them there. I had no evidence of their guilt, but they were willing to admit it if they could be guaranteed immunity from punishment. As their evidence was necessary in the suits against the Lukes, I preferred charges against them, to which they pleaded guilty. At my request, sentence was suspended.

10. John Gleason, charged with maintaining set-lines in Mud pond. Same case as the foregoing.

11. On the 3d of September, it being then Sunday, I arrested Louis Cenci, who admitted to me that he had just discharged his gun at a quail. He pleaded guilty to the offense before Justice of the Peace Ricker, and was fined \$20 and the costs of prosecution.

12. On October 6th, Joseph Escoffieu was engaged in shooting song-

birds when I arrested him. He was fined \$60 and the costs of prosecution.

13. On October 7th, it being then Sunday, I arrested Julius Becket, who was at the time of arrest engaged in hunting with gun and bird-dog. He had no game in possession, and was consequently charged with having violating the law prohibiting hunting on Sunday and sentenced to pay a fine of \$20 and the costs of prosecution.

14. On October 16th, I arrested Antonio Paul and found in his possession four robins. He was fined \$80 and the costs of prosecution.

15. On the same day I arrested Giovanni Pelosi, whom I caught in the act of shooting birds. He had four robins in his possession, and was fined \$80 and the costs of prosecution.

16. On October 19th, I proceeded to Greenwood lake to investigate charges made to me that William C. De Graw had been shooting wild ducks from a steam launch. I secured evidence against him and preferred charges. He pleaded not guilty, and his case was removed from the jurisdiction of the justice by *certiorari* to the Supreme Court, where it is still pending.

17. Another charge was made against De Graw of having shot wild ducks from his steam launch on another date. As there seemed to be no use in arguing the law points involved in different courts, an agreement was entered into by which the result in this case will be determined by the result in the previous case.

18. A charge of shooting ducks from a steam launch was also made against Jonathan Dixon and carried to the Supreme Court on *certiorari*.

19. A similar complaint was made against James Inglis, Jr., with the same result.

20. A similar charge was made against Reuben Wells, with the same result.

21. A similar charge was made against Charles Fitch, with the same result.

22. On November 10th, Constable Williams and a posse arrested Leonard McCloud, whom they caught using gill-nets in Echo lake. About 800 feet of gill-nets were confiscated and sent to your Secretary. McCloud pleaded guilty to a complaint made against him by myself, and was fined \$100 and the costs of prosecution. In default of the payment of the fine he was lodged in jail, where he still is.

23. On the same day John Prall was arrested, charged with the same offense. He was also fined \$100 and the costs, and sent to jail in default. He is still in confinement.

24. On the same day McCloud was arraigned on a charge which I had made against him in March, 1893, of using set-lines in Greenwood lake.

He had kept out of the State ever since the complaint was made. He pleaded guilty, and sentence was suspended. As soon as he gets out of jail on the charge of gill-netting in Echo lake, he will be sentenced on this complaint.

25. On the same day McCloud was also arraigned on a third charge which I had preferred against him of using gill-nets in Greenwood lake. He pleaded guilty, and sentence will be imposed as soon as he gets through with the penalties imposed on him in the preceding cases. McCloud is one of the most notorious poachers at Greenwood lake, and has for years been in the habit of selling fish caught in gill-nets. Judgment had been entered against him in New York State, and when he gets through serving his terms in the Passaic County Jail he will be sought for by the authorities of New York State, where he has a six months' sentence to serve in default of fines.

26. On November 23d, having secured what I believe to be sufficient evidence to secure conviction, I made a complaint against George Matthews, charging him with having shot a rabbit in Passaic county on the 6th of October last. The accused has been arrested, and has given bail for his appearance for trial.

27. On the same day I made a complaint against Judson Post, charging him with having had a rabbit in his possession on the 16th of October last. Post, I feel confident, has been trapping rabbits at all times of the year; but, unfortunately, there is no law prohibiting the trapping of rabbits at any time, the law only prohibiting persons from having trapped rabbits in their possession.

28. On the same day I made a complaint against Judson Post, charging him with having killed a woodpecker. He has been in the habit of shooting birds, and threats of prosecution on the part of people living near his home do not seem to have had any effect. He has been arrested on both these charges, and has given bail for his appearance for trial.

All of which is respectfully submitted.

CHAS. A. SHRINER,  
Warden.

PATERSON, N. J., November 30th, 1894.

---

I, A. Wright Post, as Fish and Game Warden of Somerset county, State of New Jersey, from the fifth day of June, 1894, to the first day of November, 1894, beg leave to submit the following report:

Since the date of my appointment as Fish and Game Warden to the date of this report I have spent the days mentioned in my account, here-

with enclosed, in attempting to detect any open violations of the Fish and Game laws.

I was well aware at the time of my appointment, from knowledge as a sportsman and my previous efforts to prevent supposed infringements of the Game laws, of the difficulties I would have to cope with, due partly to peculiar circumstances in the aforesaid county, but for the most part from the various periods of time for the different kinds of game.

Although as Warden my first and main object was to prevent, if possible, transgressions of these laws by trying to detect persons in the act of open violation thereof, I had two other objects in view while at my work. One of these was to find out from observation and by questioning the inhabitants of the different localities where, later in the season, I should, to best advantage, devote my attention. The other object was to find from the experience of one devoting his time to the subject whether or not the same difficulties in the way of enforcing the laws were to be met with by a Warden as I have before said I had reason to complain of as a sportsman; and, if so, to report the same to those in a position to consider and recommend fitting changes in the existing laws.

In my report I shall confine myself to reporting more particularly of the northern part of Somerset county, in which locality I reside, and where I have pursued the greater part of my investigations, unless the southern part is particularly mentioned or remarks are made generally as to the county.

In the first place, as to the fishing interests. The waters of the county, with the exception of several ponds and small streams which do not need specific mention in this report, consist of the headwaters and tributary streams of two of the main rivers of the State, viz., the Raritan and Passaic rivers. The North and South branches of the Raritan river flow through the northwestern part of the county, uniting to the west of Somerville, the county seat, and thereafter forming the Raritan river, which gains considerable size and importance as it nears the boundary of the county, near New Brunswick. The stream which is the origin of the Passaic river starts in the northeastern corner of the county, and thence flows along and marks the boundary line between the counties of Somerset and Morris for a considerable distance, to a point near the village of Berkeley Heights, where it leaves the limits of Somerset county. It is proposed to make a lake of about a mile in length at a point on the North branch of the Raritan river, between the villages of Bernardsville and Peapack, with the purpose of stocking the same with trout or black bass, as the waters and shore may seem best adapted. As yet, however, I do not know of a sheet of water in the county deserving the name of a lake.

The streams and rivers, as far as I have had occasion to investigate, flow on a gradual descent through meadows and woodlands, and rarely over lands causing rapids, waterfalls or other bold and rugged scenery. The kinds of game fish to be found are, for the most part, trout, perch and black bass, with the interest and amount of the respective fish probably in the order named.

As the waters of the county are limited when compared with most of the other counties of the State, the interest in and general reputation of the county for fishing are correspondingly less than in most of the other counties; but in regard to the shooting and hunting interest the case is different.

The county, especially the northern part, abounds in woodlands and fertile valleys, in some parts cultivated, while in others very wild; and from the very nature of the country is well adapted to harboring game birds, and has justly gained a far-reaching reputation for partridge, quail and woodcock-shooting, as well as for rabbit-hunting.

With the opening of the quail and rabbit season on the first day of November (as has been the law until this year for many years past), the county has been fairly overrun with numerous parties, both local and strangers, from adjoining States even, seeking a day's sport; and during the month of October many sportsmen seek the woodcock on its flight in the various covers which have gained a reputation for flight-birds. Then there are also other sportsmen who have been accustomed to go partridge-shooting after the 15th of October, when the law opens for that kind of shooting.

Such was the opportunity in the past for those not deserving the name of sportsmen, who were ostensibly out woodcock or partridge-shooting before the general law for quail and rabbits opened on November 1st, that it is hard to say how many quail and rabbits fell victims to the guns of those thus able to evade the law, to the detriment of the law-abiding sportsman. Doubtless the desire to do away with these opportunities for violating the law, as well as the wholesale destruction of game on election day by strangers and pot-hunters, led to the changes of law by our Legislature during the sessions of 1893 and 1894; but, if so, I fear they have far from succeeded in accomplishing their object.

Under the existing law, the open seasons for woodcock are during the month of July and between the last day of September and the sixteenth day of December; for partridge, between the last day of October and the sixteenth day of December; and for quail and rabbits, between the tenth day of November and the sixteenth day of December. I refer to the above-mentioned kinds of game because they all frequent the same kind of country, and all can be shot in woods and covers, giving ample

opportunity for a stray shot at game out of season, with slight chance of being caught in the act of doing so.

Now, have the changes in the law by changing the time of the open season for the different kinds of game, but still making the open and close seasons so various, succeeded in better protecting our game? Perhaps it is hardly time to judge to the best advantage of the effect of the law, but from my experience so far I cannot see any benefit from the recent changes:

It seems to me that the object cannot be successfully accomplished until a general law is enacted making the open season the same for woodcock, partridge, quail and rabbits, all of which kinds of game are found, as I have before said, in the same character of wooded country; and I should consider it a fair compromise for the open season of all the above game to be between October 14th and December 11th. To have the general opening of the season not later than the 15th of October would be of the utmost importance to give those sportsmen who consider woodcock-shooting the finest of all sports the early autumn-flight shooting, and it would be unjust not to allow this, especially if the July woodcock shooting is to be abolished, as I hope it may. On the other hand, those interested in the quail, partridge and rabbit-shooting and the due protection of that kind of game, will, I think, agree that in opening the season on the 15th of October and closing it on the 10th of December the game will be better protected and the sportsmen benefited by the change. For, while the brush is green during October, the birds and rabbits, although some of them perhaps small, will be much protected by the condition of the foliage and grass, and will not suffer during that time at the hands of pot-hunters nearly so much as in the snow that it has been noticed falls each year a few days before the middle of December, and gives the pot-hunters their desired opportunity to track the game to haystacks and other cover, to execute untold destruction in a few hours. Indeed, I think it would be to the advantage of these sportsmen, and for the better protection of game against such slaughter, if the day of closing the season was made even earlier, and thus the chance of tracking game in the snow to their roosts and nests was made more remote.

So much for my report as to the general condition of Somerset county and the objects which I have had in mind in undertaking the work as Warden. Although the result may seem perhaps to lack in detection of cases of actual violation of law at first sight, on a second reflection I think it will appear that the violations of the fishing laws are few, while transgressions of the Game laws, although suspected, are most difficult to discover for the reasons specified.

In closing this my report I may add that it will indeed be gratifying to

me if I shall have succeeded in informing the Fish and Game Commissioners of this State of the condition of the county of Somerset generally as to the fish and game to be found in the county, together with the natural advantages and possibility for harboring fish and game within its limits, and to call the attention of those able to take action in the matter to some of the difficulties met with by those actually engaged in attempting to enforce the Fish and Game laws as they now exist.

A. WRIGHT POST,  
Fish and Game Warden, Somerset County.

---

*To the Honorable Board of Fish and Game Commissioners :*

In compliance with your general order of October 12th last, I submit the following report concerning the waters of Monmouth county :

Monmouth county has an almost straight coast line extending north and south from Sandy Hook to Manasquan, a distance of about twenty-seven miles, indented here and there by bays and inlets into which small streams empty.

Beginning at the northern end of the county, the first waters we have are the Raritan and Sandy Hook bays, which merge into each other, and form the northern boundary of the county. On these bays Monmouth has a frontage extending from Cliffwood to Atlantic Highlands, a distance of something like fifteen miles, fairly well populated, almost exclusively by watermen. Sandy Hook to the east shuts out the open sea, which would otherwise roll in uninterrupted. There is a tide throughout the bays and for some distance up the Raritan river in Middlesex county, and the water is salt in consequence. The fish caught include substantially all the varieties taken on the coast, viz., bluefish, weakfish, herring, striped bass, tomcod, flounders, whiting, porgies, eels, menhaden, &c. All sorts of nets are made use of as well as hooks and lines. Formerly great quantities of shad were caught in the bay and river, but of late years the number has diminished very materially.

Large as are these fisheries, they do not compare either in extent or importance with the oyster and clam industries. The beds underlie almost the entire bay, and I am told by an extensive planter that nearly two hundred thousand bushels of seed were deposited last spring. The State, I understand, offers no particular protection to these industries, so that the planters have been forced to form an association among themselves, which employs "watchers," whose duty it is to patrol the bay for poachers and thieves.

Next, to the south, we have the Navesink and Shrewsbury rivers,

respectively. Of these, the Navesink, part of which is popularly known as the North Shrewsbury, is much the larger. It empties into Sandy Hook bay, and extends inland about a mile west of Red Bank, where the stream dwindles into insignificance, and is known hence as the Swimming river. The Navesink has a tide, is salt throughout, and is navigable all the way to Red Bank. Bluefish, weakfish, striped bass and a few of the more common sea fish are caught in it, but not, I think, as an industry, while, on the other hand, oyster, clam and crabmen are numerous. Catfish, eels, a few black bass, &c., are caught in the Swimming river, but not to any extent.

The Shrewsbury proper, or popularly the South Shrewsbury, is little else than a big, irregular, marshy salt bay, which opens into the Navesink about three miles above its mouth. Few or no fish are caught in it, but crabs are plentiful, and Shrewsbury oysters are renowned. There is a tide throughout.

Next down the coast, between West End and Elberon, is Takanassee lake, formerly a mud flat, which the sea flooded at high tide, but now dammed up and supplied with fresh water from a brook, which also is the source of water-supply for Long Branch and its neighboring communities. The lake, I should judge, covers about ten acres, and abounds with perch. The reservoir, an artificial pond of probably five acres, was stocked a few years ago with black bass, but the fishing rights are private. The brook, the Indian name of which is Takana, extends four or five miles inland, and supplies two mill-ponds on its way. Catfish and eels only are in it.

The next stream, Whale brook, runs into the sea between Elberon and Deal. It extends inland a few miles, and passes through one mill-pond. Only catfish and eels are in it.

Deal lake is next on the south, and forms the natural boundary between Deal and Asbury Park. It is a narrow sheet of fresh water, and divides at its upper end into three finger-like branches. Small streams empty into each of these branches, and if the northernmost be followed up its source will be found in a beautiful little lake, which, in turn, is supplied by bottom springs of crystal water. This lake is owned exclusively by a man named Thompson, and is full of fine trout. Deal lake was once stocked with black bass, but I only know of perch to have ever been caught in it.

Between Deal lake and Shark river, about four miles to the south, are four small lakes, which are rendered unfit for decent fishing by reason of the built-up condition of Asbury Park, Ocean Grove and Key East, in whose midst they are.

Shark river proper is a small stream which rises at Shark River station

on the New Jersey Southern railroad, six or seven miles inland, and is inhabited only by mudfish. It empties into a rather large salt bay, also known as Shark river, but which in reality has as few of the characteristics of a river as the Shrewsbury. It has a tide from the sea through an inlet, affords fair fishing and crabbing, and particularly good oysters. Another unimportant stream, with its source near Centerville, empties into the bay part of Shark river.

Next in order, going south, are three small lakes, Silver, Como and Spring lake, all stocked with fish of the perch family.

Wreck pond is a small inlet of the sea, just south of Spring lake, into which a little stream runs, called, ironically perhaps, Great branch.

Next and last along the coast is the Manasquan river, which for a few miles from its mouth forms the southern boundary of Monmouth county. It rises at Clayton's Corner, near Freehold, and, though it has a length of nearly fifteen miles, it is narrow and unimportant until within three or four miles of the coast, where it becomes much wider in consequence of a tide from the sea. The water from here down is salt, and affords some fishing and crabbing.

There are a few mill-ponds and small streams in the interior of the county, but none worth mentioning.

In speaking of the tributaries of the Navesink and Shrewsbury rivers, I neglected to mention three brooks which are boasted of as trout streams. The first is Hop brook, and enters the Swimming river from the north, about three miles west of Red Bank. The second is Pine brook, which, after passing over Tinton Falls, enters it from the south, about a mile below Hop brook. The third is Wampum brook, which, after passing through a mill-pond, enters the Shrewsbury through Parker's creek.

I also know of two private trout streams and a black bass pond near Matawan.

In conclusion, then, we have seen from the foregoing that, apart from tide-waters, there are but six streams and three ponds in the county which require protection. Of these, the three ponds and two streams are private, leaving only four streams (Hop, Pine and Wampum brooks and the Swimming river) to the people, and I may add that I have some doubts about Hop and Pine brooks.

Respectfully,

WM. B. KINNEY,  
Fish and Game Warden of Monmouth County.

December 1st, 1894.

*New Jersey Fish and Game Commissioners :*

GENTLEMEN—In presenting to you my report for the fiscal year ending November 30th, as required by Section 4 of an act relating to the appointment of Wardens, approved May 15th, 1894, I would say :

The results attained in this county have greatly exceeded my expectations and have convinced the violators of the law that our fish and game can be protected and punishment meted out to the offenders, and such has been the success attending your efforts that few have escaped detection.

One of the greatest obstacles to the enforcement of the Fish and Game laws in the past was a laxity of public opinion, and while some of our people openly sympathized with the law-breakers, many of our best citizens were utterly indifferent, consequently very few violators were reported, and in a decision made by one of our justices when a robin-shooter was brought before him he turned the Warden down, on the ground that you could not tell a robin from a blackbird two hundred feet away, and he dismissed the case. That decision was well calculated to encourage every poacher and greatly embarrass the Wardens in the discharge of their duties.

All this is changed. Many of our best citizens are openly arrayed on the side of protection, and in townships where two years it was hardly possible to obtain a complaint I have had no trouble in receiving complaints, and in most cases I have caught my man or destroyed his nets. The Bergen County Farmers' Fish and Game Protective Association have rendered me some valuable services, and they are getting to be a terror to the law-breakers, for it is composed of some of our best farmers and citizens of the county. They had posted out twenty officers from November 1st to and including November 11th, at their own expense, watching illegal gunners. They caused the arrest of two men on the farm of William Walter Phelps, who had two quail in their possession. They took them before a justice in Hackensack, who decided that the law opened on the 10th of November and discharged them. The officers immediately hunted me up and explained the case to me. I went before another justice and got a warrant for them. They had skipped the town and have not yet shown up. As soon as they come back to town we will arrest them, for they both reside on Hudson street, in Hackensack.

I have devoted forty-three days the past season as Fish Warden and traveled five hundred and ninety-five miles, at an expense of \$36.40; I have destroyed eleven nets, valued at \$330, and made fifteen arrests, eight of whom were convicted. One paid his fine, two have appealed their cases and the others were sent to the county jail.

On August 18th, 21st and 24th, I was on the Hackensack river, watch-

ing for rail-shooters. There were a number of boats with gunners shooting blackbirds. There is no doubt but that they shoot every railbird that they see. It is impossible to catch them, for as soon as they see you coming they throw what railbirds they have in the cattails, and it is impossible to find them. I would recommend that Section 7 be amended to read as follows:

“That hereafter it shall not be lawful for any person or persons to capture, kill or have unlawfully in possession after the same has been taken and killed, any reedbird, railbird or any marsh-hen, or the killing of any blackbirds on meadows inhabited by said reedbirds, railbirds or marsh-hens, except only between the twenty-fifth day of August and the sixteenth day of December in any year, under a penalty of \$20 for each and every bird so taken, killed or had unlawfully in possession.”

We cannot include them in the protected list, for they are not insectivorous, and are as bad to the farmers as a crow-blackbird or crow. In the spring they arrive in great flocks and cut the grain-fields all to pieces, and in the summer they live wholly in oat-fields and on the wild oats in the meadows, and if we protect them in their depredations we will have all the farmers against us.

I would also recommend that the open shooting for quail, rabbits, squirrels, ruffed grouse and woodcock be all opened at one time, say October 20th.

Also that the law relative to fishing in the Hackensack river and tributaries or branches within the counties of Bergen and Hudson, approved April 26th, 1894, be amended so that Section 4 shall read as follows:

“*And be it enacted*, That hereafter it shall not be lawful for any person or persons to use any seine, gill-nets, drift, purse-net or nets, anchor or sink-nets, fixed-nets, trap, pot, pound, fyke, weir or other apparatus or tackling except hook and line, commonly called angling, or scroll-spoon, commonly called trolling, in said Hackensack river and its tributaries, between the tenth day of June and the fifteenth day of December in each and every year, under the pains, penalties and forfeitures provided therein.”

This will give the fishermen a chance to catch tomcods. They are taken from the Hackensack river in great numbers from December 15th to January 10th. The present law prohibits the catching of tomcods and suckers, and will be a great loss to the fishermen in the upper Hackensack river.

I had a committee from the fishermen wait upon me, asking if I would bring the matter before the Fish Commissioners, and see if there was not some way so they could fish for tomcods, as at this season of the

year, as there are no white or yellow perch in the upper Hackensack river, they would catch nothing but tomcods and suckers.

Smelt-fishing was fair the past season. They did not arrive in sufficient numbers for hatching purposes until March 5th. After that time I took 15,210,000 eggs and hatched 10,538,800 smelt fry, all of which were planted in the Hackensack river. The number of smelt taken the past year by fishermen was 18,722 pounds, divided as follows; also the price they received per pound:

Jacob Neighmond, 2,413 lbs., at 10c.....	\$241 30
Bloomer Bros., 3,084 lbs., at 10c.....	308 40
Charles Billings, 594 lbs., at 15c.....	84 10
Irving Brower, 6,200 lbs., at 9c.....	558 00
W. & C. Dawson, 3,614 lbs., at 9½c.....	343 33
Harvey McDonald, 2,817 lbs., at 10c.....	281 70
	<hr/>
	\$1,816 83

There were also a great many taken by private parties in fykes for their own use, and, as they keep no record, it can safely be estimated at 6,000 pounds, making the total catch last year 24,722 pounds, valued at \$2,416.83.

Some few years ago there were not over 100 pounds taken in a season from the Hackensack river, and this large increase has been due to the hatching and stocking the river by the New Jersey Fish Commissioners, and I see no reason why the Raritan river could not be brought up to its former standing as a smelt stream by re-stocking. At one time it was the finest smelt stream on the Atlantic coast, and now it has run down to a mere nothing, and I would recommend the stocking of the Raritan river with smelt, as we have hatching-boxes and trays to handle over 20,000,000 eggs.

Shad-fishing has almost run out in the Hackensack river. It has been growing beautifully less every year for the past five years, for there has been nothing done in the shad-hatching on the river for the past eight years, excepting the few hatched last spring by order of your Commissioners.

I visited the fishing-grounds June 9th, 11th and 13th, and all the eggs I could get was about 90,000, from which I hatched about 63,000 fry, which were placed in the Hackensack river. Of course, it was late in the season, and some of the eggs were over-ripe, which accounts for the great loss. The number of shad caught the past season as reported to me by the fishermen was 17,406, divided among the fishermen as follows; also the price they received for the same:

Jacob Neighmond, 800, at 25c.....	\$200 00
Bloomer Bros., 6,000, at 20c.....	1,200 00
Charles Billings, 200, at 25c.....	50 00
Irving Brower, 4,300, at 18c.....	774 00
W. & C. Dawson, 1,000, at 25c.....	250 00
Martin Snook, 2,500, at 25c.....	625 00
Henry Terhune, 1,356, at 25c.....	339 00
Francis Terhune, 1,250, at 25c.....	312 50
Harvey McDonald, 600, at 25c.....	150 00
	\$3,900 50

To show the falling off of the shad-fishing in the Hackensack river, I would say that twelve years ago any of the nets would catch from 10,000 to 12,000 shad in a season, so the fishermen report to me.

Respectfully,

GEO. RICARDO,  
Fish and Game Warden, Bergen County.

November 30th, 1894.

*To the Fish and Game Commissioners of the State of New Jersey:*

GENTLEMEN—I herewith submit to you my report of work done from June 1st to November 1st.

During that period I have visited various parts of my district to ascertain whether the Game and Fish laws were being violated. I found that, as a rule, the requirements of the laws were complied with. In two cases I found that people were violating the law by maintaining eel-weirs in the Ramapo river and fykes in the Saddle River brook. They have been removed by me and destroyed. June 3d, I arrested three Italians for fishing with dynamite cartridges in the Saddle River brook, and on the eleventh day of June they were tried before a Justice of the Peace, who, after hearing the testimony, found one guilty, and imposed upon him a fine of \$100. The testimony showed they were all engaged in attaching the cartridge to a stick, but because only one placed the stick in the brook he was guilty, and not the other two. I have since taken my cases to another justice, and have been more successful in having fines imposed in accordance with the evidence.

On the seventh day of September I arrested two men for drawing a seine in the Ramapo river, and on the thirteenth day of the same month they were tried, convicted and fined \$20 each. My aim has been, and always will be, to see and insist that the laws regarding game and fish are strictly complied with, and I am ready at all times to co-operate with

your honorable body to accomplish this result. Any complaints made to you or myself will receive my immediate attention.

Hoping for continued success in the good work already started, I am,  
Respectfully yours,

ABRAM TERHUNE,  
Fish Warden, Bergen County.

Dated November 1st, 1894.

---

*To the Hon. George Pfeiffer, Jr., President; Parker W. Page, W. Campbell Clark and Howard P. Frothingham, Secretary, Commissioners of Fisheries, State of New Jersey:*

GENTLEMEN—I beg leave herewith to present you my report from May 30th to December 1st, 1894. I have during that time attended to my duties as Fish and Game Warden to the best of my ability.

On Saturday night, June 2d, I captured a shad-net on the bar in the river in the rear of the State House, and also, on Sunday night, June 10th, a set-net near the head of tide-water, and on Wednesday night, June 20th, I also succeeded in capturing another shad-net at the same place, which I forwarded to you at Mt. Arlington, per United States Express Company. I also have, during the month of June, visited Wilburtha, Titusville and Moore's Station, from which places I received complaints of parties fishing for shad after the season had closed, but I failed to make any captures, as I believe the parties were informed by persons of my presence. On the 26th of June, I destroyed two set-lines, having in the neighborhood of one hundred hooks on each line. On July 8th, I was informed that parties were fishing with gill-nets at Whitehead's pond; I went there, but the parties had disappeared. Also, during the month of July, I visited Hutchinson's pond, Scudder's Falls, Wilburtha, Washington's Crossing, Titusville and Moore's Station, but did not hear of any complaints. During the month of August I visited the same localities, and succeeded in destroying three set-lines, which were placed on the Jersey side of the river by parties camping on the Pennsylvania shore. I also had complaints made to me of the way the Trenton Water-Power Company constructed their dam at the head of Scudder's Falls. The laws for the same may be found for the years 1831, 1835, 1870.

I have found for the past few years that the said company have exceeded their privileges by erecting, not on the Jersey side of the river, but from or about the channel to the Pennsylvania shore, a wing of stone, gravel and timber for the purpose of forcing the water from the river to the

head of their plant, which not only does that, but also forces fish of all kinds as well into the said stream. In the months of July, August and September, when the river is quite low, and the young shad, rock and other fish are going back to the bay from above, at least two-thirds of the spawn are forced into the water-power—they not having any other way of finding their way out—only to be destroyed; and I recommend that the Commissioners of this State and the State of Pennsylvania should in some manner have this evil remedied.

During the month of September, I was at Scudder's Falls, Titusville and Moore's Station, and succeeded in destroying five set-lines, two of them having snoods at least twenty feet long, for the purpose of catching rock and bass. The parties that set these lines place them out some time in the evening and take them up early in the morning, and my only way to capture them is with boat and grappling-hooks. As the parties placing them are very careful not to land on the Jersey side, it makes it impossible to effect their arrest.

During the month of October, I have had complaints come to me of parties gunning. I have asked them if they were willing to swear to a warrant, and all have invariably said no. I investigated the matter the best I could, but failed to find anyone violating the law.

From the 1st of November to the 10th of November, I have been very much all through the upper part of the county. On the 9th of the month I had occasion to have a warrant issued for a party's arrest for having four quail in his possession on the 9th day of November, which case at the present time has not been settled.

The following recommendations I would like to offer:

That the laws be so changed as to make the size of mesh for shore-nets in the Delaware river above tide-water not less than four and three-quarters inches, and that for drift-nets five and one-half inches, and that there be a proviso allowing fishing for suckers with net not less than two and three-quarters-inch mesh above tide-water from the 15th day of November to the 1st day of April, as there are very seldom any other species of fish caught between those dates, and also that the laws be so made for fishing above tide-water for shad beginning on the 10th day of April and ending the 15th day of June, excepting from sundown on Saturday night to midnight on Sunday, and also that a closed-day be had one day in each week, and that it be unlawful to fish with nets of any kind in any pond or stream except the Delaware river.

Another recommendation I would like to offer is, that there be allowed above tide-water the privilege of fishing with set-lines with not more than two-foot snoods and anchored to the bottom for the purpose of catching catfish and eels, as I am satisfied, with the above restrictions, there would

be very little, if any, injury to fish of other species. We had this law in force about three years ago, and I do not think there were any complaints made. And I further recommend that the laws of New Jersey, Pennsylvania and New York be so made as to correspond.

Very truly yours,

CLINTON SMITH,  
Fish and Game Warden, Mercer County.

---

*To the Fish Commissioners of New Jersey :*

GENTLEMEN—I herewith beg leave to make the following report for the past season for the county of Gloucester :

The catch of shad was the poorest for many years.

There were fished in Gloucester county the past season, 102 gill-nets, the average length being about 260 fathoms, making total number of fathoms 26,520. Number of men employed in gill-fishing, 236 ; number of boats used, 116.

There were four hauling-seines operated in the county, as follows :

Rice's, in Howell's cove, fished 550 fathoms of net, employed 44 men and 5 horses.

Faunce's, in Mantua creek, fished 650 fathoms of net, employed 42 men and 4 horses.

Bennett's, in Lodge's cove, fished 420 fathoms of net, employed 42 men and 2 horses.

Holton's, on Oldman's island, fished 250 fathoms of net, employing 17 men.

I would recommend the extension of the close time from sunset Saturday night to sunrise Monday morning. This would give the shad more time to get up the river to the spawning-grounds, and enable the Wardens to better enforce the law.

I would call your attention to the Fishing laws. The act passed at the session of 1884, which is a supplement to an act passed November 24th, 1808, was not concurred in by Pennsylvania, and leaves us practically without any law to prohibit the fishing of small-mesh nets after the close of the shad season, which nets, if allowed to be fished, will destroy thousands of small shad as they go down the river during the months of July and August.

I therefore recommend that some action be taken to bring the matter before the next Legislature, to have the Fishing laws revised so as to give some protection to the young fry planted under Government supervision.

The law was well observed in Gloucester county the past season, the only trouble being with men from Pennsylvania.

Respectfully yours,

CHARLES B. PLATT,  
Fish Warden of Gloucester County.

November 28th, 1894.

*To the Honorable Members of the State Fish and Game Commission :*

GENTLEMEN—I herewith have the honor to present for your consideration my annual report as Fish and Game Warden of the southern section of Camden county, and, in so doing, I hope the same will meet with your approbation.

The men who have been engaged in the pursuit of gill-net fishing complain bitterly of the dearth of shad, and claim that if the Legislature, through the Commissioners, would enact some legislation whereby a close-day was made, say during the middle of the week, it would improve both the fish and their business, as, under the existing laws, it is impossible for them to make a living.

The season just closed has been a remarkably poor one, and it will be only some such means as I have suggested that will improve the industry in our waters.

The season at the Shore fishery at Gloucester was one of the most unprofitable ones that the owners have had for a number of years.

The following is the summary of the number of men, boats and fathoms of net used, and the catch of fish in my district, which speaks for itself:

Foot of bridge—Boats, 5 ; men, 10 ; fathoms of net, 100 each. Total catch of shad, 1,250.

Foot of Hartman street—Boats, 7 ; men, 14 ; fathoms of net, 100 each. Total catch of shad, 1,750.

Foot of Spruce street—Boats, 5 ; men, 10 ; fathoms of net used, 100 each. Total catch of shad, 1,250.

Starr's wharf—Boats, 5 ; men, 10 ; fathoms of net used, 100 each. Total catch of shad, 1,750.

Kaighn's Point—Boats, 7 ; men, 14 ; number of fathoms of net used, 100 each. Total catch of shad, 3,000.

Line ditch—Boats, 12 ; men, 24 ; fathoms of net used, 125 each. Total catch of shad, 3,000.

Bulson street—Boats, 8 ; men, 16 ; fathoms of net used, 125 each. Total catch of shad, 2,000.

Salt-water wharf—Boats, 12; men, 24; fathoms of net used, 125 each. Total catch of shad, 3,000.

Gloucester City gill-net fishermen—Boats, 30; men, 60; fathoms of net used, 150 each. Total catch of shad, 9,000.

Gloucester shore fishery commenced their operations on April 17th and closed May 29th. The number of boats engaged here was 7; men, 50; horses, 2; fathoms of net, 500. Total catch of shad was 50,000. This fishery also caught 100,000 herring, 2 sturgeons and 1,500 pounds of rockfish.

The above report shows a decided falling off over the corresponding period of the past two years, and also shows the necessity of some legislation before enacted to protect this industry.

I remain yours obediently,

WM. GUTHRIDGE,

Fish Warden, Southern District of Camden county.

November 8th, 1894.

*To the Honorable Commissioners of Fisheries of the State of New Jersey :*

GENTLEMEN—In accordance with instructions received from you as to the catch of shad and other fish, and also the number of men employed, I beg leave to present the following. As I did not come into commission until the close of the open season, I have had some difficulty in obtaining what information I have received. I have done the very best I could, however, visiting the different fisheries and questioning the fishermen. The result is as follows :

Birch Island Fishery—Proprietor, William L. Smith. During the season there are six men employed. Number of shad reported, 1,500; at \$35 per hundred, \$525.

Holcombe Island Fishery—Proprietor, William A. Smith. Six men employed. Number of shad reported, 2,350; at \$35 per hundred, \$822.50. Small fish caught and sold, \$125.

Liberty Bar Fishery—Proprietor, John Lewis. Six men employed. Number of shad reported, 2,201; at \$36 per hundred, \$792.18. Small-fish industry amounted to \$212.

The above fisheries are all located within the limits of the city of Lambertville.

Burnshin's Fishery, Stockton, Delaware township—Proprietor, David Wilson. Six men employed. Number of shad reported, 1,300; at \$35 per hundred, \$455.

Hoffman's Fishery, at Hoffman's creek, Delaware township—Andrew J. Durling, proprietor. Six men employed. Number of shad reported, 1,500; at \$40 per hundred, \$600.

Green Briar Fishery, Kingwood township—Everitt Bonam, proprietor. Six men employed. Number of shad reported, 1,800; at \$36 per hundred, \$648.

Rush Island Fishery, Kingwood township—Thomas Martin, proprietor. Six men employed. Number of shad reported, 1,600; at \$36 per hundred, \$576.

Warm Spring and Purgy Fisheries, Kingwood township—William R. Ridge, proprietor. Seven men employed. Number of shad reported, 1,900; at \$36 per hundred, \$684.

#### INCIDENTAL.

Ferry Fishery, New Hope, Pa. (opposite Lambertville, N. J.)—Rutland G. Scarborough, proprietor. Six men employed. Number of shad reported, 1,763; at \$37 per hundred, \$652.31. Small fish, \$70.

#### REMARKS.

I have made no arrests, for the reason that there has been no direct violation of the Fishing laws to warrant such a course that has come under my personal observation, nor have I received any complaints from any person.

I have at various times visited different points along the river, such as Stockton, Bull's island, Point Pleasant, Frenchtown, Milford and Riegelsville, during the summer and fall, and have always found everything proper and right.

Pursuant to instructions received in your letter of August 1st, 1894, I have succeeded in putting a stop to all fishing with nets in the feeder of the Delaware and Raritan canal.

#### RECOMMENDATIONS.

From experience and information received during my term, I would take the liberty of recommending that Section 1 of the law of 1890 be made to read:

“Provided, also, that the meshes of nets used for catching shad shall not be less than four and one-half inches in width, or two and one-quarter inches from knot to knot.”

The reason for the change is, there are so many small shad caught by the use of the three-inch mesh, as now in use, that would be likely to get through and return the next season.

Also, a change in the law for the taking of suckers, making it from "the fifteenth day of November to the fifteenth day of April," instead of from "the first day of March until the first day of May," as it now reads.

The reason of the above is that, as it now stands, the season runs about six weeks into the time for spawning, and no one wants them anyhow after shad make their appearance.

In regard to the Game laws, I caused to be published in all the county papers about six weeks before the season a copy of the change in the law, and also requested information in regard to any violation of the same.

I have made numerous visits through the county, and have found no violations of the law, and have been informed by the farmers that the laws have been very generally lived up to.

Trusting that the above may meet with your approval, I remain,

Respectfully,

GEORGE W. NAYLOR,

Fish and Game Warden for Hunterdon County.

LAMBERTVILLE, N. J., November 26th, 1894.

---

Warden Edward Johnson, of Atlantic county, reported that, by diligence and careful observance on his part, illegal seine-fishing had greatly decreased the past season, and were the Wardens allowed more power and privileges in the exercise of their judgment in many cases which come under their observation, illegal fishing in the waters of his county could be almost entirely prevented. He hoped the present laws may be revised so that such could be accomplished. He also reported the arrest by himself and deputies, the conviction and payment of fines of four violators of the laws.

Warden Gus Hilton, of Cape May county, reported that at Anglesea there were 100 permanent fishermen making a livelihood; that there were also 100 sailing and steam vessels engaged in carrying pleasuring and sporting people to these fishing-grounds, the owners of which were greatly benefited thereby, as were also the hotels and cottages, while Ocean City, Sea Isle City, Avalon, Stone Harbor, Wildwood, Holly Beach and Cape May City were likewise benefited; that these fish are such as sea bass, bluefish, weakfish, kingfish, flounders, &c., which were

shipped daily—from Anglesea, especially, about a ton per day. He also reported that no complaints had been made to him, and the laws had been strictly adhered to. Also that game had, in the main, been plentiful in his district.

He also recommended that more protection be given to fishing interests of his county, and that laws be passed to prevent menhaden-fishing vessels from coming too close to the shore.

Warden John R. Riley, of Essex county, reported that in the upper Passaic, between Little Falls and New Providence, he found constant violations of the law prohibiting the use of nets, fykes, set-lines and other illegal devices for the capture of fish; that he learned the fish markets on Prince street, Newark, were receiving regular supplies of live carp and black bass netted in the Passaic by men in their employ or farmers living along the river; that in his visits to the upper stretches of the river in June, July and August he succeeded in finding and destroying eight fyke-nets and a large number of set-lines, but failed to find anybody who would acknowledge the ownership of either the illegal devices, which were all in the river, but learned of so many others not in use that he came to the conclusion that two-thirds of the farmers living near the river were in the habit of illegal fishing; that his attention had been frequently called to the netting of undersized striped bass in the Passaic river, north of the Hackensack, Newark bay and Staten Island sound, and he hoped the Legislature would make some law to protect this valuable game fish. He suggested the passage of an act abolishing pound-nets on the New Jersey coast, or that the law be so amended that the net can be lifted on certain days of the week to give the weakfish a chance to get past the nets, so that they can get in the bays and rivers to spawn, as very few pass now, and that the same law be made to apply to the Passaic river as well as the Hackensack, with regard to net-fishing.

He also reported that he had kept a strict watch on game and produce-dealers in Center Market, Newark, and that no game or rabbits had been exposed for sale in the close season; that he had watched all the railroad stations running into Newark, but had failed to see any infraction of the law.

Also, that he had investigated all the large ponds between Irvington and Millburn. Five of them had been drawn for cleaning, and the small bass were saved and put back again. That there were large quantities of carp in these ponds, which he thought were responsible for so much purging, and he advised taking them all out and destroying the small fish; also to put white gravel on bottom.

He also recommended the trial of acclimating small bass in lakes and spring-water ponds.

Warden Henry Fahrenback, Jr., of Mercer county, reported the approximate number of shad caught in the Delaware river from February 1st, 1894, to November 30th, 1894, to be 78,038, and men employed in fishing with nets about 225.

Also the approximate number of herring caught in the Delaware river to be 1,500,000; that striped bass, black bass and German carp were very plentiful, and Oswego bass and salmon were beginning to increase in number.

Woodcock, reed and railbirds and Wilson snipe were quite plentiful during last spring; that quail and rabbits had increased in numbers, but squirrels and pheasants were scarce.

That he captured one net and caught one violator of the Game laws, took him before a justice, where he was tried and convicted.

Warden John F. L. Green, of Cumberland county, reported that the conflicting laws made it very risky to try to arrest a man, especially where he had tested the law and won his case, and that he had been advised to go slow in what he undertook; but that he had watched, and, without a doubt, knew that he had prevented a great deal of illegal fishing; that he had caught no violators of the Game laws, but had found and destroyed a great number of traps of all kinds.

Warden John E. Loveland, of Ocean county, reported that there were about two hundred fishermen who made it a business to seine and net fish in Barnegat bay; that the fishermen respected the law very well, and that what complaints he had he found on investigation to be not well founded. He also reported that as to fyke-fishing, he found a great many opposed to it, and thought there should be something done at the next Legislature to stop fyke-fishing altogether.

Warden Edward Hill, of Warren county, reported the number of shad caught at fisheries to be 5,502 and men employed 24, and that the river was clear of wing-walls.

Warden James Hunt, of Camden county, reported that the number of boats in use was 55; number of men employed, 110; fathoms of net used, 9,900; total catch of shad, 45,950. Also one net, 16 fathoms, captured. And at the shore fishery at Pavonia, number of men employed, 30; fathoms of net used, 350; total catch of shad, 10,000, and about 30,000 herring. He also suggested having Wednesday as a close-day, as the only means whereby gill-net fishing could be improved.

Warden Jacob B. Henderschott, of Sussex county, reported that he had removed all obstructions from Flatbrookville to Port Jervis, and also from Wallkill and Paulinskill to New York State line; that there were no obstructions on Black creek, Pequest or Musconetcong rivers; that he had taken all fykes from Swartswood lake; that he had been diligent in the discharge of his duty, and the only two cases of violation he had he found upon investigation to be unfounded, and that the Fish and Game laws were better upheld in Sussex county this year than heretofore.

*Hon. H. P. Frothingham, Secretary State Fish Commission of New Jersey:*

SIR—I herewith append an estimate of the fisheries business for the northern end of Cumberland county, N. J.

There are 385 boats engaged in the shad and sturgeon business, employing about 1,000 persons during the fishing season; about 27 seines, employing about 57 persons. The number of nets and traps destroyed by me during the four months was 55.

I would recommend that there be one closed-day each week, viz., in the middle of each week, during shad season, so as to give the fish an opportunity to reach their spawning-grounds; also, that the Fish and Game laws be made plainer, to the end that the people may now clearly understand them.

Yours very respectfully,

HARRY DARE,  
Fish Warden, Cumberland County.

BRIDGETON, N. J., October 15th, 1894.

Warden H. W. D. White, of Salem county, reported the following statistics:

Number of nets used.....	600
Number of boats... ..	600
Number of men engaged.....	1,480
Number of fathoms of net.....	295,000
Number of sturgeon caught.....	9,300
Number of shad caught.....	1,495,000
Amount of money invested.....	\$207,250

Also, that the season just closed had been the poorest for many years; and that many fishermen had not made more than their expenses; that he had made two arrests for violation of the law, and both the parties were convicted and fined.