1886

Report of the Commissioner of Sea and Shore Fisheries of the State of Maine for the Year 1886

Maine Department of Sea and Shore Fisheries

REPORT

OF THE

Commissioner of Sea and Shore Fisheries

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STATE OF MAINE.

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REPORT.

To His Excellency FREDERICK ROBIE, *Governor of Maine:*

The Commissioner of Sea and Shore Fisheries has the honour to present his first report.

The efforts of the Commissioner during the two years covered by this report has been devoted to enforcing the law for the protection of lobsters, mackerel, alewives, shad, smelts, salmon and other migratory fish.

It has been no small task to look after this branch of the fisheries stretched along the coast some 5000 miles from Eastport to Kittery. With a small appropriation ($2,500) we have not done all that might have been done if we had had the means to carry out our plans.

We have endeavored to observe economy in all we have done, and have at all times remembered that the resources at our command were limited.

LOBSTERS.

The lobster is an important branch of the Maine fisheries. There are in this State some forty lobster and sardine canning factories. Of this number about two-thirds can lobsters and one-third can lobsters and sardines. Only about one-half of the lobster factories did any canning the past season.

It takes about five or six of the small lobsters from nine inches or less to make one can. It is seldom that the factories can any lobsters over nine inches long, as those ten and one-half inches in length are shipped to Portland, Boston and New York.

I have been unable to ascertain the number of lobsters canned. It is a very large amount, and a large number of small lobsters are used for that purpose.

The following notes from the experiments by Prof. Richard Rathburn of the Smithsonian Institute will prove of interest in connection with this subject.

The experiments were begun in 1886 and form part of the work of the United States Fish Commission. They are at present incomplete, but advance sheets were kindly furnished the Commissioner.

"All the States interested in the lobster fishery, excepting New Jersey, whose fishery is small, have enacted protective laws; but, either because these laws are inadequate or are not properly enforced, they have failed to stop the decrease, though they may have checked it more or less. As a result, the fishery is falling off in the United States, and we are even now dependent, to a greater or less extent, on the British Provinces for the supplies of our larger markets. The same trouble exists in Europe, where the lobster fishery is, of course, of much older date than in this country, and where it has been controlled by legislation for many years. Many elaborate reports have been published upon the European fishery by experts appointed to investigate its condition and needs, but they are apparently at as much loss there as we are here regarding the methods and benefits of protection. In Norway, which country possesses the most important European fishery, they have, as a last resort, sought relief through the aid of artificial lobster culture, and experiments to that end have been carried on for several years. In the United States, where the methods of fish culture are best understood and have been most productive of beneficial results, it is natural to suppose that the same course would have been often suggested, and such has really been the case. None of the trials up to this year have, however, been made according to the most approved methods of fish propagation, and insufficient means for carrying on any such practical experiments with respect to salt-water species of fish have

alone prevented the Fish Commission from engaging in this work before.

It would be impossible, within the limits of this paper, to cite even a portion of the evidence bearing upon the decrease of lobsters which has been collected, but following are a few of the remarks with which this subject is introduced in the report already referred to:

'An illustration of the rapidity with which the lobsters of a small area may be caught up, is furnished by a salt-water inlet on the coast of Maine, in which lobsters were at one time very abundant. This basin opens directly into the sea, and is sufficiently large to have afforded a remunerative fishery to several lobstermen. Two years' time was sufficient to reduce the supply of lobsters to such an extent that fishing became unprofitable. After an interval of about five years they again became abundant, and the supply was once more exhausted. Had this inlet not been so situated that it readily received supplies from without, it is probable that it would have required a much longer time to become replenished.

On the coast of Maine the evidences of decrease are very strong, especially as regards the shallower areas, but the rapid extension of the grounds into comparatively deep water has made the actual decrease less apparent. The rocky bottoms of Maine are also supposed to afford the lobsters greater protection than the sandy ones to the south, and in many places the traps cannot be set as closely together, nor is it probable that the lobsters in such localities move about as much in search of food.

The greatest decrease has occurred within the past fifteen or twenty years or since the establishment of numerous canneries and of the perfected methods of transporting fresh lobsters to all parts of the country. The demand being so much greater than the supply, there are no restrictions on the amount of the catch beyond those imposed by the State laws or resulting from the scarcity of lobsters. Fish are among the greatest enemies of the lobster, and cod are known to consume enormous quantities; but nature has provided against

their extinction by such means, and it is man alone who has disturbed the balance.'

The above remarks were based mainly upon the fishery investigations of 1880, since which evidences of continued decrease have been constantly received. About a year ago, a prominent Boston dealer wrote that he was receiving large quantities of lobsters from Nova Scotia, as the Maine fishery was totally inadequate to supply the demand, the amount obtained from that State having been less than in previous years.

One of the strongest evidences of decrease in abundance is afforded by the continuous decrease in the average size of the lobsters sent to the markets. The exact amount of this decrease is not determinable, as no records bearing upon this subject were made prior to 1880, but the fact was granted by the fishermen and canners, even in those regions where a perceptible decrease in numbers was not admitted. The average weight of the lobsters marketed in most places in 1880 was estimated to be about two pounds each. A New Haven correspondent stated that the average length of the lobsters sold in the markets in that place in 1880 was about ten and one-half inches, and the average weight about two pounds, against an average length of about thirteen inches and an average weight of about three and one-half pounds twenty years ago. In Boston the market lobsters ranged but little above the limit in size permitted by the State laws, and that seems to be the case nearly everywhere. In Portland, Maine, the average length of the lobsters marketed in 1880 was about ten and one-half inches, and in Boston eleven to eleven and one-half inches, while in New York City the range in size was from ten and one-half to fifteen inches.

The facts above stated apply only to the larger distributing centers, where custom had prescribed the minimum limit in size of the lobsters marketed, before protective laws were enacted. At that time there was an abundance of large lobsters, and the smaller individuals were regarded as of little account for the fresh trade. They have, however, been used

for a long time by the canneries on the coast of Maine, by the fishermen as bait, and to supply local demands. The quantity of lobsters consumed, measuring less than ten inches in length, is, therefore, very great, and on some portions of the Maine coast the canneries make use of only those that are too small for the fresh-market trade. In fact, the greater proportion of the lobsters now canned are less than ten inches long. From these statements it will be seen that there is a steady demand for lobsters of all sizes, and that but a limited protection is afforded either by laws or custom.

Lobsters are found with spawn attached to the abdomen during the entire year. This fact is recorded of both the American and the European species, but the length of time they are carried before hatching and the limits of the hatching season are not precisely known. As regards the European crayfish, a fresh-water crustacean closely related to the lobster, Professor Huxley states: 'The process of development is very slow, as it occupies the whole winter. In late springtime or early summer, the young burst the thin shell of the egg, and, when they are hatched, present a general resemblance to their parents. This is very unlike what takes place in crabs and lobsters, in which the young leave the egg in a condition very different from the parent, and undergo a remarkable metamorphosis before they attain their proper form.'

The smackmen of the southern New England coast claim that the eggs hatch in the wells of their smacks in the greatest abundance, from some time in May until late in July, but that at other seasons they have never seen any embryo lobsters, although the smack trade in lobsters is kept up during nearly the entire year. During the season mentioned, the surface of the water in the wells of the smacks often becomes perfectly alive with the young, and they may be scooped up by the hundreds of thousands. This evidence is tolerably conclusive as to the duration of the principal hatching season, and determines the period when experimental work in artificial propagation can best be undertaken. The fact

that a few of the eggs contained in the jars at the Wood's Holl station of the Fish Commission hatched during November of this year indicates, however, that some hatching may take place at other seasons, as the conditions under which the eggs were kept were perfectly normal, the water being of about the same temperature as that of the harbor outside. Hatching is supposed to begin somewhat later farther north.

The writer was, at first, inclined to believe that the hatching continued to a considerable extent through the entire year, basing his conclusions upon the fact that, during the months of August and September last, eggs were found in various stages of development, from the freshly laid and totally opaque ones to others in which the dark greenish yelk sack occupied scarcely more than one-half of the area of the egg, the remainder being transparent and clearly showing the structure of the embryo. Some of these eggs, preserved in the hatching-jars, were carefully examined from day to day, and, although they exhibited a certain amount of progress, development was slow. It finally became evident that the development of the eggs was being retarded by some cause, presumably the lower temperature of the water, and this result, coupled with the statements of the fishermen, that embryos are seen only in May, June and July, makes it probable that the hatching of lobster eggs at other seasons is only an accidental or occasional occurrence. It is also not at all improbable that the young hatched during cold weather perish soon after they leave the egg."

Professor John A. Rider, formerly of the United States Fish Commission, writes under date of November 4, 1886:

"In a period extending over about one hundred days the young lobsters grow from a length of one-third of an inch to one of one and a half inches. In making this growth the young lobsters moult not less than nine times, the earlier moults coming much closer together than the later ones. The interval of time probably becomes still greater during the later months.

I think it probable that after reaching a length of nine inches, the lobster moults but once a year.

I have never seen a lobster under nine inches with eggs attached that I can remember. If the old lobsters were to moult oftener than once a year the result would be that the eggs would be cast off with the shell.

That this is not the case is, I think, sufficiently proved by the fact that the eggs are carried on the swimmerets."

Much has been said about the shrinkage of lobsters after boiling.

Having made a large number of measurements to test this point, in the presence of witnesses, I am convinced that a hard-shell lobster, such as used by the canning factories, will not shrink at all by boiling.

The last test was May 1, 1886, in Thomaston, and resulted as follows:

No.	Live Lobster.	After Boiling 20 Minutes.	After Cooling 12 Hours.
1	11 1-8 inches.	11 1-8 inches.	11 1-4 inches.
2	10 5-8	10 5-8	10 5-8
3	12 1-32	12 1-32	12 3-32
4	12	12	12
5	11 1-4	11 1-4	11 1-4
6	11 7-16	11 7-16	11 1-2
7	11 1-16	11 1-16	11 1-16
8	11 1-8	11 1-8	11 1-8
9	10 25-32	10 25-32	10 25-32
10	10 11-32	10 11-32	10 11-32
11	10 9-16	10 9-16	10 9-16
12	10 26-32	10 26-32	10 26-32
13	10 21-32	10 21-32	10 22-32

It will be seen by the above measurements that none of them shrink by boiling and four of them gained a fraction.

Mr. Arthur Brown of North Haven, who has been in the business of canning lobsters for many years, measured in the spring of 1885, fifty young lobsters just nine inches long when alive. After boiling them the proper time measured them again and found that they did not shrink at all by boiling.

I know of many other similar experiments with similar results.

Chapter 40, section 21, Revised Statutes, reads as follows: "It is unlawful to fish for, catch, buy, sell, expose for sale, or possess between the first day of October and the fifteenth

day of the following August, any female lobster in spawn or with eggs attached, or any young lobster less than ten and one-half inches in length, measuring from head to tail extended, exclusive of claws or feelers, and such lobsters when caught shall be liberated alive at the risk and cost of the party taking them, under a penalty of one dollar for each lobster so caught, bought, sold, exposed for sale, or in possession not so liberated. *Provided, however*, that from the first day of April to the fifteenth day of July it shall be lawful to fish for, catch, buy, sell, expose for sale, or possess for canning and all other purposes, any lobsters not less than nine inches in length, measured as aforesaid, but not including female lobsters in spawn or with eggs attached."

It will be seen by the above section that the law makes no distinction between a live lobster or one that has been boiled.

Such being the law, it makes no difference whether the lobster is alive or dead if found in possession; the party having it in possession is violating the laws.

If the law is to be practicable in its application the time of measurement cannot be limited. When lobsters are found in possession while alive the invariable claim is that the possessor intends to liberate them, and that if he does this while there is a vital spark left in them the law has been complied with. When found boiled the possessor says, Hands off, you have no right to touch a lobster after he breathes his last! He is then entitled to rest in peace. Now what did the Legislature intend, when they declared that lobsters of a prohibited length should not be bought, sold, exposed for sale, or had in possession? Did they mean to limit the time to the life of the lobster? Would it not be just as consistent to say that a female lobster after boiling did not come within the prohibition? Few lobsters are exposed for sale before boiling. If they cannot be measured after boiling then the penalty for illegal possession cannot be enforced. There are no rules laid down to be followed in measuring which contemplate contraction or extension in the process of boiling. If this law is to be enforced officers charged with its enforcement must have the

right to take the prohibited lobsters, illegally held, while living or after they are boiled, and proper measurements made at either time must be considered sufficient. The statute should receive such construction that its provisions can be enforced.

This was certainly the intention of the originators of the law, as will be shown by the following letter from the Hon. John H. Kimball, Chairman of the Fish Committee when the law was passed:

BATH, Maine, October 30, 1886.

To the Editors of the Lewiston Journal:

Certain crustaceans are known commercially and scientifically as lobsters and by no other name, whether alive in their salt-water homes or on the marble slab of the fish dealer, boiled and ready for the table. In either condition they are known only as lobsters.

The Revised Statutes recognize no difference between living and dead lobsters and the same rule applies to all fish where a limit is given as to size, in the laws enacted for their protection.

The having in possession a herring for canning purposes, less than eight inches in length, or a trout less than five inches, or a salmon less than nine inches long is a violation of the law, and the possessor is liable to a penalty. In the enactment of these laws there was no distinction made between living or dead fish or lobsters. A great deal has been written and said about the lobster law, and the attorneys of prosecuted parties have endeavored to befog the court with the idea that a boiled lobster is not a lobster within the meaning of the statute, and claim that the length of the lobster when alive in the trap is to be the true measure. I know of no objection to that if each lobster is provided with a duly authenticated certificate that it was of legal length when caught.

But all these arguments seem puerile and nonsensical, beside the plain reading of the law.

"It is unlawful to fish for, catch, buy, sell, expose for sale or possess, between the first day of October and the fifteenth day of the following August, any female lobster in spawn or with eggs attached or any young lobster less than ten and one-half inches in length."

In the framing of that law, the best legal talent in the Legislature was consulted. Nothing was left to conjecture or inference,

but the intent and meaning was put into pure, undiluted Anglo Saxon, so that it should be plain and intelligible, even to the weakest intellects.

Now, unless the Supreme Court shall decide that a boiled lobster is not a lobster, then there can be no doubt as to the construction of the law. I have no fear of such a result.

I have been asked, as Chairman of the Committee on Fisheries during the last two sessions of the Legislature, to state the views and intentions of the committees in the enactment of the lobster law. Those committees were as intelligent and competent to perform their duties as any in the Legislature, and there was no difference of opinion as to the intent and meaning of the law, that whatever condition the lobster may be in, alive or boiled, the length is to be taken when the illegal act is detected. Otherwise the law would be an absurdity.

How is a man to prove that the identical ten-inch boiled lobster which he offers for sale, measured ten and one-half or eleven inches when alive? Even if it were possible to so prove, which it is not, he would still be liable to the penalty, for the law expressly says that it is unlawful to have such a lobster in possession and makes no provision for any exception whatever.

I think, however, that this question of shrinkage in boiling has been conclusively settled by the experiments made by Shore Fish Commissioner Counce, and which demonstrate beyond dispute that a sound lobster suitable for food does not shrink in boiling.

J. H. KIMBALL.

This question of shrinkage was raised in the very first case, State against Josiah Burnham of St. George, for having 445 lobsters in possession less than nine inches long May 23, 1885, and he was fined. Case appealed and carried to law court, and up to this time the decision has not been reported.

In almost every case since, this same point of shrinkage has been raised and the cases carried up to law term, so that but little has been received by the fish wardens for fines on this account.

It is hoped that this question will soon be decided, for if this question of shrinkage is allowed the law is not of much account, for most of the lobsters offered for sale are first boiled.

To settle this question, I would respectfully ask that the law should be so amended and changed that it shall be unlawful to fish for, catch, buy, sell, expose for sale, or possess, at any time, lobsters less than ten and one-half (10½) inches in length, measured alive or after boiling, from the end of the bone of the nose to the end of the bone of the middle flipper—exclusive of fringe; the lobsters to be extended full length when measured. That there shall be no close time; that all owners of lobster cars shall have their full names carved, painted or branded upon the top of all cars in legible letters, not less than three quarters of an inch in length and the name shall be *prima facie* evidence of ownership; and any cars found in use without such name thereon shall, together with its contents, be seized and declared forfeited to the officers making such seizure, unless a claimant appears for the same within twenty days and proves ownership and pays all expenses attending said seizure.

I would recommend that the word "*young*" should be stricken out of chapter 40, section 21, sixth line; and a few other slight changes in various provisions will greatly facilitate the practical enforcement of the law. The attention of the next Legislature should be called to these matters, and the present laws relieved of all uncertainties.

What is wanted, says the *Forest and Stream*, is a uniform law that shall bring Rhode Island and Connecticut into line with Maine and Massachusetts, in this good work. It adds: "It is worthy of note that all along the Maine and Massachusetts coasts, at least, the fishermen evince a willingness and even a desire to see the short lobster law enforced. All they ask is that it be made general. They know that it is better to give the lobsters time to grow; but if undersized ones are to be caught, each fisherman feels as though it was a duty to his pocket that he got his share."

It has been noticed that lobsters of a much larger size are now coming into market.

MACKEREL.

As this fish has been scarce on our coast the past season, the law has not been violated as much as usual.

Some of the seiners have come into the rivers within the three-mile limit and have been caught.

It has been very difficult to catch them, as many of them are steamers from other States, that steam into our rivers and cast their nets for a short time, then steam out before a warden can board them or learn their names or where they hail from.

The total New England catch of mackerel to November 12th, 1886, was 80,092 barrels compared with 329,108 barrels in 1885 and 418,418 barrels in 1884, and the mackerel season is closed.

It will be noticed by this statement of the catch that it grows smaller and smaller each year, and, unless this fish is better protected it will soon be destroyed as the porgie fishing has already been.

SMELTS.

This fish extends from Maine to North Carolina, and the shipping of smelts during the winter months has become quite an important business in this State.

Many thousand pounds of this little fish are sent during the winter and spring out of this State.

Some amendments should be made in the present laws to prevent the wholesale destruction of this fish.

I would recommend that no smelts be sold between the first days of April and October, under a penalty of not less than $10 nor more than $30 for each offence, and a further penalty of twenty cents for each smelt so sold, except caught by hook and line. Provided, that dip-nets may be used between April 1st and May 1st.

ALEWIVES.

In the summer this fish abounds in the coastal waters of all the Atlantic States from Maine to Florida, in winter only south of Cape Hatteras.

This fish is a very important one in this State as an article of food, but it is fast disappearing, and unless better protected will wholly disappear as the porgie has.

The alewive is caught in Damariscotta and Georges rivers in large numbers and pays quite an amount of the taxes in Damariscotta, Newcastle and Warren.

The right to catch these fish in Damariscotta Mills was sold in 1884 for $3,555, in 1885 for $2,510, in 1886, $1,655.

The parties buying the right to fish at the Mills do not have the right to catch fish on the river or back streams.

It will be seen by the above statement that the value of these fish is growing less every year. There are now on the Damariscotta River twenty-five weirs and on the Georges River fifteen, beside the nets. Such being the case, it makes it very hard for the fish to overcome those obstacles and reach the ponds to deposit their spawn. Something should be done to prevent such wholesale destruction of the young alewives as they return to the ocean. Thousands of them are ground to chum every season as they return by the mills on these streams. The last Legislature passed an act granting the town of Union the right to take alewives for two days in the week on the sponding grounds in Georges River.

"This was the unkindest cut of all" and such an act should never have been passed. The passing of so many special local laws is much to be regretted, as their workings are productive of much harm, and I hope the growing practice will be discontinued.

I am pained to know that one of the best and most faithful wardens in the State has been cruelly murdered while doing his duty. I allude to Warden Lyman O. Hill of Whiting,

and trust that every effort in the power of the State will be used to catch and punish the murderer.

In conclusion, I would say that the expense of enforcing the law for the protection of fish is very considerable, in order to afford the protection that the law is designed to give. Nearly all violators of the law have thus far shown a determined spirit in resisting all legal proceedings to enforce penalties, and much litigation may be necessary to establish the fact that the law must be respected by all alike. The appropriations so far have not been adequate for a successful enforcement of the law, and I would recommend that they be made more generous in the future. While the law provides that many, if not all of the provisions of the laws for the protection of fish may be enforced in the name of the State, it is not practicable to rely wholly on criminal prosecutions for their enforcement, and in not a few instances we have brought civil suits. This method seems to be the only one by which we can enforce a lien upon vessels for penalties for violation of the laws.

Respectfully submitted.

B. W. COUNCE.

Fish and Game Warden Jesse W. Peabody of Thomaston reports the following cases:

George F. Tilden of Hurricane was complained of for having 97 short lobsters in possession. Case settled.

Lewis Avery of Vinal Haven was indicted for having 175 lobsters less than nine inches in length in possession. Case pending.

A. P. Burgess, Vinal Haven, was fined $71 and cost for having 71 lobsters in possession less than nine inches. Paid.

Charles Kimball of Vinal Haven, fined $3 and cost for having 3 lobsters in possession less than nine inches long. Paid.

Reuben Brown of Vinal Haven, fined $13 and cost for having 13 lobsters less than nine inches long in possession. Paid.

Elijah York, Vinal Haven, fined $15 and cost for having 15 lobsters less than nine inches long in possession. Case settled.

Charles Pool, Vinal Haven, fined $16 and cost for having 16 lobsters in possession less than nine inches long. Paid.

Calvin Brown, Vinal Haven, fined $13 and cost for having 13 lobsters less than nine inches long in possession. Paid.

F. A. Colby, Vinal Haven, indicted for having 45 lobsters less than nine inches long in possession. Case pending.

Freeman Rackleff, South Thomaston, fined for having 20 lobsters in possession less than nine inches long. Paid $20 and cost.

Edward Marshall, St. George, fined $9 and cost for having 9 lobsters less than nine inches long in possession. Paid fine and cost.

Lewis Clark, St. George, was fined $13 and cost for having 13 lobsters in possession less than nine inches long. Paid fine and cost.

Thomas Doherty, St. George, was fined $3 and cost for having 3 lobsters in possession less than nine inches long. Settled.

Alfred Simmons, Friendship, was fined $117 and cost for having 117 lobsters in possession less than nine inches long. Case now pending.

Samuel Simmons, Friendship, was fined $74 and cost for having 74 lobsters in possession less than nine inches long. Case now pending.

George Brown, St. George, was fined $11 and cost for having 11 lobsters in possession less than nine inches long. Paid.

Wilson J. Simmons, Friendship, was fined $8 and cost for having 8 lobsters in possession less than nine inches long. Paid.

Chas. Demiere, Friendship, fined $6 and cost for having 6 lobsters in possession less than nine inches long. Paid.

Josiah Burnham, St. George, fined $34 and cost for having 34 lobsters in possession less than nine inches long. Paid fine and cost.

Stephen Chase, Rockland, fined $9 and cost for having 9 lobsters in possession less than ten one-half inches in length. Paid fine and cost.

Benjamin Maxcy, Thomaston, was fined $20 and cost for having an unlawful weir. Case now pending.

Warden Peabody had a number of small cases not here reported, which have been settled.

Charles W. Tracy, Fish and Game Warden, of Goulds-boro', reports the following prosecutions in Washington County:

George W. Smith for canning 33 short lobsters fined $33 and cost.

Freeman & James Parrot for canning short lobsters, paid $18 without cost.

Green Hodgkins & Son for having short lobsters in possession paid $20 without cost.

Samuel Yeaton for having short lobsters in possession paid $12 without cost.

Davis & Rider for canning 3 short lobsters paid $3 without cost.

Lenard Wakefield for having 3 short lobsters in possession paid $3 and cost.

John L. Perry for having 33 short lobsters in possession paid $33 without cost.

Joseph Nichols of Phipsburg, Fish and Game Warden, reports the following cases in Sagadahoc County:

Sewall P. Morse, Winnegance, prosecuted for setting net in the flood gates of Winnegance Creek. Case tried in municipal court, Bath, and fined $25 and cost. Appealed to Supreme Judicial Court, tried appeal and found guilty. Afterward proceedings quashed on account of informality in the complaint.

Charles Banks, Jr., and Frederick P. Banks for using a net in Winnegance Creek, less than six-inch mesh and taking thereupon five bass. Defendants arraigned before municipal court and found guilty. Fined $60 and cost each and placed under bonds to appear at Supreme Ju-

dicial Court. Case again tried, defendants found guilty as before, then carried to law term on exceptions.

John L. Thompson, Fish and Game Warden, of Newcastle, reports the following cases:

Otis Dodge of Newcastle was fined $20 and cost for fishing in weir during weekly close time. Committed to jail and afterward paid fine and cost.

Lincoln Dodge of Newcastle was fined for the same offence $20. Warrant quashed by Supreme Judicial Court.

Daniel Fitch and Leroy Fitch of Bristol, fined for same offence and were discharged by paying cost.

Edward C. Dodge of Boothbay, fined $20 and cost. Paid fine and cost.

Benj. Dodge of Newcastle was fined $20 and cost. The warrant quashed by Supreme Judicial Court.

Frank Smith of Boothbay was bound over to Supreme Judicial Court for $800 for having in possession 655 short lobsters less than 9 inches in length.

This case was not reported by the County Attorney and a civil suit was brought and he was fined $420. Case carried to law court July 10th, and not yet reported.

Wm. P. Foster of Boothbay was fined $7 and cost for having 7 lobsters less than nine inches in length. Paid fine and cost.

Alfred White of Newcastle was fined $20 and cost for fishing in weekly close time. Paid fine and cost.

Wm. Timball of Edgecomb was fined $20 and cost for fishing in weekly close time. Paid fine and cost.

Israel Harrington of Edgecomb, fined $20 and cost. Paid fine and cost.

Josiah Burnham of St. George was fined $447 for having 445 lobsters less than nine inches long in possession and 2 female lobsters with eggs attached. Case carried to law court and not yet reported.

William Kelsey of Bristol, fined $20 and cost for fishing during weekly close time. Paid fine and cost.

Joseph Brown of Bristol, fined $20 and cost for fishing during weekly close time. Paid fine and cost.

Between July 23d and September 30, 1885, Mr. Thompson made complaint before the Grand Jury of Lincoln County and furnished proof of thirteen cases of illegal seining of mackerel within the three-mile limit, but no bill was found. He then commenced an action of debt against the owners of schooner Clear the Track, Portland; schooner Eliza M. Smith, Portland; schooner A. W. Lenox, Portland; schooner Cosmopolitan, Bristol, and Cora Greenwood of Bristol. The owners of these five vessels appeared and settled.

Writs for the remaining eight vessels are in the hands of the officer to serve when he can find the vessels.

Joseph Hoff, Boothbay, was fined for having 267 lobsters in possession during close time; $1 on each lobster, $267 00
Fine, 50 00
$317 00

Joseph F. Hoff, Boothbay, partner of Joseph Hoff, was fined $50.

Fessenden C. Stone, Edgecomb, was fined for having 133 lobsters in possession during close time; $1 on each lobster, $133 00
Fine, 50 00
$183 00

Mr. Thompson also had a number of small cases which have been settled.

Warden P. H. Mills, Deer Isle, reports the following cases:

Deer Isle Packing Company was fined $20 for having 20 lobsters in possession less than 9 inches long.

James Conley of Isle Au Haut was fined $15 for having 15 lobsters less than 9 inches long in a car.

S. B. Morey of Deer Isle was fined $20 for having 20 lobsters in possession less than 9 inches long.

S. G. Stevens, Center Harbor, was fined $21 for having in possession 21 lobsters less than 9 inches.

Warden Benj. Libby, Warren, reports the following cases:

George Robinson was fined $20 and cost for fishing in close time.

Edmund H. Hyler, Cushing, was fined $20 and cost for fishing in weir in close time.

Albert Marshall, Cushing, was fined $20 and cost for fishing in weir in close time.

Simeon Hoffses, Cushing, was fined $20 and cost for fishing in weir in close time.

On complaint of Riley Davis, Fish and Game Warden, Cushing, October 14th, Steamer David H. Wilson of New York was seized in Portland for fishing for mackerel within the three-mile limit and keepers put on board. November 18th the owners, Wolff & Ressing of New York, gave a bond for $1000 to appear at Rockland at the December term of the Supreme Judicial Court.

Fish and Game Wardens W. M. Dyer, Samuel C. Morgan, Jesse E. Frisbee, Abijah Tarbox, George Alexander, F. S. Pattangill and the lamented Hill and others have been very efficient wardens and have done good service, and have had a number of convictions in court.

To B. W. Counce, Esq., Commissioner Sea and Shore Fisheries, Thomaston, Maine.

SIR:—Your request for a report of all prosecutions made by me since April 1st, 1885, is at hand and I would respectfully report as follows:

I made a complaint May, 1885, against Wm. Mains of Woolwich, for illegal weir, he having 274 feet of deep water lead, or 174 feet in excess of a legal length. He was brought before municipal court at Bath, fined $75 and costs, from which he appealed, but paid the fine and costs before the setting of court in August. He was the only one of eleven weir owners in a circle of about 6 miles but what, after being notified, made their weirs conform to the requirements of the law. September term of Grand Jury, 1885, I made a complaint against the schooner Mary Hagar for illegally taking shad inside the limits, but failed to get indictment.

I find by close inquiry that no vessel has this year been seen in attempting to seine shad in any of the rivers and harbors in my district.

I also have failed to find an illegal weir out of 76 I have visited.

September 30th I made a complaint against a party for illegally taking smelts and he was fined on two complaints, and paid the same, amounting to $80, fine and costs.

I have looked over nearly 300 loads of lobsters in the past 18 months, and in but very few cases have I found any cause of complaint and those being, perhaps, one or two a sixteenth of an inch too short in a lot of 100 to 300 lobsters.

I would respectfully call your attention to the smelt law at present in force. It allows no one to take smelts after April 20th, and many complaints have been made to me by people that they could not get smelts to eat unless they were made liable to a fine, as the ice seldom leaves our bays and brooks in season for smelts to come up before April 20th, and it would seem that the time should be extended for taking smelts in the spring by dip-net, to May 1st. It was formerly May 20th and was changed to suit the weir men, and certainly it would look hard that the spring fishers should be entirely shut off that the fall fishermen should gain.

Yours very respectfully,

O. S. Despeaux

FISH COMMISSIONERS.

FOREST AND STREAM presents its annual list of the Commissioners of Fisheries and Fishery Officers of the different Provinces, States and Territories of North America, revised and corrected to September 1:

THE UNITED STATES—

Prof. Spencer F. Baird, Washington, D. C.

ALABAMA—

Col. D. R. Hundley, Madison.
Hon. Charles S. G. Doster, Prattville.

ARIZONA—

J. J. Gosper, Prescott.
Richard Rule, Tombstone.
J. H. Taggart, Business Manager, Yuma.

ARKANSAS—

James H. Hornibrook, Little Rock.
H. H. Rottaken, Little Rock.
[These were the officers last year; we have not been able to get replies from them.]

CALIFORNIA—

R. H. Buckingham, President, Sacramento.
Hon A. B. Dibble, Secretary and Treasurer, Grass Valley.
Thomas J. Sherwood, Marysville.

CANADA—

Hon. John Tilton, Deputy Minister of Fisheries, Ottawa, Ont.

PROVINCE OF NEW BRUNSWICK—

W. H. Venning, Inspector of Fisheries, St. John.

PROVINCE OF NOVA SCOTIA—

W. H. Rogers, Inspector, Amherst.

A. C. Bertram, Assistant Inspector, North Sidney.

PROVINCE OF PRINCE EDWARD'S ISLAND—

J. H. Duvar, Inspector, Alberton.

PROVINCE OF QUEBEC—

W. Wakeham, Inspector, Lower St. Lawrence and Gulf Division, Gaspé Basin.

PROVINCE OF BRITISH COLUMBIA—

Thos. Mowat, Acting Inspector, New Westminster.

PROVINCE OF MANITOBA AND NORTHWEST TERRITORIES—

Alex. McQueen, Inspector, Winnipeg, Man.

S. Wilmot, Superintendent of Fishculture, Newcastle, Ont.

COLORADO—

John Pierce, Denver.

CONNECTICUT—

Dr. Wm. M. Hudson, Hartford.
(Term expires August 26, 1889.)

Robert G. Pike, Middletown.
(Term expires March 8, 1889.)

James A. Bill, Lyme.
(Term expires August 26, 1887.)

DELAWARE—

Enoch Moore, Wilmington.
(Term expires April 23, 1887.)

GEORGIA—

Hon. J. T. Henderson, Commissioner of Agriculture, Atlanta.

Dr. H. H. Carey, Superintendent of Fisheries, LaGrange.

Under the laws of the State these constitute the Board of Fish Commissioners.

ILLINOIS—

N. K. Fairbank, President, Chicago.

S. P. Bartlett, Secretary, Quincy.

Maj. Geo. Breuning, Centralia.

INDIANA—

Enos B. Reed, Indianapolis.
(Term expires in 1887.)

IOWA—

E. D. Carlton, Spirit Lake.

KANSAS—

S. Fee, Wamego, Pottawatomie County.

KENTUCKY—

Wm. Griffith, President, Louisville.
P. H. Darby, Princeton.
John B Walker, Madisonville.
Hon. C. J. Walton, Munfordville.
Hon. John A. Steele, Midway.
W. C. Price. Danville.
Dr. W. Van Antwerp, Mt. Sterling.
Hon. J. M. Chambers, Independence, Kenton County.
A. H. Goble, Cattlettsburg.
J. H. Mallory, Bowling Green.

MAINE—

E. M. Stilwell, Bangor.
Henry O. Stanley, Dixfield.
Commissioners of Fish and Game.
B. W. Counce, Thomaston, Commissioner of Sea and Shore Fisheries.

MARYLAND—

G. W. Delawder, Oakland.
Dr. E. W. Humphries, Salisbury.

MASSACHUSETTS—

E. A. Brackett, Winchester.
F. W. Putnam, Cambridge.
E. H. Lathrop, Springfield.

MICHIGAN—

Dr. J. C. Parker, Grand Rapids.
John H. Bissell, Detroit.
Herschel Whitaker, Detroit.
W. D. Marks, Superintendent, Paris.
A. J. Kellogg, Secretary, Detroit.

MINNESOTA—

1st District—Daniel Cameron, La Crescent.
2d District—Wm. M. Sweney, M. D., Red Wing.
3d District—Robt. Ormsby Sweeny, President, St. Paul.
S. S. Watkins, Superintendent, Red Wing.

MISSOURI—

J. G. W. Steedman, M. D., 2,803 Pine street, St. Louis.
Gen. J. L. Smith, Jefferson City.
H. M. Garliech, St. Joseph.

NEBRASKA—

W. L. May, Fremont.
R. R. Livingston, Plattsmouth.
B. E. B. Kennedy, Omaha.

NEVADA—

W. M. Cary, Carson City.

NEW HAMPSHIRE—

George W. Riddle, Manchester.
E. B. Hodge, Plymouth.
John H. Kimball, Marlboro.
E. B. Hodge, Superintendent.

NEW JERSEY—

Richard S. Jenkins, Camden.
William Wright, Newark.
F. M. Ward, Newton.

NEW YORK—

Hon. R. Barnwell Roosevelt, President, 17 Nassau street, New York.
Gen. Richard U. Sherman, Secretary, New Hartford, Oneida County.
Eugene G. Blackford, Fulton Market, New York.
William H. Bowman, Rochester.
Superintendents: Seth Green, Rochester; Fred Mather, Cold Spring Harbor; Monroe A. Green, Mumford, Monroe County; F. A. Walters, Bloomingdale, Essex County.
Secretary: H. H. Thompson, P. O. Box 25, New York City.

NORTH CAROLINA—

[A note from Col. M. McGehee, Raleigh, the former Commissioner, under date of August 9th, says: "There is no Fish Commissioner in the service of this State."]

OHIO—

Col. L. A. Harris, President, Cincinnati.
George Daniels, Sandusky.
James Dority, Toledo.
Henry Douglass, Superintendent, Sandusky.
[No information furnished; the names are those of last year.]

PENNSYLVANIA—

John Gay, President, Greensburg.
H. H. Derr, Secretary, Wilkesbarre.
Arthur Maginnis, Swift Water, Monroe County.
A. M. Spangler, Cor. Sec., 512 Commerce street, Philadelphia.
Aug. Duncan, Treasurer, Chambersburg.
Chas. Porter, Corry.

RHODE ISLAND—

John H. Barden, Rockland.
Henry T. Root, Providence.
Wm. P. Morton, Providence.

SOUTH CAROLINA—

Hon. A. P. Butler, Columbia, Commissioner of Agriculture.

TENNESSEE—

W. W. McDowell, Memphis.
H. H. Sneed, Chattanooga.
Edward D. Hicks, Nashville.

VERMONT—

Hiram A. Cutting, Lunenburgh.
Herbert Brainerd, St. Albans.

VIRGINIA—

Col. Marshall McDonald, Berryville.

WASHINGTON TERRITORY—

Albert T. Stream, North Cove, Pacific County.

WEST VIRGINIA

C. S. White, President, Romney.
W. A. Manning, Secretary, Talcott.
F. J. Baxter, Treasurer, Braxton Court House.
(Terms expire June 1, 1889.)

WISCONSIN—

The Governor, *ex officio*.
Philo Dunning, President, Madison.
C. L. Valentine, Secretary and Treasurer, Janesville.
J. V. Jones, Oshkosh.
A. V. H. Carpenter, Milwaukee.
Mark Douglass, Melrose.
Calvert Spensley, Mineral Point.
James Nevin, Superintendent, Madison.

WYOMING TERRITORY—

Otto Gramm, Laramie.
[Dr. W. N. Hemt, Cheyenne, is Commissioner for Laramie County and B. F. Northington, Rawlins, is Commissioner for Carbon County.]