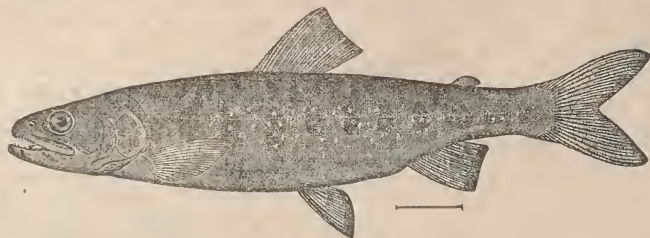


**SAIBLING IN STERLING LAKE.**

**C**ALEDONIA, N. Y., Jan. 30.—*Editor Forest and Stream:* In your last week's paper (Jan. 24) I notice an article on "Saibling in Sterling Lake." I saw one of the fish mentioned and took it to be a hybrid trout, one of the many crosses made at the New York State hatchery at Caledonia, a cross between the salmon trout (*namaycush*) and our native brook trout. I still have some doubts about its being a saibling, and wish to ask if saibling were imported before 1887, and if the importation of that year did not all die? They have a few at the New York State hatchery, Caledonia, of importation of 1888, and they are doing nicely. J. ANNIN, JR.

[In order that the readers of FOREST AND STREAM may contribute additional information about the acclimatization of the saibling in the United States, the Commissioner of Fisheries has enabled us to present the



SAIBLING—YOUNG MALE, 9 1/2 IN. LONG. STERLING LAKE, N. Y.  
(The line represents one inch of length of fish.)

accompanying illustration, made from the specimen obtained in Sterling Lake and described in this paper Jan. 24. It is a very difficult matter to obtain accurate knowledge of the success or failure of fishcultural experiments, and the cooperation of the people interested in such measures is earnestly requested. Fishculturists and anglers familiar with the trout will see at a glance that the fish herewith shown is not a hybrid between lake and brook trout. That cross was described in these columns Jan. 17, and it is very different indeed from the saibling. The latter species seems to have made its appearance in the United States Jan. 22, 1881. 60,000 eggs were forwarded from Germany and received for the U. S. Fish Commission by Mr. Fred Mather, who sent them next day to Mr. A. H. Powers, at Plymouth, N. H. The eggs hatched Feb. 28. Mr. Powers deposited 30,000 fry in Newfound Lake on May 18. Some were retained at Plymouth, we believe, for Col. Hodge took about 600 eggs Dec. 3, 1888. There has been some distribution of saibling evidently, and we want to find out, if possible, where they were liberated. In this our readers can help us and we hope they will. In the meantime the saibling from Sterling Lake is in the National Museum, where it can be examined by any one who wishes to see it.

**THE OPEN WINTER AND FISHING.**

**W**EBSTER, Mass., Feb. 4.—*Editor Forest and Stream:* A black bass weighing 5 1/2 lbs. was caught to-day in the lake here through the ice on a tilt-hook set for pickerel. It is not unusual here to catch large bass through the ice in late winter when fishing for pickerel, but it never happened as early as this. I know of no instance where one was caught earlier than March, which makes the present catch the more remarkable. Would it indicate an early spring, or was it caused by the late frequent rains? The lake has been twice already free from ice since it first froze over, in December, which is another very remarkable occurrence. The ice now is only four or five inches thick. WORCESTER COUNTY.  
[The mild temperature affords sufficient explanation of the activity of the bass. We see it reported that Connecticut anglers "expect that trout will be plentier than usual this spring because the brooks have remained free from ice, under which the muskrats easily catch trout, to them a dainty feed." The effects of an open winter on the supply of game fishes cannot be safely anticipated. Ice will not destroy the eggs, it is true, but abundance of rain will cause high waters charged with a superabundance of mud, which may cover spawning beds and suffocate young fish. If we could have clear water with our mild winter the beneficial effect upon the trout especially would doubtless be very marked. The spring, however, is the critical period for many of our finest species not belonging to the salmon family. One result of the open winter is the disappointment of the pickerel fishermen, who are almost as down-hearted as the ice barons over the ethereal mildness.]

**THE SEIZURE OF NETS.**

**I**T will be remembered that the question of the legality of seizing nets used illegally, before they have been condemned by "due process of law," was discussed by a New York judge, who gave an opinion that the seizure was illegal. The same principle is involved in an Ohio case, and Judge Emery D. Potter, the Commissioner, has made the following reply to a demand for the restitution of confiscated nets:

TOLEDO, O., Jan. 29, 1889.—S. F. Foote, Esq., Attorney-at-Law: Dear Sir—Yours of the 16th inst., demanding the return of certain fish nets belonging to Andrew Carstons and R. C. Morgan, taken by W. W. Ward, warden for Ottawa county, while the claimants were unlawfully fishing in the Portage River, in said county, is received. You, as their attorney, base their claim for a return of the nets on an opinion recently promulgated by the Attorney-General as to the constitutionality of the law under which the nets were seized. My reply below will give my reasons for not complying with your demand. As there are other cases of a like character with yours, for their guidance, you will excuse me for making this communication public.  
Section 6383, Revised Statutes of Ohio, amended April 14, 1888, p. 271, after defining what shall be illegal fishing, says: "No person shall draw, set or locate any trap, pound-net, seine or any device for catching fish as in this section forbidden; and any nets, seines, pounds or other devices for catching fish, set or placed in violation of the provisions of this section, shall be confiscated wherever found, and the same shall be sold to the highest bidder at public outcry, at a place to be selected by the Fish Commissioners; and the proceeds of such sale shall be placed to the credit of the fish and game fund, subject to the warrant of such commissioners."

I am told, but I have not seen the text of the decision, that this clause of the law has been declared unconstitutional by the attorney-general of the State. In support of his opinion, he quotes

section 12, article 1, of the constitution of Ohio: "No conviction shall work corruption of blood or forfeiture of estate."  
With all due deference to the opinions of our learned state official, I must beg leave to differ with him. Lawyers sometimes do differ in their construction of the law. I would not appear in this case in opposition to the attorney-general's opinion, but as fish and game commissioner, I have in my possession some sixty fishing nets confiscated under the law; in several cases suits are pending in the courts for their recovery by the owners, and since the promulgation of the attorney-general's opinion, I am beset with claimants, through their attorneys, threatening suits unless I surrender the nets. These people look upon the opinion given by the attorney-general as the end of the law, and say to me, that "as the law has been decided against me, it is only willfulness in me to withhold restitution, as if the affix of attorney-general to an opinion added weight to its logic."  
"No conviction shall work corruption of blood or forfeiture of estate."

The English statutes declared an estate to be the entire holding of the subject real and personal within the realm, and on conviction for state and other offenses the estate of the accused was forfeited to the crown. This system in the old world led to unjust and groundless prosecutions. A subject becoming inimical to the

sovereign could be seized, tried, convicted and his estate forfeited whether right or wrong, by a court whose tenure was the will of the sovereign, and who were willing tools in the hands of a master who was to be enriched by their act. To strengthen the arm of power these forfeited estates were given to favorites, who became the titled lords of the land, and who, in many instances, thus received the benefits of their own corrupt conspiracies and a no less corrupt court. English history is full of these examples. The best Irish estates to-day are held by favorites of English sovereigns, forfeited for no other reason than that their owners were loyal to the land that gave them birth. It is no wonder that our republican constitution should declare that convictions should not work corruption of blood or forfeiture of estates. It is a blow at the corrupt systems of monarchy.

But it does not mean that offenders shall go unpunished or allowed to hold an estate in the implements with which they have committed offenses against society, and against laws designed for the public good. It does not mean that the counterfeiter shall hold an estate in his moulds and presses, by means of which he has preyed upon the public, nor the highwayman in his slingshot, his pistol and his revolver. These under our laws are forfeited in the courts every day. The implements with which an offense is committed become part and parcel of the offense, without which there would be no offense. The offender may have an estate outside of the implements by which he committed the offense—of course that estate could not be affected by forfeiture. Does his entire estate consist in counterfeiting implements, slingshot, revolvers, and burglar's tools, by which he carries on his unlawful business, shall these be held inviolate under our organic law, which declares that "no conviction shall work corruption of blood or forfeiture of estate?"

The English definition of an estate was evidently the one understood and acted upon by the framers of our Constitution. I shall not surrender the nets applied for in the absence of any higher authority than the attorney-general's opinion. Very truly,  
EMERY D. POTTER, Commissioner of Fish and Game.

**GREENWOOD LAKE.**—The Passaic County Fish and Game Protective Association, of Paterson, N. J., will take steps to improve fishing in Greenwood Lake. There is little doubt that if the bass there were crossed with bass from some other water the result would be better sport. The Association has made arrangements for the procuring of a considerable quantity of bass at a nominal cost, and these will be netted as soon as practicable in time to be deposited in Greenwood Lake before the spawning season this year. Some time ago the Association accepted the offer of a hotel proprietor at the lake to furnish the screen if he would put it in position at the outlet of the lake. The screen was bought but nothing further has been done. The Association resolved to have the screen put in, the cost of which work will be about \$45. The funds of the Association are very limited, having been expended in the interest of sport as they accumulated. The Association will depend on voluntary contributions from its members and from all interested in the preservation of sport and the propagation of game to defray the expenses of the several projects undertaken. The benefits which will accrue from each one of the several projects are apparent and need no elucidation, and the Association has no doubt that sportsmen will give such assistance as will enable the Association to carry out every one of these projects. Persons willing to contribute are requested to inform the secretary of the amount they will subscribe, so that the work may be proceeded with at once. Contributors are requested to designate in their letter to what purpose they wish the sum contributed expended.—CHAS. A. SHRINER, Secretary (Paterson, N. J.).

**FROGS IN JANUARY.**—Towanda, Pa., Jan. 26.—It is not often that a mess of frogs can be obtained at this season of the year in a country where for days the thermometer registers zero. One day the past week I passed a farmer acquaintance, who knowing my weakness for the sports with rod and gun called out: "Say, Will, I brought down a mess of frogs, and went to show them to you, but, not finding you in, left them at Jim Nestor's restaurant." Jim's head waiter produced his miniature frog pond, it consisting of a second-hand tobacco pail containing about four inches of water alive with the movement of large and small frogs. There were twenty-one, running from half-grown to old residents, found while torpid in mother earth about six inches under ground while ditching through marsh and meadow. Poking out a big fellow and placing him on the floor he seemed as lively and hopped as far as he could in his native bog in the month of July. Lovers of frog legs have no doubt caused their destruction before this time.—W. F. DITTRICH.

**A NEPIGON TROUT.**—Mr. T. W. Fraine, the Rochester taxidermist, called at this office on Monday, and showed us a Nipigon trout of about 3 pounds weight, which he had mounted. The attitude of the fish, plunging downward with the middle fly of the cast in his mouth, is very artistic and lifelike; the coloring may appear exaggerated to people who have never seen a Nipigon trout at the moment of leaving his native stream, but we believe

Mr. Fraine has been both conscientious and well informed in his efforts to preserve the fish in the hues of life. Mr. Fraine enjoys a high reputation among our leading sportsmen for his care in securing the data necessary to make his preparations faithful representations of the living specimens.

*Fishculture.*

**INTER-STATE FISHERY BILL.**

**I**NTER-STATE fishery laws for the protection of the fishes of the Delaware River are now under consideration by the Legislatures of New York, Pennsylvania, New Jersey and Delaware, at the earnest request of the Fish Commissioners of those States. In Pennsylvania the fishery bill was to be considered by the Committee on Agriculture of the House of Representatives, Jan. 31.

The bill as it now stands is the outgrowth of conferences between the Fish Commissioners of the States named and is unanimously recommended by them for passage. Uniform fishery laws for the Delaware River are urgently needed, to prevent the destruction of valuable fishes native to that stream, and to secure good results from the layout of money by the States bordering on that river for the introduction of valuable species from other waters. During the summer of 1888 the Pennsylvania Commission, in conjunction with the U. S. Fish Commission, planted 34,000,000 young shad in the Delaware between New York State line and Trenton. Until two years ago such efforts to stock the river would have been rendered practically useless on account of the innumerable fish baskets and weirs which completely obstructed the descent of the young shad on their way to the sea in the fall. We have seen the injurious effect of such engines of destruction in the Susquehanna, above the Columbia dam, when hundreds of thousands of little shad could be found lying dead on the wings and apex of the V-shaped traps that occupied the entire width of the river and extended over many miles of its length. These obstructions have been removed along the borders of Pennsylvania in the last two years and good results are already evident. The catch of shad in the upper Delaware in 1888 was largely increased over previous years and rockfish have been more plentiful. The bill provides for a close season for shad in the Delaware from June 1 to Jan. 1; also for the prohibition of net fishing from sunset on Saturday until midnight on Sunday, giving the gravid fish a chance to reach their spawning grounds. The size of the mesh of nets is to be fixed at three inches, or 1 1/2 inches between knots, in order to prevent the waste of small fishes which are not of marketable size. The Pennsylvania Commission has introduced mature rock bass (*Ambloplites rupestris*) from Lake Erie, and pike perch (*Stizostedion vitreum*) from the Susquehanna. Black bass have become abundant in the Delaware. Continued artificial propagation united with wise protection will secure to this river an ample supply of choice food fishes.

**FISHCULTURE IN WYOMING.**

**W**YOMING TERRITORY has a fish hatchery about four miles southeast of Laramie in which Commissioner Louis Miller recently had 382,000 eggs, with the promise of 200,000 additional from the United States establishment at Northville, Michigan. The hatchery produced about 275,000 fry last year which were planted in various streams throughout the Territory. Five of the ten counties into which Wyoming is divided have fish commissioners, and the distribution is effected through their suggestions. The transportation is accomplished at the expense of the Territory. As soon as a title can be secured to the land on which the hatchery is located an appropriation will be made for enlarging the establishment and the work will be greatly increased. The following fish are now on the grounds:

California rainbow trout, yearlings.....	25,000
California rainbow trout, breeders.....	2,000
Eastern brook trout, breeders.....	40,000
Colorado trout.....	1,000
California salmon.....	200
Lake trout, four years old.....	500

Last year Commissioner Miller stocked all the streams east of the Black Hills as far down as Sybille; 14,000 breeding brook trout and 5,000 yearlings were deposited in the Big Laramie. The north fork of the Little Laramie was stocked also. The good results of this work are seen already; in the Big Laramie these trout have been seen spawning. The advantages of putting in yearlings and breeding fish are appreciated, and this policy will be continued. Mr. Miller has engaged some black bass and "striped bass" (probably not the anadromous species) for Hutton's and Lone lakes.

**RESULTS OF HATCHING WHITEFISH.**

**W**HITEFISH were reported to be so plentiful in Lake Erie last year that the fishermen scarcely knew what to do with them. Seven hundred and fifty tons were frozen for shipment by a single firm in Huron, Ohio. Sandusky is fast becoming one of the great fresh fish markets of the world. Mr. E. D. Carter, one of the most prominent fish dealers of Erie, attributes the present prosperity of the whitefish industry to artificial propagation. Three seasons ago the fishery for whitefish had become so unprofitable that he, with others, concluded to abandon it entirely. In 1883 a slight improvement was noticed, but now the catch is double what it was in 1883. This result, Mr. Carter states, is due to the work of the hatcheries, for the fish are almost without exception young, weighing about two pounds. The increased catch and the unmistakable character of the fish is admitted also by many experienced fishermen, and the establishments at Erie, as well as others in Michigan and Ohio, now receive the credit which fairly belongs to them. The prices of fish now are about two-thirds of what they were in 1885. The catch of whitefish at Erie in 1888 was 2,200,000 lbs., an increase of a third over that of 1887.

**MARKET FISHES.**—We have the following information about fishes in the markets of Washington, D. C.: Jan. 29.—A few North Carolina shad are selling at 40 to 75 cents each. The eggs are immature. Young striped bass are caught in large numbers, weighing from 1/4 to 3/4 lbs., but larger fish of this species are scarce. Yellow perch are in considerable quantities, from a very small size to about one pound; they are full of eggs, which are sometimes sold separately. Young red snappers, *Lutjanus blackfordi*, weighing about one pound or less, are occasionally met with. The steelhead, or Gairdner's trout, has commenced to pose as Kennebec salmon, but some dealers do not practice on the credulity of their customers by selling this cheap fish at high prices. Feb. 1.—A small lot of so-called whitebait upon examination proved to consist entirely of small silversides, *Menidia notata*, a fish no more to be compared with the whitebait than the sturgeon to a shad.

**LAKE TROUT FOR LAKE GEORGE.**—The Albany Journal reports: "Through the efforts chiefly of Gen. R. L. Banks, of Albany, arrangements have been made for the planting of half a million of lake or salmon-trout fry in Lake George during this winter. As the red or square-tailed