

that the tides and temperatures affected by the weather conditions almost wholly control the condition of the oyster.

It is therefore sometimes impossible to say exactly what makes the difference from year to year in the production of oysters from the same beds and under apparently the same conditions. You will notice too, that in the Maurice River Cove District the young oysters have suffered severely from the borer, that tiny destroyer of the health of our bivalves. It is almost as destructive as the San Jose scale which menaces our horticultural products and is much more difficult of attack. It is one of the most persistent and insidious foes of the oyster and the great difficulty lies in the fact that there is no way of removing it.

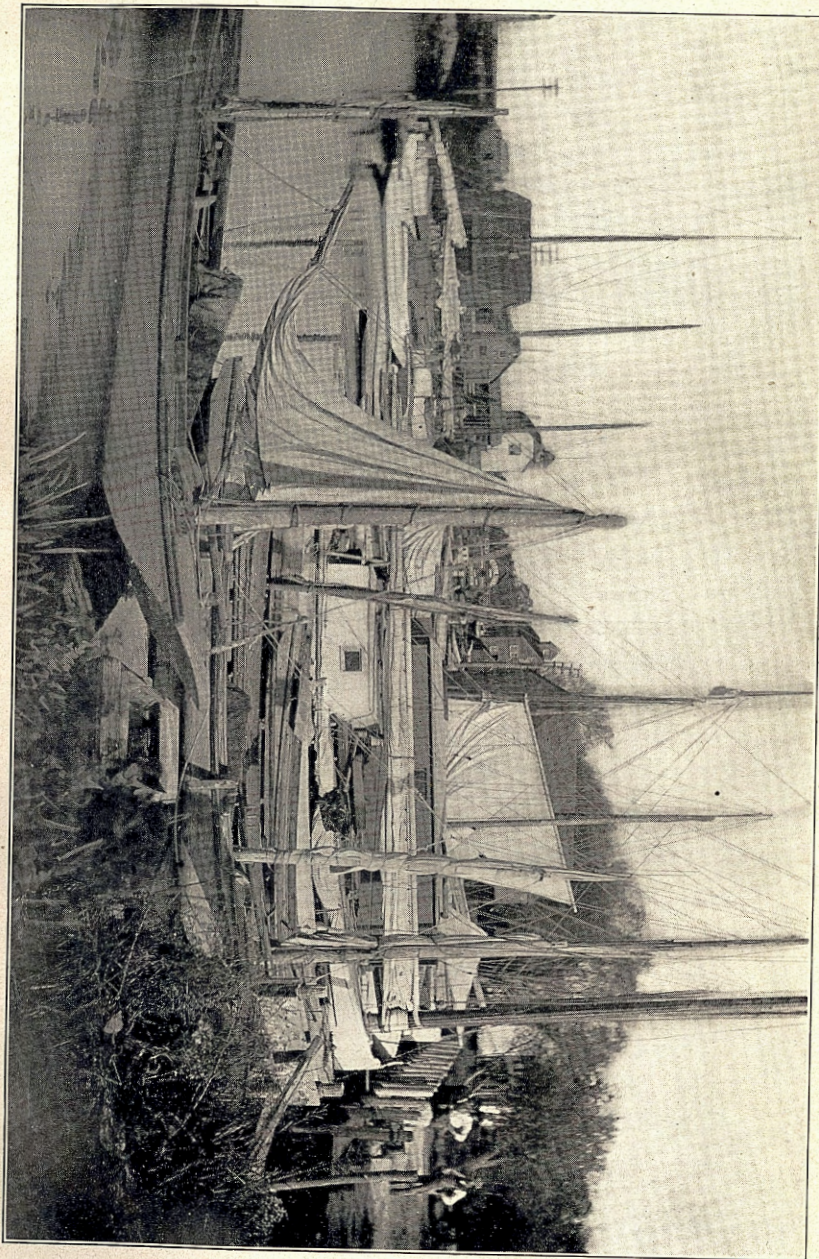
In spite of all drawbacks, however, we are glad to be able to report a gradual and most perceptible advance along the whole line of our industry. What is most needed to-day is legislation looking to its improvement. If this Bureau is permitted to exist, its endeavor will be to promote this class of legislation in the full belief that the Industry has a tremendous future, and that the State must sooner or later realize and appreciate its full value and importance.

The several commissions now controlling the industry are working harmoniously for the general good of the Industry and we are glad to say that there is no sign of friction or misunderstanding in any of the workings of the Department.

DISEASES FROM OYSTERS.

The Bureau has given considerable thought and attention to the question of healthfulness of the oyster products of the State, viewing with alarm any tendency upon the part of the public to look with suspicion upon our oysters and clams. Early in the year, after extensive correspondence with the State Sewage Commission, it was decided to hold a conference of the members of that body, the State Board of Health and the several oyster commissions to consider the subject of polluted waters on the oyster beds of the State. That conference was held in the office of the

Some oyster boats tied up at the public dock.



EXPERIMENTAL WORK.

Your attention is once more drawn to the epitomized report of Professor Julius Nelson, biologist of the State Agricultural Experiment Station, in the artificial propagation of oysters. Ever since the creation of this Bureau we have endeavored to secure an extension and enlargement of this work, fully believing that such extension means the solution of some of the most complex problems which now confront our oystermen.

Unfortunately we have been unable to arouse that degree of interest which carries the necessary appropriation. This year we succeeded in securing the passage through the Legislature of a bill which would have placed at the disposal of the Bureau and of the State Agricultural Experiment Station, acting in harmony, a sum of money not exceeding \$2500 a year for this work, but you decided that the bill was not sufficiently comprehensive, and that it created a conflict of authority in the two Departments of the State government over the experimental work.

We had expended much time and attention upon the measure, urging it out of committee and exerting influence for its passage through both houses of the Legislature in the fond hope that it might become a law and that the State's great oyster industry might be benefitted to that extent. Its failure to meet your approval was, therefore, a keen disappointment and the Bureau regrets that it is not now on the statute books.

To make the situation worse the Appropriation Committee of the last Legislature failed to include in the annual budget an item for the continuation of the biological investigation and but for the fact that the Government appropriation for the maintenance of the Biologist permitted him to continue it there would have been a year's disastrous break in the line of inquiry.

While the State can and does afford to expend large sums of money for investigations of many sorts designed for the education and enlightenment of the farmers, that their crops may be

Headley Creek Laboratory.



Q. Whose grounds?

A. Sooy's people are the people owning the grant.

Q. How long ago were they forbidden to work there?

A. Two years ago. I caught from 75 to 100 bushels on this ground and then was stopped.

Q. Up to two years ago you worked on this ground?

A. Yes, sir. More than on any other natural seed bed in that locality.

Q. And you worked on these grounds previous?

A. Yes, fifteen years.

Q. Did the State ever seed these grounds?

A. Yes, sir.

Q. The man who owns this grant was shell commissioner?

A. Yes, sir.

Q. Did you ever know him to plant shells there?

A. I do not remember.

By Mr Minturn:

Q. Has this man Sooy done anything to change the appearance of the land?

A. He dug ditches on his lands.

Q. Has he put up any docks?

A. Nothing at all.

Q. To all appearances the land and the water are the same, except the ditches?

A. The same.

Q. These ditches would tend to increase oysters?

A. They would so far as the creeks are concerned.

Q. Does this not benefit the public at large.

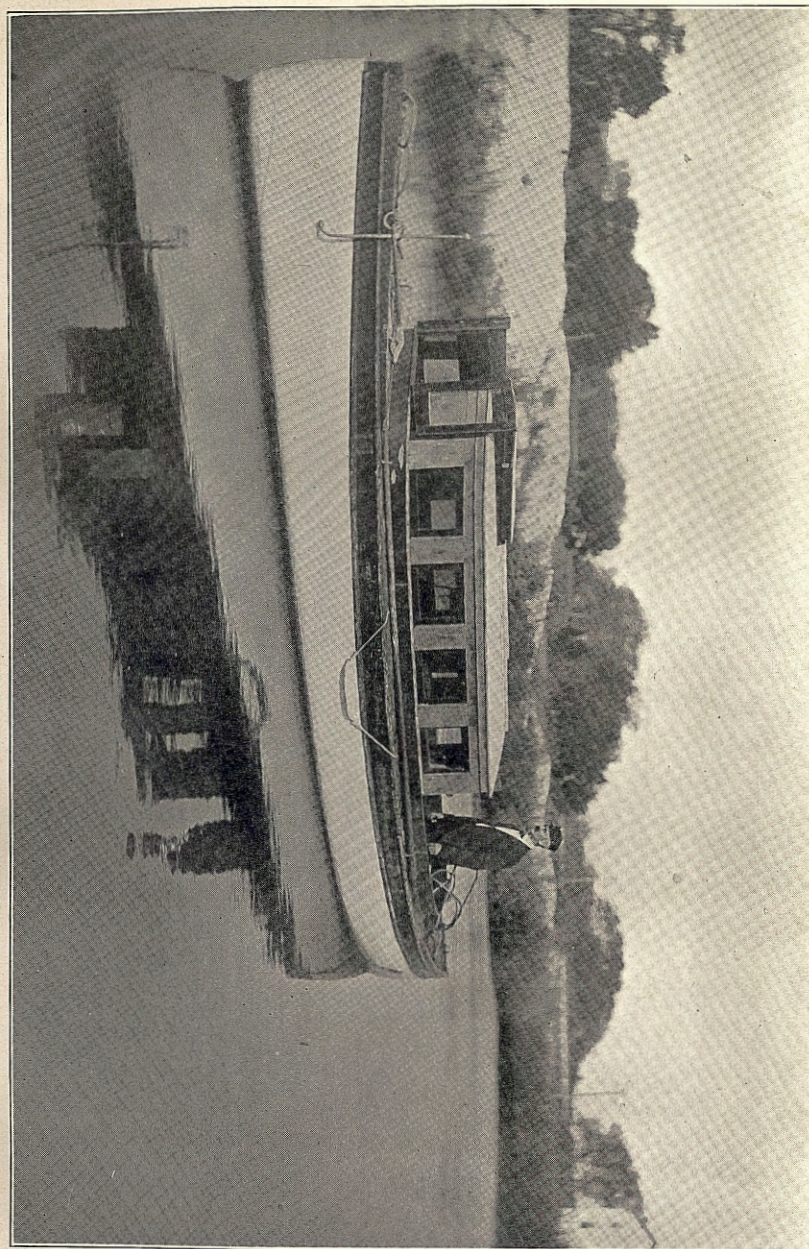
A. Very little.

By Mr Minturn:

Q. (To Mr. Horner). Has there been any other grants, Mr. Horner?

A. Sooy, Chew and Gale.

Superintendent E. A. Horner in his launch, which is used in the interests of the Oyster Commission.



By Mr. Horner:

Q. What was it?

A. They sold the ground.

Q. What was the result?

A. I took my oysters off.

Q. What was the result of your losing your grounds there?
Did it seriously affect you?

A. From two to four hundred dollars per year, is what I estimate my loss. I work there in the winter. Now I have to work somewhere else.

Q. This ground could be worked in winter?

A. When there was no ice.

BRAZILLA PULLEN, Sworn.

Examination By Mr. Horner:

Q. Where do you live?

A. Tuckerton.

Q. What is your business?

A. Oysters and clams.

Q. Do you have private grounds where you cultivate oysters?

A. Yes, sir.

Q. Where?

A. Tuckerton Bay.

Q. Where?

A. Gaunts Cove.

Q. Were you ever effected by riparian grants in your neighborhood?

A. I certainly was. I considered it damage to me to-day from \$100 to \$200 per year.

Q. Why were you deprived of still working this ground?

A. Because the Parker Brothers obtained a grant from the Riparian Commission.

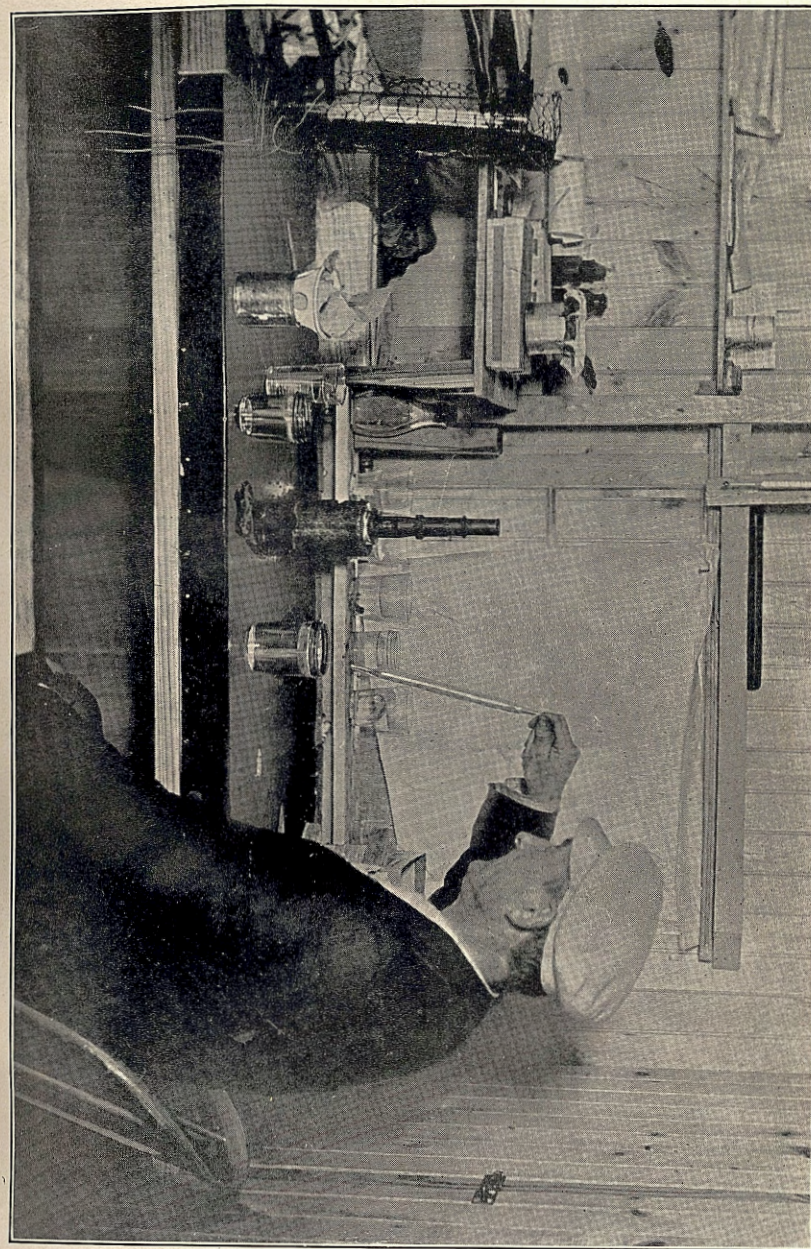
Q. Did you ever have a lease for this ground?

A. I did.

Q. How long?

A. One year.

Interior of Barnegat "Lab." Prof. Nelson Experimenting.



say that our officers are vigilant and efficient. We have our own legal department. The result has been a very large percentage of convictions of those arrested.

Following is the record for the year:

Name.	Offense.	Result.
Arthur Hinson,	Illegal Dredging	Fined \$500
Somers Whilden,	Illegal Dredging	Fined 250
Benjamin Joslin,	Violation Rough Cull Law	Fined 250
George Robbins,	Illegal Dredging	Fined 100
Zodak Sharp,	Violation Rough Cull Law	License Revoked

In May last, the United States Government commenced proceedings to compel the removal of piling and other obstruction to navigation placed in Oronoken Creek in 1897, by persons claiming the right to use said creek for the propagation of oysters for private use. Practically all the obstructions have been now removed, and the creek is once more navigable for its entire length. This eliminates private ownership of oyster spawning grounds in these waters.

The Act prepared under our supervision regulating the tongers, failed of passage by the last Legislature.

We believe that some action on the subject ought to be taken.

We beg leave to refer to the annexed report of our Superintendent for the detailed statement of our receipts.

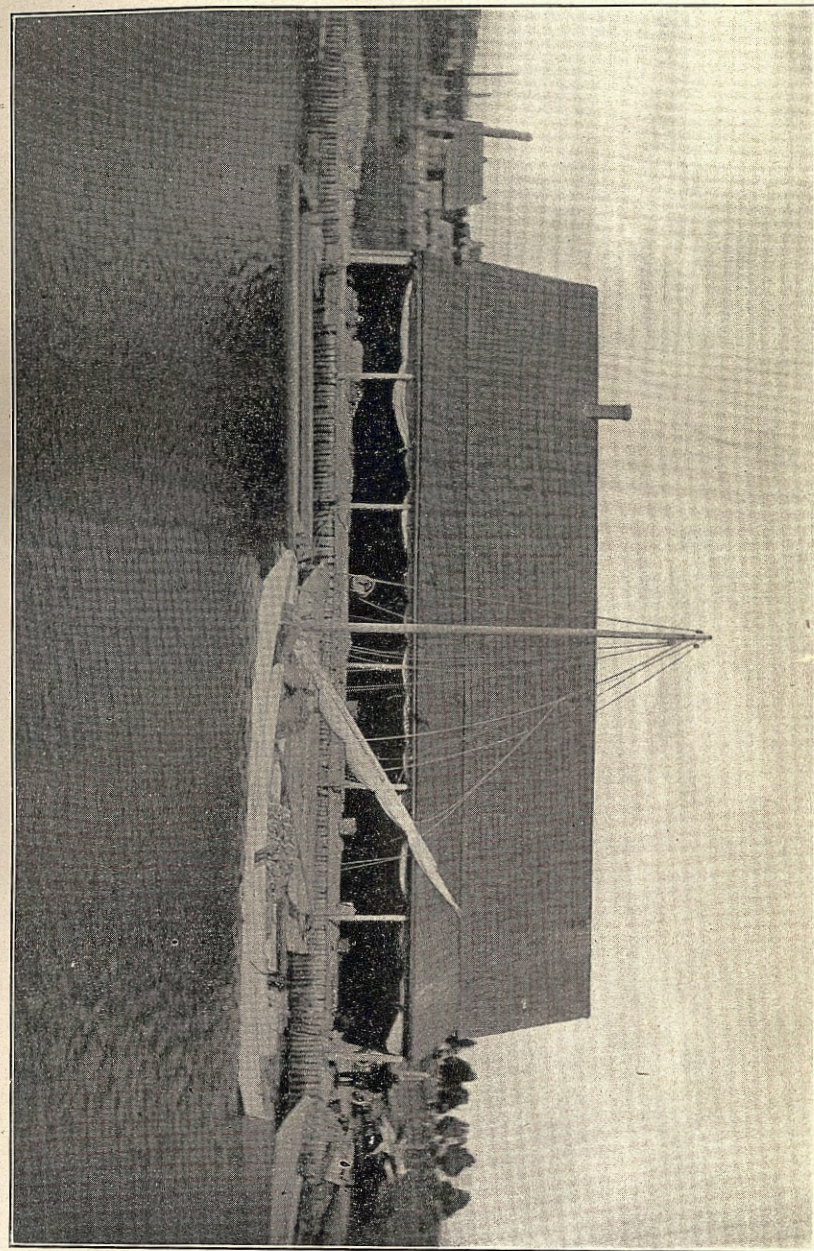
As you know, a detailed statement of moneys expended under our direction, appears in the report of the State Comptroller.

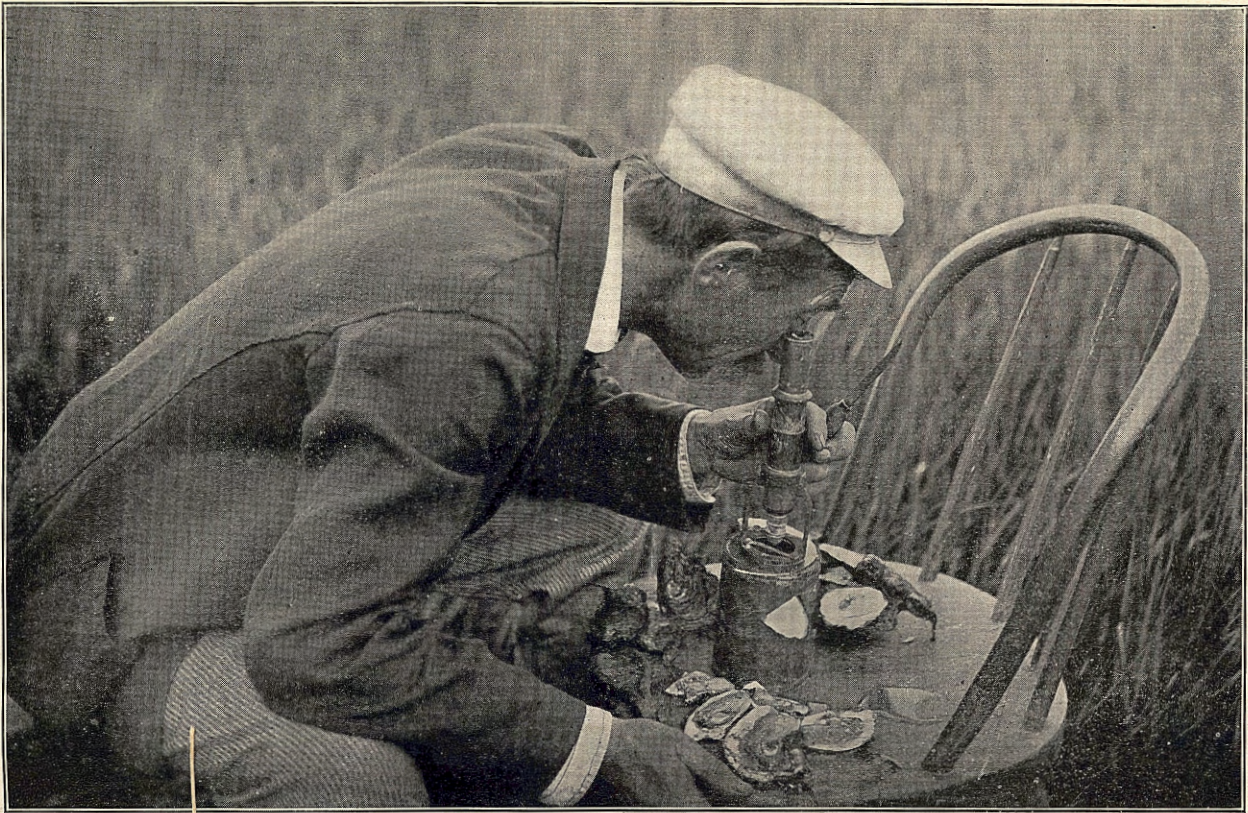
Dated November 1, 1906.

Respectfully submitted,

JEREMIAH N. OGDEN,
EDMUND STITES, JR.,
OGDEN GANDY,
WILLIAM DEGROFF.

A shopping house along Truckerton Creek showing a "garvey" clammer in his daily pursuit.





Prof. Nelson determining the sex of an oyster.

BUREAU OF SHELL FISHERIES.

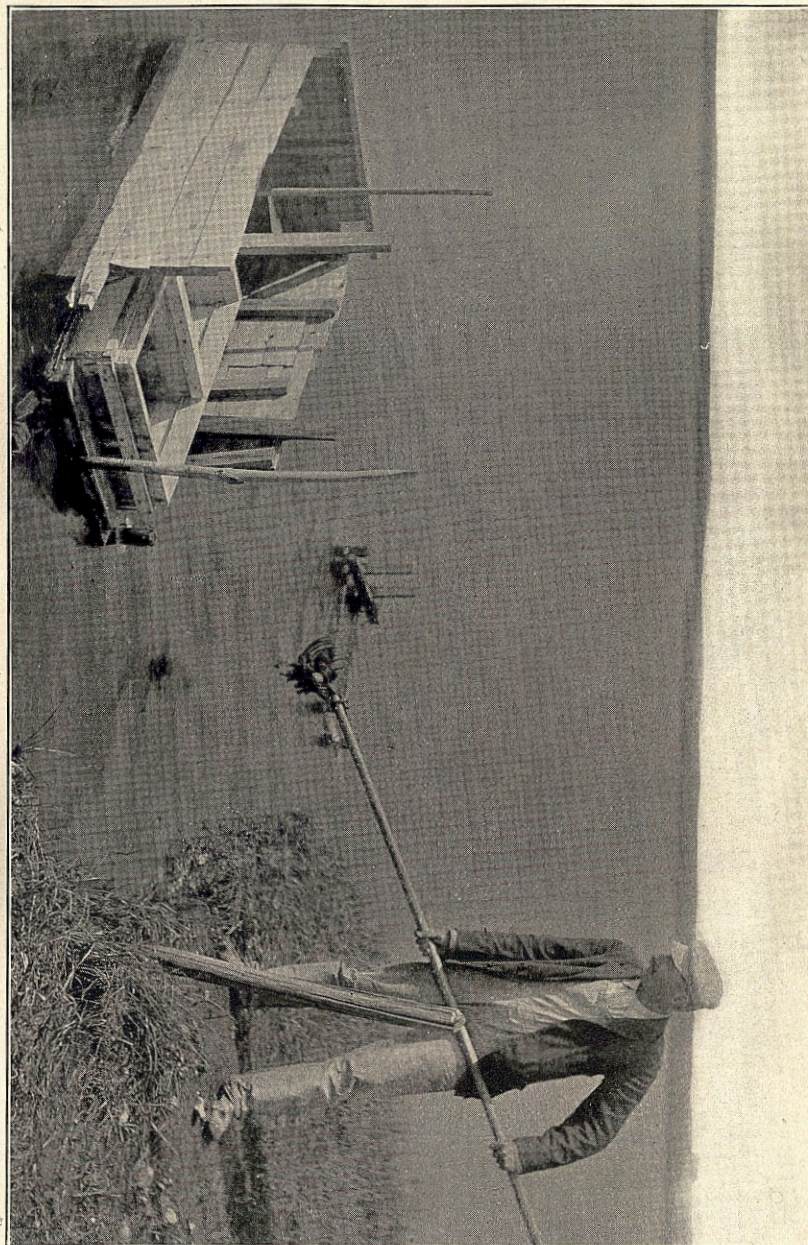
"	"	Charles E. Gasson.	29	1.00
"	"	J. W. Loughlin.	41	5.00
"	"	William F. Morris.	57	11.00
"	"	"	57	11.00
"	"	"	11	2.50
"	"	J. W. & J. H. Woolley.	58	18.00
"	30th	Alex Morris.	38	40.00
May	3rd	Bennett & Hight and Herbert Heroy.	60	3.00
"	8th	Herbert Heroy.	32	6.50
"	"	William L. Newman.	47	4.00
"	"	"	49	4.00
"	"	"	40	7.00
"	10th	Henry Fleming.	35	3.00
"	14th	William S. Bennett.	6	2.00
"	"	Joseph R. Gassin.	42	3.00
"	16th	J. M. Zeighler.	14	3.00
"	18th	C. L. Low.	31	2.00
June	1st	John W. Allgor	17	5.00
"	4th	William Leavers.	39	1.00
"	5th	Garriet White.	59	1.00
"	"	Fred Van Note.	44	7.50
"	11th	Devine Allgor.	48	3.00
"	"	"	61	5.00
"	"	"	43	5.00
"	12th	L. O. Hedden.	18	3.00
"	29th	William Levers & Edwin F. Bennett.	46	5.50
Sept.	15th	Edwin F. Bennett.	28	.25
Oct.	1st	"	36	3.00
"	"	Edwin Bennett & Sons.		
Total.				\$248.50

DISBURSEMENTS.

April	26th	60	Two cent stamps.	\$1.20
May	18th		Stationery, etc.	.35
"	"		C. L. Low one load of stakes used for staking corners over.	2.00
Total				\$3.55
Total receipts.				\$248.50
Total Disbursements.				3.55
				\$244.95

A. FRANK BENNETT, JR.
Commissioner.

Catching oysters from Barnegat Creek for experimental purposes.



oysters at Tuckerton and in the Mullica were not yet ripe. But by the middle of June the adult specimens at all three localities were throwing out their spawn.

By the end of June the large oysters at Barnegat had completed their spawning. The younger ones came into spawn again later, but whether this spawn actually furnished any additional fry is a question, for reasons to be stated further on. A small amount of spawn from a proportion of the small naturals was secured at Barnegat throughout July.

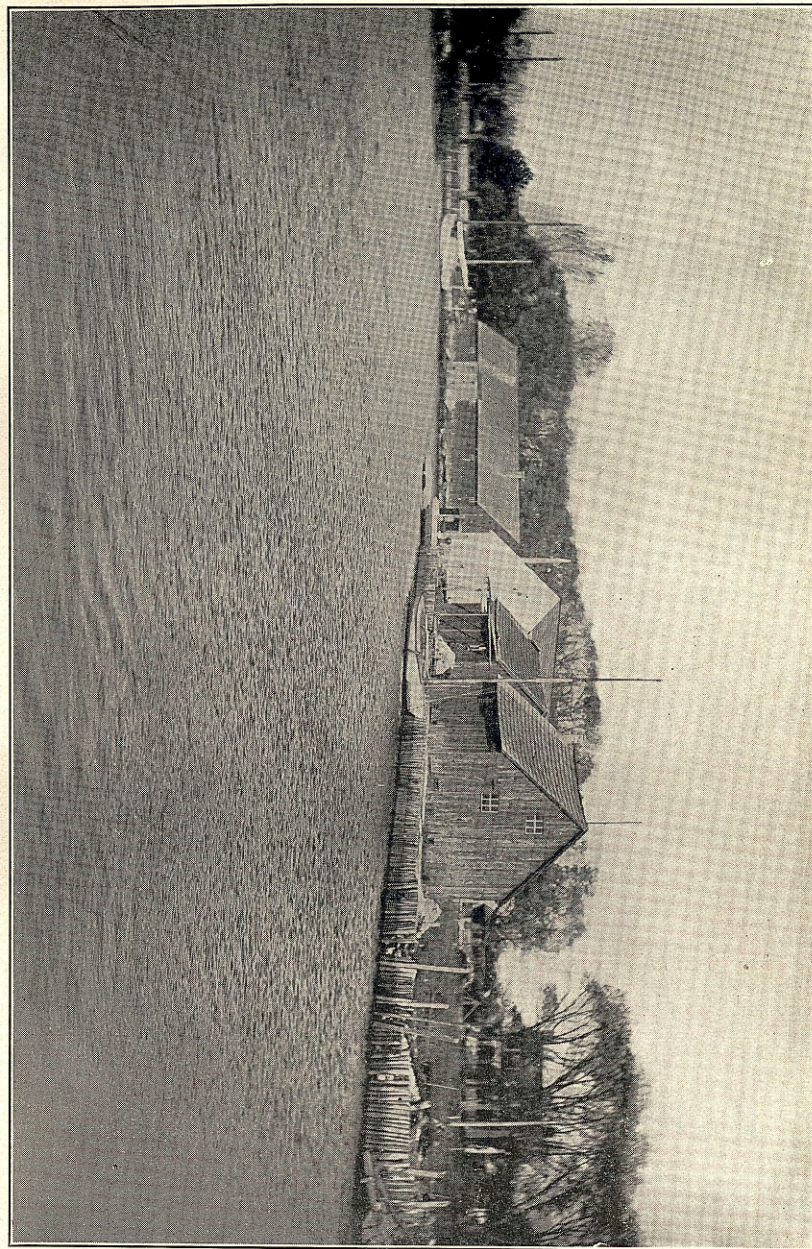
A good deal of spawn was present in the large "Plants" at Tuckerton and in the Mullica throughout July. At Tuckerton a special experiment in transplanting such oysters, delayed their spawning for two weeks longer, but after the middle of August no satisfactory spawn was obtainable.

The new set of natural spat was first noticed July 11th on the Mullica and July 12th at Barnegat. To the best of our belief this set had attached not later than July 4th, perhaps most of it dated from the last week in June. There was no later general set whatever may be said in favor of an occasional straggler through the summer.

Filtration of the water at Barnegat showed the presence of fry on the fourteenth of June the first time and on the twenty-fifth of June for the last time. By following this indication it would seem that the set took place during the last five days of June and the first three of July. Shells placed before July 3d received a set; those placed later showed nothing. This statement applies only to shells planted in our experiment.

The density of the water on the natural beds in Barnegat Creek fluctuated between 1010 to 1003, becoming fresher as the season advanced, up to the middle of July. After that date the water was too fresh to permit the spawn to live, and it is indeed doubtful if fry could develop after the average density fell below 1005.

At Tuckerton the density of the water in Headley's Creek normally 1015 to 1025, which density was noticed in May, gradually fell until the middle of August when it reached the



Some shipping houses along Tuckerton Creek.

guilty of a misdemeanor and subject to the penalties herein before provided.

18. For the purpose of carrying out the provisions of this act there shall be available, when appropriated, the sum of four thousand dollars annually, or such portion of it as may be necessary, and all bills incurred by the State Oyster Commission in carrying out the provisions of this act shall be certified by the State Oyster Commission to the State Comptroller monthly for payment, and he shall draw his warrant on the State Treasurer therefor; provided, however, expenditure shall not exceed the sum of four thousand dollars annually.

19. All act and parts of acts, inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

An Act for the better protection and preservation of the oyster industry in the creeks and rivers tributary to Delaware by, Delaware river and Maurice river cove and the natural beds at the mouths respectively of said creeks and rivers along the shore of said bay, in the counties of Cape May, Cumberland and Salem, in this State.

Be it enacted by the Senate and General Assembly of the State of New Jersey.

1. It shall be unlawful for any person to catch or take oysters from lands of this State under the tidal waters of any of the creeks and rivers tributary to Delaware bay, Delaware river or Maurice river cove, in the counties of Cape May, Cumberland and Salem, or from any of the natural seed beds at the mouths respectively of the said creeks and rivers along the shore of said bay, except by the use of hand tongs.

2. Any resident of this State desiring to engage in the catching or taking of oysters with hand tongs from the creeks, rivers and beds mentioned and referred to in section one of this act for the purpose of selling or planting the same shall first obtain a license from the State Oyster Commission, which commission, or a majority thereof are hereby authorized and empowered to grant such license.

3. Every such license shall be signed by the State Oyster Superintendent and be sealed with the seal of the State Oyster Commission, each license so granted shall be good for one year from the date thereof; each license so granted shall be numbered and recorded in a book kept for that purpose in the office of the State Oyster Commission; the person receiving such license shall have the number thereof painted on the port side of his boat, outside the bow, in plain view, in black figures on white ground, and each figure shall measure not less than six inches in length and one inch in width; and upon the failure or neglect of any person so licensed to so display said number as above required, such person so neglecting or failing shall forfeit such license.

Culling a load of oysters (Eastern seed planted one year ago).



upon a salary of twelve hundred dollars a year, and such assistants, not exceeding three in number and not more than be absolutely needed for the performance of the work of the Board, at graded salaries, to be paid by the Commissioners, not to exceed one thousand dollars a year for such assistants, as it may deem necessary to aid it in the proper performance of its duties, as prescribed in this Act. The said Commissioners shall employ a competent surveyor, who shall also be a hydrographic engineer, upon a salary to be named by said Commissioners not exceeding twenty-five hundred dollars a year. If the Commissioners deem it expedient to employ a hydrographic engineer, who is also a biologist, capable of investigating oyster propagation, an engineer of such qualification may, in their discretion, be employed. The sum of five hundred dollars per annum shall be appropriated, to be expended under the direction of said engineer, if he be a biologist, who shall, in that event, establish one or more stations for said investigation of oyster propagation. All salaries, outlays and disbursements authorized by this Act shall be paid out of the general treasury of the State of Maryland upon requisition made by the Board of Shell Fish Commissioners, endorsed by the Comptroller of the State, but the same shall be repaid out of the first revenues arising from the leasing of land for oyster culture contemplated by this Act. The Commissioners composing said Board shall, immediately after their appointment, file in the office of the Clerk of the Court of Appeals separate bonds, with a surety to be approved by the State Treasurer, in the sum of ten thousand dollars conditioned for the faithful performance of the duties imposed by this Act. The said Commissioners shall take and subscribe before the Governor of the State an official oath prescribed by the Constitution. The said Commissioners shall have an office in the City of Annapolis.

SECTION 85. The Commissioners shall keep, at its office in the City of Annapolis, books of records, in which shall be recorded all leases, assignments and other conveyances of land to be used for the planting or cultivation of oysters in accordance with this Act. A set of clear and simple forms, for all subsequent conveyances of any kind, shall be prepared by the Board, with the advice of the Attorney General, and no title shall be vested in any lessee or transferee of any interest or estate acquired under this Act until the conveyance or conveyances evidencing such leases or transfers will have been recorded in the office of the Board of Shell Fish Commissioners.

SECTION 86. The Board of Shell Fish Commissioners shall, as soon as practicable, after the passage of this Act, cause to be made a true and accurate survey of the natural oyster beds, bars and rocks of this State, said survey to be made with reference to fixed and permanent objects on the shore, giving courses and distance, to be fully described and set out in a written report of said survey, as hereinafter required. A true accurate delineation of the same shall be made on copies of published maps and charts of the United States Coast and Geodetic Survey,

Putting date on shells before placing in the water to catch spat.



SECTION 112. It shall not be necessary for any holder of oyster land under this Act to take out any license for dredging, scraping or tonging oysters on any land so held by him, and oysters on such land may be taken in any manner and at such times as may be desired by the holder of such land as allowed by the existing laws of this State.

SECTION 113. Any person who shall wilfully and without authority take or remove oysters from any land leased under the provisions of this Act, or shall wilfully injure or interfere with the oysters of such land in any manner, or injure the oysters thereupon situated, or remove, alter or interfere with the stakes, buoys or monuments marking the same, shall, upon conviction thereof, for the first offense, be sentenced to imprisonment in jail or in the penitentiary, in the discretion of the Court, for not less than three months and not more than two years, and for the second, or any subsequent offense, be sentenced to imprisonment in the penitentiary for not less than two years and not more than five years.

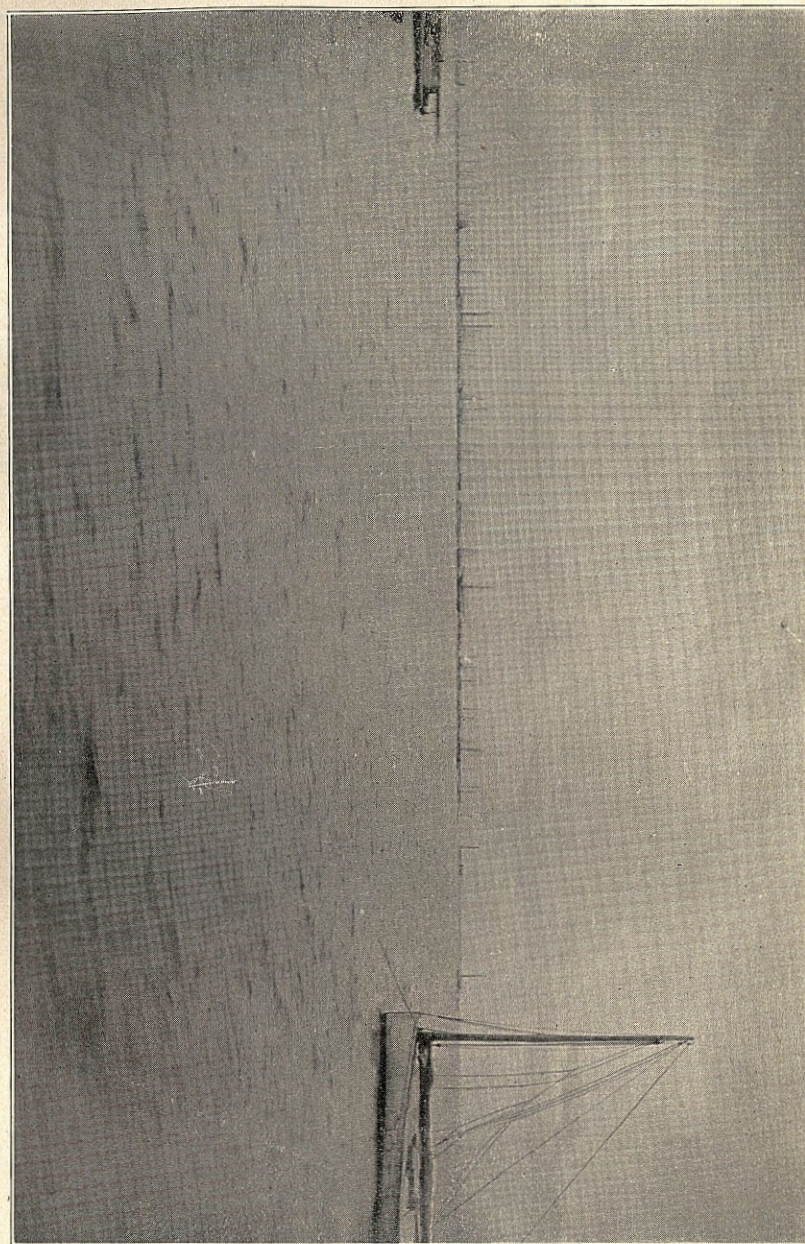
SECTION 114. Any person who shall work a dredge, scrape or pair of tongs, or any other implement for the taking of oysters upon any land leased under the provision of this Act without the consent of the lessee or owner, or who shall, while upon or sailing over any such ground or bed, cast, haul or have overboard any such dredge, scrape or pair of tongs, or other implement for the taking of oysters, under any pretense or for any purpose whatever, without the consent of such lessee or owner, upon conviction thereof, shall for the first offense be fined not less than fifty dollars, or more than two hundred and fifty dollars, or in the discretion of the Court, be imprisoned in jail, or in the penitentiary for not less than three months, nor more than one year, or shall be both so fined and imprisoned, and for the second, or any subsequent offense, shall be sentenced to imprisonment in the penitentiary for not less than two years nor more than five years.

SECTION 115. Any person who shall make his boat fast to a stake, buoy, or remove the same, or in any manner interfere therewith, the same shall, in the discretion of the Court, upon conviction thereof be sentenced to the penitentiary for a term not less than one year or more than two years.

SECTION 116. In addition to other penalties herein provided, any person convicted of a violation of this Act under either of the three preceding sections, shall be, and is hereby, denied the right to take out any license to dredge, scrape or tong for oysters in any waters of this State, for a period of three years after said conviction.

SECTION 117. It shall be the duty of all officers and members of the State Fishery Force to arrest persons violating this Act and to patrol such waters of the Chesapeake Bay and its tributaries as they may be directed by the Board of Public Works to patrol, for the purpose of preventing violations of this Act.

Approaching the Seed Grounds.



The Court. It is admitted.

Mr. Gaskill. It is objected to as incompetent and calling for a conclusion of the witness and not being based upon any testimony in the case.

(Objection overruled. Exception noted for defendant.)

A. Why, public. The people went in there. That is what they went in for, to get them the same as they did out on the Graveling, out on the beds.

Re-Cross Examination by Mr. Carmichael:

Q. I understand you to say that they spawned on the sides of the creek and rolled in?

A. They spawned on them—there used to be a lot.

Q. That is what I understood; they were a vegetable production?

A. Lots of places there, and they catch on these mussel shells and roll down.

A Juror. Have I a right to ask the witness a question?

The Court. The juror may ask a question if he would like to.

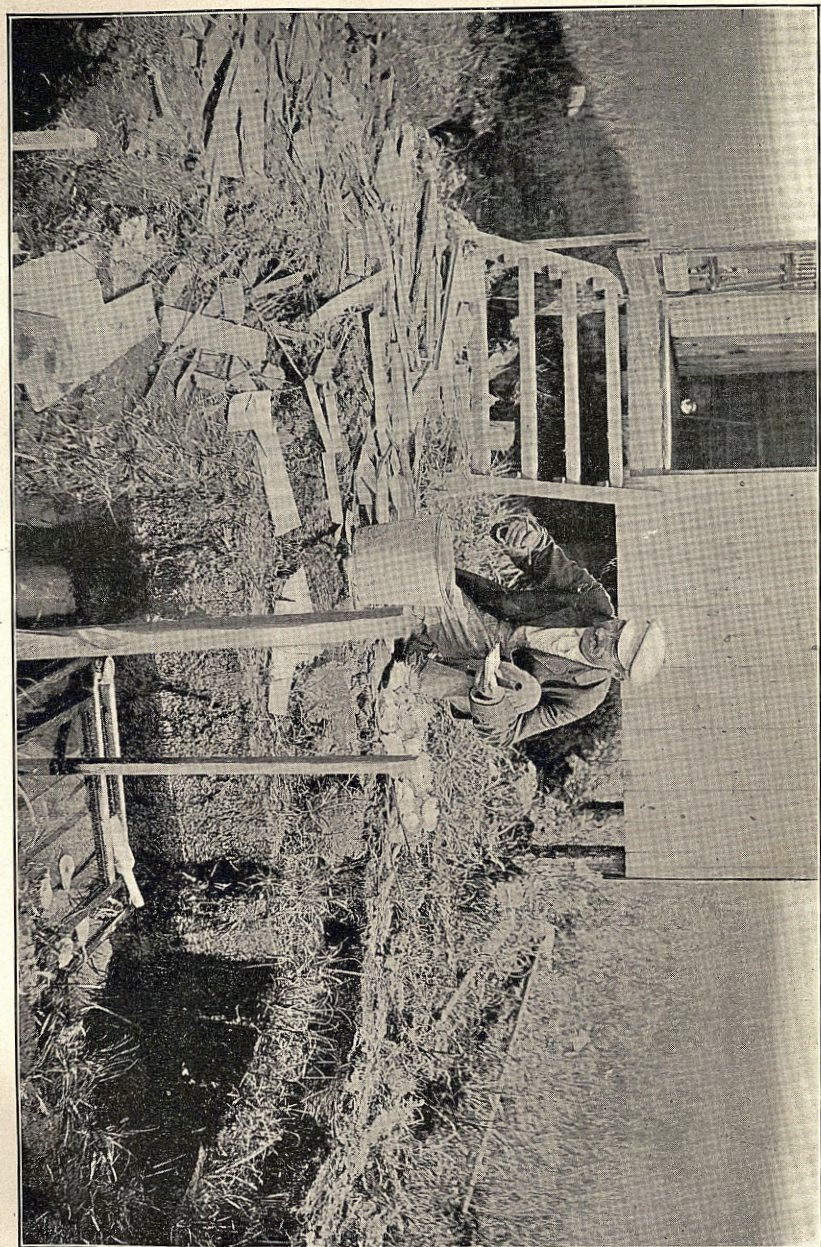
Q. How much ebb and flow of the tide is there along that creek?

A. I think, as near as I could ever tell by the mark along the grass, about four feet; something like four feet.

Cross Examination by Mr. Carmichael:

Q. These scows that went up there to get hay went up to get the hay which was cut off the land along the creek, were they not, the waters of it?

A. Cut off the meadows, you mean?



Taking a hydrometer test of the water. (Nelson at Barnegat.)

A. I know where the meadow is, but I don't know where his land is.

Q. Do you know where Wharton owns?

A. Yes, sir.

Q. Did you get hay from there?

A. Yes, my father used to hay it.

Q. And got it from Judge Otis?

A. Yes, before he owned it, I think.

Q. And those were the two places you got hay from?

A. Yes, sir.

Q. That is what you went up there for, wasn't it?

A. Was hay?

Q. Was that the only purpose that you went up there for to get hay from these two places?

A. At that time that was the only call I had in there.

Q. How far are these poles up from the mouth of the creek?

A. I should think about a hundred yards.

Q. And how wide is the creek below it?

A. About the same width.

Q. How wide? I don't understand.

A. Twenty-five or thirty yards. I don't say exact.

Q. Well, that one hundred yards would afford a harbor for boats, wouldn't it?

A. Not many.

Q. It would for some boats?

A. One or two.

Q. Who did you ever see run in there for a harbor?

A. All the baymen goes in there in the fall of the year.

Q. Who? Give me a man's name.

A. Joe Mathis, Lew Mathis, Asbury Mathis.

Q. When did you see them there last?

A. I aint seen them there in quite a while, because these gates has been there and I haven't been there.

Q. When were you in there?

A. I was in there last fall.

Q. Who was in there then besides you, any one?

An hour's work on the State Shell Beds. (Father and Son.)



the right to cross-examine this witness on the matters brought out.

The Court. I will not allow the question, as not being proper cross-examination.

(Exception noted for the defendant.)

Samuel B. Allen, sworn for the State.

Direct Examination by Mr. Duffield:

- Q. Mr. Allen, where do you reside?
 A. New Gretna.
 Q. And how long have you resided there?
 A. About ten years.
 Q. And what is your business?
 A. Oyster business.
 Q. Do you know Roundabout Creek in this County?
 A. Yes, sir.
 Q. How frequently have you been down there?
 A. Last week; that is down to the mouth of it.
 Q. And did you find the obstruction there?
 A. Yes, sir.
 Q. What was the character of the obstruction?
 A. Piling.
 Q. Did you measure the length of it? I mean, did you measure the creek at the place where the piling was?
 A. Yes, sir.
 Q. How long was it across there?
 A. Ninety-three feet.
 Q. Did the piling extend that distance?
 A. Yes, sir.
 Q. What was the character of the piling?
 A. What were they like?
 Q. What was the character of the piling?



Prof. Nelson looking for spat.

Mr. Carmichael. I offer them in evidence, subject to the exception taken by the State. I offer in evidence a deed dated April 4, 1899, and recorded April 6, 1899, in book 245 of Deeds, page 132, in the Clerk's Office of the County of Ocean, made by Benajah P. Wills and wife, to Joseph Wharton.

Q. Judge, will you be kind enough to look at this deed and tell me whether you know where those lands are located? Look at the description of it and tell me where those lands are located?

A. Well, it lies, a portion of it, on one side of the Big Roundabout Creek.

Q. Now that runs on one side, joins the creek?

A. Oh, yes, joins the creek.

Mr. Carmichael. I offer that deed in evidence, subject to the same objection. I offer the record of a deed of Joseph Wharton and wife to the Newport Fertilizer Company, dated March 31, 1902, recorded October 15, 1902, in Book 272, page 242 of Deeds in the Clerk's Office of the County of Ocean.

Q. Will you be kind enough to examine that?

A. Yes, I have examined that. It covers the same land, with the exception of sixty acres on the bay that have been reserved off on the shore.

Mr. Carmichael. I offer that subject to the same objection I offer the record of the deed in Book 274 of Deeds, page 225, in the Clerk's Office of the County of Ocean, dated January 24th, 1903, recorded January 26, 1903, from the Newport Fertilizer Company to Joseph Wharton.

Q. Judge, will you examine that record?

A. I have examined that deed.

Q. What does that cover?

A. Covers the same land.

Q. Does that cover the same land as the last deed offered?



On the "Graveling" (State Shell Beds).

A. Well, put down pilings, poles, we call them; poles about four to six inches in diameter, about two and a half to three feet apart, put a stringer across and nailed them fast.

Q. In relation to the time when you put this gate in there, the poles, when was the creek planted, before or after?

A. The oysters were planted before. I think we had a part of the gate up, because we wanted to close it up as soon as the oysters were in, because sometimes down there we lose oysters that we don't protect thoroughly.

Q. Now I call your attention to the description of certain lands under water in the bay as being, "All those lands lying under the tidal waters of Great Bay and Mullica River, north of a line running from Graveling Point in a southwesterly course to the Atlantic County line." Do you know where that portion of the Bay is?

A. I do; I put the stakes there.

Q. In relation to that portion of the bay where does this creek lie? It is within that exception?

A. It is within that exception, lies about a mile above that line.

Q. Do you know where the Atlantic County Line is?

A. I do.

Q. Were you a member of the Oyster Commission at one time?

A. I was a member of the commission twelve years.

Q. When you put the stakes there?

A. Put the stakes there, yes sir.

Q. To mark off these exceptions?

A. No, to stop the encroachment of those who have lands below, separate the lands.

Q. You know where this exception is that I have called your attention to?

A. Oh, yes.

Q. You have been one of the Commissioners under this act?

Prof. Nelson examining shells which have been placed in the water to catch spat. Barnegat Creek.



landing; but if there is no public landing, nothing to call for navigation, then they have a right to put these gates across and plant oysters and protect them. The other one goes a little on different grounds and says any stream, as I understand it, and therefore I do not think it repeals or modifies the law of 1846. And that being my understanding, that the law of 1846 is still in force, I shall direct the jury to bring in a verdict of not guilty.

(Whereupon the State, by its Counsel, prays a bill of exception, which is hereby allowed and sealed accordingly.)

A novel way of opening oysters as practiced by Prof. Nelson. Opened this way to prevent oyster from being injured.



clams. (3) Study of early life history. (4) Enemies. (5) Further growth experiments on a commercial basis, a study of conditions influencing the growth of shellfish.

SCALLOPS.

The common shallow-water scallop (*Pecten irradians*) inhabits the waters south of Boston. In the past this shellfish has been exceedingly abundant in the coast waters of Cape Cod and Buzzards Bay. For many years its value as a commercial commodity was unknown. The last two seasons have shown a rapid decline in the scallop fisheries, resulting this year in a great scarcity of scallops along the Massachusetts coast.

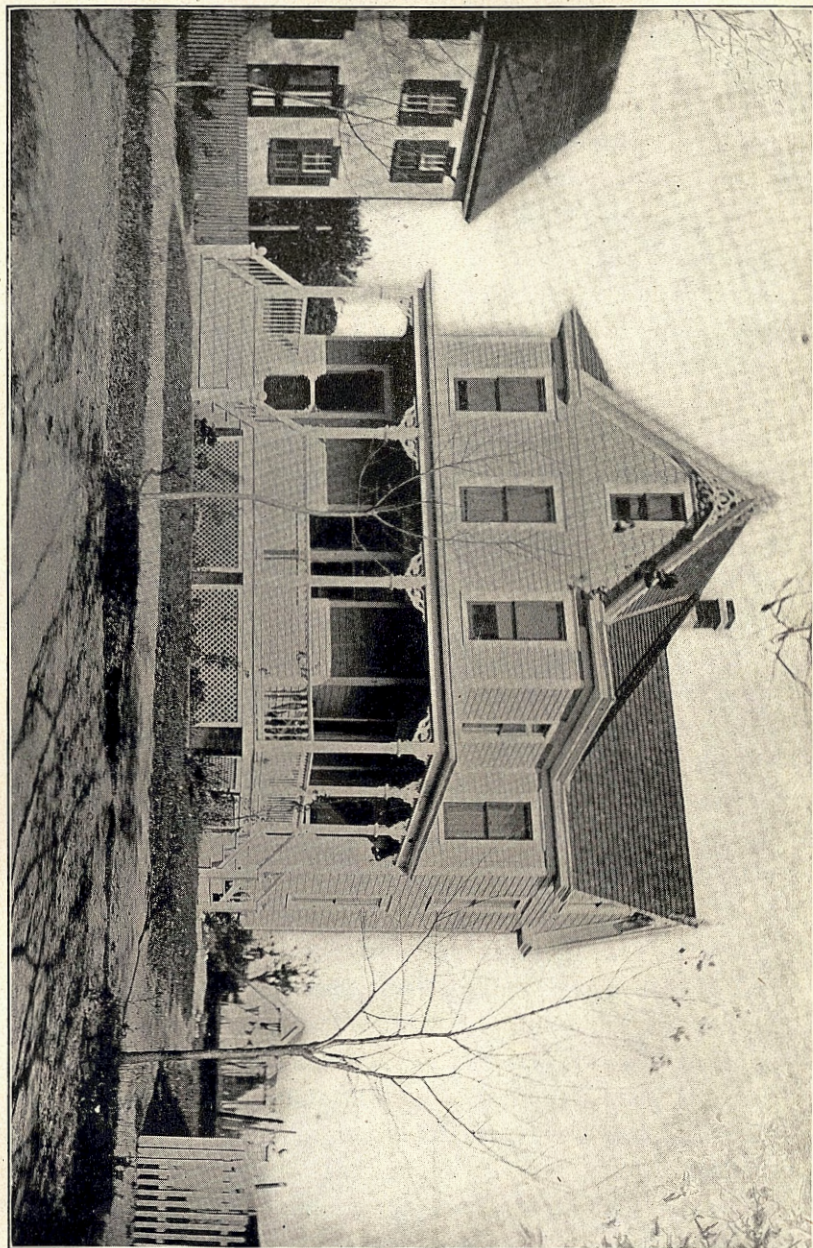
An important part of the summer's work was obtaining reliable information concerning the life and habits of the scallop, upon which a definition of the term "seed" scallop could be based.

The general law in regard to the capture of seed scallops (Section 84, Chapter 991, Revised Laws), reads as follows:

"Whoever takes seed scallops from the flats or waters of the Commonwealth shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence; but such penalty shall not be incurred by any person taking such scallops who returns them alive to the flats or water from which they were taken."

As the law now stands, it is useless, as no conviction can be obtained when the term "seed" scallop is not defined. For this reason there is a distinct need of a corollary to the law, which will define the term "seed" scallop.

The life of a scallop under natural conditions covers usually from twenty to twenty-two months, only a few scallops ever passing the two-year mark. Knowledge of this fact is important, when the spawning season is considered. A scallop spawns when a year old, the spawning season in Massachusetts lasting



The home of an oysterman. (Thicketon, N. J.)