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GEORGE B. GRINNELL.

AFTER a brief illness, developing into pneumonia, George B. Grinnell passed away from earth, on the morning of Saturday, Dec. 19, at his home in Audubon Park. His age was 68.

Born in Greenfield, Mass., in 1823, Mr. Grinnell came of an old New England family, and from it he inherited those high traits of character which in after years won for him the regard of the commercial world. He was a resident of New York city for nearly fifty years, and was for a long period one of its prominent merchants. In 1873 he retired from active business life to his home in Audubon Park, in this city.

Mr. Grinnell was one of the trustees of the Forest and Stream Publishing Company, of which his son, George Bird Grinnell, is president. He had a warm interest in this journal and its prosperity. The sense of their loss felt by his associates may not be told in words; but with the tender sorrow they feel will always be mingled the grateful memory of the rare personal qualities which endeared him to them.

OUR BOYHOOD NUMBER.

THE FOREST AND STREAM of Jan. 7 (the first issue of the enlarged paper) will be the Boyhood Number. A generous proportion of its pages will be filled with reminiscences and story by men whose souls have not been soured by age nor their sunny memories of youthful days with rod and gun obliterated by the passing years. Here is a partial list of the papers, and an inviting one it is:

Episodes in the Life of a Bad Boy—PODGERS.
Cleaning the Old Gun—ROWLAND E. ROBINSON.
A Snap-Shot—A SENIOR SNAPPER.
"Us Boys"—H. P. UFFORD.
Nights with the Coons—L. S. EDDINS.
My First Repeater—NUTMEG.
Long Wash—CHARLES H. SHINN.
In Old Times—SANDPATH.
Was It Bewitched?—ORIN BELKNAP.
Old Times and New—DIDYMUS.
My First Deer Hunt—MYRON COOLEY.
Angling Annals—S. C. C.
The Trout I Lost—HUNTER.
Trout Canning—B. F. HENLEY.
A Boy's Troubles—G. L.
My First Wild Turkey—C. C. R.
In the Fifties—NUTMEG.
A Reminiscence—ONCE A BOY.
My First Shooting Lesson—W. TOWNSEND.

WINTER VOICES.

OUT of her sleep nature yet gives forth voices betokening that life abides beneath the semblance of death, that her warm heart still beats under the white shroud that enfolds her rigid breast.

A smothered tinkle as of muffled bells comes up from the streams through their double roofing of snow and ice, and the frozen pulse of the trees complain of its thrall-dom with a resonant twang as of a strained cord snapped asunder.

Beneath their frozen plains, the lakes bewail their imprisonment with hollow moans that awaken a wild and mournful chorus of echoes from sleeping shores that answer now no caress of ripples nor angry stroke of waves nor dip and splash of oar and paddle.

The breezestirs leafless trees and shaggy evergreens to a murmur that is sweet, if sadder than they gave it, in the leafy days of summer, when it bore the perfume of flowers and the odor of green fields, and one may imagine the spirit of springtime and summer lingers among the naked boughs, voicing memory and hope.

Amid all the desolation of their woodland haunts the squirrels chatter their delight in windless days of sunshine and scoff at biting cold and wintry blasts. The nuthatch winds his tiny trumpet, the titmouse pipes his cheery note, the jay tries the innumerable tricks of his unmusical voice, and from their rollicking flight athwart

the wavering slant of snowflakes drifts the creaking twitter of buntings.

The sharp, resonant strokes of the woodman's axe and the groaning downfall of the monarchs that it lays low, the shouts of teamsters, the occasional report of a gun, the various sounds of distant farmstead life, the jangle of sleigh bells on far-off highways, the rumbling roar of a railroad train rushing and panting along its iron path, and the bellowing of its far-echoed signals, all proclaim how busily affairs of life and pleasure still go on while the summer-wearied earth lies wrapped in her winter sleep.

Night, stealing upon her in dusky pallor, under cloudy skies, or silvering her face with moonbeams and starlight, brings other and wilder voices. Solemnly the unearthly trumpet of the owl resounds from his woodland hermitage, the foxes' gasping bark, wild and uncanny, marks at intervals his wayward course across the frozen fields on some errand of love or freebooting, and swelling and falling with puff and lapse of the night wind, as mournful and lonesome as the voice of a vagrant spirit, comes from the mountain ridges the baying of a bound, hunting alone and unheeded, while his master basks in the comfort of his fireside.

JURISDICTION OVER THE LAKES.

WE publish here the opinion of the Supreme Court of Pennsylvania, delivered by Mr. Justice Gordon, March 30, 1885, in the case brought to test the extent of jurisdiction of the State of Pennsylvania over the waters of Lake Erie. In 1884 the strife between the gill-net and pound-net fishermen led to prohibitive legislation, first against the pound-nets, which were operated along the shore, while the gill-nets which were set at a greater distance than three miles from the land were allowed to continue their vocation. The pound-net fishermen then secured legislation against gill-netting beyond the three-mile limit, and in the suit which followed, the authority of the State over the waters of Lake Erie to the treaty line was affirmed by the Court of Quarter Sessions. The case was then appealed to the Supreme Court, where the decision of the lower court was sustained.

The only rights which the States have surrendered to the general Government extend to admiralty and maritime cases. The fishery is regulated by the State. We have, therefore, along the chain of Great Lakes a body of waters controlled to their middle line by the States, while the other half is under the jurisdiction of Canada; but concurrent legislation in the interests of the fisheries cannot originate between the States and Canada jointly, for no agreement would be binding upon the latter government as against a commonwealth, which has not the treaty-making power. This is the present cause of serious difficulty in the establishment and operation by the United States of a fish hatchery in the State of New York to stock the waters of Lake Ontario. In the resolution of Congress carrying an appropriation for such a hatchery the stipulation was made that the U. S. Fish Commissioner must first be satisfied that "New York has taken efficient measures for the regulation of periods for fishing and for proper protection of fish in the spawning season in the waters of northern New York." Just how New York or any other State is to arrive at concerted action with Canada, except through the intervention of the general Government, is hard to see; but there exists a strong and perfectly natural public sentiment in most of the States bordering on the Lakes against surrendering to the Government such control of the fishery as may be thought necessary for the success of artificial stocking of the waters. The alternative is to prevail upon the Canadian Government to give up to the Provinces control of the Lake waters ceded to them and place them on the same footing in fishery matters as the States. At the present time there is conflict between the provincial and the federal laws in some of the Canadian provinces, and until this is reconciled there is little hope of arriving at a satisfactory basis for fish protective legislation.

DUNLAP VS. THE COMMONWEALTH.

MR. JUSTICE GORDON delivered the opinion of the court March 30, 1885, as follows:

The only question in this case is one of jurisdiction, for the 40th section of the Act of June 3, 1873, in express terms provides that its provisions shall not apply to any stream forming the boundary line between this State and any other having a concurrent jurisdiction over such stream, nor any lake partly within the boundary thereof. Hence, without troubling ourselves about the question of repeal by implication, we conclude with the learned judge of

the lower court, that the local Act of May 16, 1878, is operative if the State of Pennsylvania has jurisdiction over any part of Lake Erie. But on this subject we have no doubt whatever; we are, indeed, surprised that such a question should have been raised in the lower court, and have been thought worthy of discussion in this court.

When the Government of the United States ceded to Pennsylvania the triangular tract on Lake Erie it retained nothing, and in the resolution of cession it was expressly declared that the laws and public acts of the said State should extend to every part of said tract, to all interests and intents and purposes as if the same had been within the charter bounds of the said State. But had it been originally within the charter bounds of the State there could be no doubt about its jurisdiction over the adjacent waters of the lake. It was only after the Act of Congress of Feb. 26, 1845, that even an admiralty jurisdiction was claimed for the United States over the waters of the Lakes, and the constitutionality of that Act was seriously doubted until it was settled in 1851 by the Supreme Court in the case of the propeller *Genesee Chief vs. Fitzhugh*, 12 How., 443. Previously to this time the doctrine was held, as established by the case of *Thomas Jefferson*, 10 Wheat., 423, and the steamboat *Orleans vs. Phoebus*, 11 Pet., 175, that the jurisdiction did not extend beyond tidewater. It is, therefore, obvious that previous to the Act of 1845 the courts of the States bordering on the Great Lakes must, *ex necessitate*, have had jurisdiction over them to the treaty line, for it could not be that they were altogether without law, and that crimes of every character could be committed thereon with impunity.

Indeed we must regard the decision in the two cases last above cited as declarative of the exclusive jurisdiction of the States, while the case of the *Genesee Chief vs. Fitzhugh* put the jurisdiction of those States bordering on or having in them navigable rivers or lakes on precisely the same footing as those bordering on the seaboard. But the general jurisdiction of these over their adjacent tidewaters has never been doubted. There is not now, and never has been, any room for such doubt. The States, immediately before the adoption of the Federal Constitution, were independent sovereignties, and as such had right over the seas of their coasts to the extent of a marine league from the shores. Upon the adoption of that Constitution there was a partial surrender of that right, in that it was provided the judicial power of the Federal Courts should extend to all admiralty and maritime cases. Nevertheless, as was said by Mr. Chief Justice Marshall in the case of the *United States vs. Bevens*, 3 Wheat., 336, "The general jurisdiction over the place, subject to this grant of power, adheres to the territory as a portion of sovereignty not yet given away."

Hence, in the case cited, it was held that where a homicide had been committed by a marine on board a United States ship of war anchored in the Boston harbor, the courts of Massachusetts had power to arrest and try the offender, and this not because Congress had not the power by its legislation to bring a crime thus committed within the jurisdiction of the Federal courts, but because it had not so legislated. As an illustration of the power of a State to enforce its laws over its tidewaters, notwithstanding the maritime jurisdiction of the United States, the learned Chief Justice asks the question: If two citizens of Massachusetts should step into the shallow water, when the tide flows, and fight a duel, are they not within the jurisdiction and punishable by the laws of that State? There can, of course, be but one answer to a question of this kind. Yet this question may be just as pertinently put with reference to the waters of Lake Erie. In support of this line of argument may be cited the language of Mr. Chief Justice Taney in the case of *Martin et al. vs. The Lessee of Waddell*, 16 Pet., 337, that when the revolution took place the States themselves became sovereign, and as such possessed the absolute right over all their navigable waters and the soils under them, and that they are, even now, so held subject to the rights surrendered by the Constitution to the General Government. The case of *Dunham vs. Lamphere*, 3 Gray, 268, though not of equal authority as the cases above cited, is undoubtedly sound law, and direct in point. It was there held by an act regulating the time and manner of taking fish in the sea, within a mile of the shore is within the authority of the State Legislature and binding on the citizens of other States and on vessels enrolled and licensed as fishing vessels under the laws of the United States. One of the authorities cited in support of this ruling is *Bennett vs. Boggs*, Bald., 60, where it was held that a law of Delaware prohibiting the use of a gilling net in tide waters within the limits of the State was valid, and that the Legislature had power to regulate the fisheries in the Delaware by the prohibition of a common law right.

Thus, from what has been shown, it follows: (1) By the act of cession the jurisdiction of Pennsylvania over the waters of Lake Erie, adjacent to the ceded territory, is the same as though that territory had been embraced in the original charter to William Penn. (2) That the legislative powers of this Commonwealth over these waters are absolute, except so far as they may be restrained by Congress for the purpose of carrying into effect the admiralty and maritime laws of the United States; and (3), the consequent of the above propositions, the jurisdiction of the Commonwealth to regulate fisheries in these waters, in the absence of any Act of the Federal Legislature abridging it, is plenary and cannot be called in question by any other power short of the Government of the United States. The judgment of the Court of Quarter Sessions is affirmed.

If all deer hunters blew their horns as loudly in the woods as some of them do after coming out, fewer of them would be shot by their fellow men who take them for game.

The enlarged FOREST AND STREAM will be a better paper in all the departments, for we shall have more room for discussing the several phases of our special field.