

# FOREST AND STREAM.

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### NEW YORK'S OPPORTUNITY.

AT a meeting of the New York State Association for the Protection of Fish and Game in Syracuse next Monday evening, the committee appointed at the February convention will report; and a plan will be submitted for enlarging the activities of the Association and making it more efficient as a game fish protective body. This may be made a turning point in the Association's history. It is hoped that clubs will send not only strong teams for the tournament competitions, but delegates as well who are interested in this branch of the Association's work, and who will give it due consideration.

This opportunity for more effective organization and renewed devotion to the original purposes of the Association should be improved to the utmost.

### COLD STORAGE OF GAME.

THE game dealers, refrigerating concerns and other interested parties in this city are to have a meeting to take action respecting the defense of the New York Refrigerating Company in the suit against it for having in possession game in close season.

Aside from the question of the refrigerating company's liability as warehouses of game belonging to other people, the points involved have already been passed upon in this State and elsewhere, and the law has been upheld. The ruling decision in New York is that of the Phelps-Racey case. As President of the New York Association for the Protection of Game, Royal Phelps brought suit against Joseph H. Racey, a game dealer of this city, to recover penalties for violations of the game law. The three counts were: (1) possession and exposure for sale of quail in close time, (2) possession and exposure for sale of pinnated grouse in close time, and (3) possession of quail in close time. The defendant admitted the allegations of the complaint, but it was alleged as a defense that the defendant had invented an apparatus to preserve game, and that the game specified in the complaint was put up by him in such apparatus in the month of December, when the killing of it in this State was not prohibited, or it was received from the States of Minnesota and Illinois, where the killing was at the time legal.

The General Term found for the plaintiff on the first and second counts, and for the defendant on the third count. Both sides appealed to the Special Term and then to the Court of Appeals, where the counsel for the defense contended that the statute was invalid, since it was a regulation of internal commerce affecting other States and was unconstitutional. The Court of Appeals (Church, Ch. J.) held: That the prohibition of the sale or possession of game in the period specified was plain and unambiguous; that "the fact that the defendant had invented a process of keeping game from one lawful

period to another is not provided for in the act, and is immaterial;" that the Legislature had power to pass the act, which is not in conflict with the State Constitution, nor in violation of the provision of the Constitution of the United States authorizing Congress to regulate commerce among the States.

This decision was rendered in 1875. The terms of the law of that date were in effect identical with those of the present statute. The decision in the Phelps-Racey case has heretofore been accepted as final, and game dealers have not contested the law forbidding sale or possession in close season.

### MUZZLE VS. BREECH.

THE offer of the Syracuse Rifle Club to give opportunity for a test under certain conditions of the accuracy of the muzzleloading rifle as compared with the breech-loading arm is intended to bring to a settlement this much-talked-of question of exactness in placing the bullets.

Suppose the muzzleloaders come out ahead, what then? It will not make one hunter the more fling aside his handy breechloader and take out a muzzleloader with all its paraphernalia of ammunition. The various boards on the lookout for the best military rifle would not be influenced in the smallest degree by the fact that ten or a dozen shots from a heavy muzzleloader made a string a few inches shorter than the same number of shots from a breech arm. In every branch of small-arm work there are a number of factors which go to make up the concluding decision as to the best arm. Accuracy is one, and an important one; safety is another, and a vital one. Convenience comes in for much consideration; price is to be considered. This test at Syracuse keeps an eye simply to the one point of accuracy. To many devotees of the rifle at the ranges this is the one great point always in regard. Everything has been sacrificed to it, and for a fraction of an inch on a string no care or labor is regarded as too great for these target enthusiasts. There have been extravagant claims made on both sides regarding this one point of accuracy. To put a quietus on some of this talk the Syracuse shoot ought to go through, but win or lose, the breechloader is the arm of the future, and the student of the art of shooting does best service by improving the breechloader in every detail.

### RESULTS OF THE SALMON ANGLERS' PETITION.

THE salmon anglers' petition was presented to the Canadian Minister of Marine and Fisheries on May 13. No written reply has yet been made, but the Honorable Mr. Tupper's attitude and reception of the arguments of the counsel to whom Mr. Blanchard intrusted the conduct of the petition were very satisfactory.

It was admitted that the continuous decline in the catch of salmon is a matter of grave concern and can only be met by keeping up free access to the spawning beds for a sufficient stock of breeding fish. That the commercial interests of Canada and the special interests of anglers and riparian proprietors are identical in this respect, is evidently the view of the Department. It is satisfactory to learn that the questions involved have been and are really occupying the Minister's most serious consideration. In dealing with them his hands will be materially strengthened by the information and statistics furnished him in support of the petition. There is no doubt of Mr. Tupper's willingness to meet the petitioners views so far as possible. At the same time, as was pointed out by him, there are many difficulties, both of a practical and a political nature, which require close consideration and time to settle.

At all events whether the nets are ultimately to be lifted three times a week or not, one great point has been gained. The existing regulations as to the observance of the Saturday to Monday close time, and as to the nature and location of estuary nets are to be strictly enforced. Mr. Tupper also hopes to accomplish a good deal in the way of limiting the number and extent of these nets. The fault hitherto has not been so much in the character of the regulations as in their being disregarded and evaded by the netters. If they are made operative, and supplemented by a strict supervision on the part of the riparian owners, the good result which must be an immediate outcome will not only strengthen the anglers' case in the event of further restrictions on the nets being still found necessary, but will probably convince the netters themselves that nothing is asked that does not benefit

them directly and much more in proportion than the anglers.

The results secured may be considered fairly satisfactory for the present, in view of the selfish course pursued by the committee from the Restigouche Club.

The anglers owe a debt of gratitude to Mr. Lash, Q. C., and Mr. Creighton, the clerk of the Senate, retained as counsel by Mr. Blanchard, for their able presentation of the case. The labor involved in Mr. Creighton's examination and collocation of statistics was thoroughly and efficiently performed; his array of facts and figures conclusively showed the necessity of taking immediate steps to prevent further needless and improvident destruction of the salmon. It is a pleasure to recognize also the active and efficient co-operation of Mr. James Grant, President of the St. Marguerite Salmon Club. All those named and others have done material service in forwarding the petition set on foot by Mr. D. H. Blanchard of Boston. It was by the unselfish devotion of time and money and effort by Mr. Blanchard that this movement for salmon preservation was put through; and to him must be given a generous share of credit and gratitude for what has been accomplished.

### FISHERIES ON THE GREAT LAKES.

MR. HERSCHEL WHITAKER has given a very interesting sketch of the early history of the fisheries on the Great Lakes, drawn from the accounts of Hennepin, Capt. John Carver, George Heriot, Henry R. Schoolcraft, Blois and other authors. The marvelous abundance of whitefish, lake trout, lake herring, sturgeon, pike and similar fishes is clearly set forth, and the statistics of the fisheries as far as known, are briefly recounted from 1830 to 1885.

A notable decline of the fishing industry since the introduction of the trap net is chronicled by Mr. Whitaker. This net was introduced about 1850, and its extension into deep water was followed by enormous captures of adult fish, as well as by the extensive destruction of immature fish, which have little or no commercial value. To quote from the author: "The result of this system of fishing is most destructive, tons upon tons of fish being thus taken which have never spawned, whereas if they were permitted to remain in the water to reproduce their kind, artificial methods would be greatly aided."

The introduction of freezing apparatus for the preservation of fish, though unpopular at first, has gradually grown in favor, and has greatly improved and extended the industry. Indirectly it serves to protect the fish by making it possible to carry on the fishing in nearly every month of the year, thus relieving the strain upon the spawning fish.

To arrest the waste of fish and restore the supply, Mr. Whitaker would stock the waters liberally and provide for the enforcement of just protective laws, preventing the taking and marketing of immature fish. He finds the present warden system imperfect in most cases, because the pay of the officers is not sure and fixed, and would follow in this respect the State of New York, which, he says, has the best warden law of any State in the Union. In conclusion he advocates a general awakening of the Lake States to the necessity of action for the maintenance and future increase of their fisheries.

### SALE OF REARED TROUT IN CLOSE TIME.

THE article of Mr. W. L. Gilbert, which we publish on another page, is a fair presentation of the private fishculturists' view concerning the sale of brook trout during the close season for wild trout. The writer observes, justly, that the successful cultivation of trout has passed beyond the experimental stage, and that the industry is capable of great extension, provided the fish can be sold from Jan. 15 to April 1, when the demand for them is largely increased owing to the scarcity of choice food fish of other kinds. There is no doubt also that large tracts of land and water, which are now lying waste, could be redeemed and made valuable for trout cultivation if the laws of several States could be changed so as to allow private parties to sell fish when and how they pleased.

The law framed by Mr. Gilbert, and intended to accomplish the objects desired by himself and other fishculturists, passed both branches of the Legislature of Massachusetts, but was vetoed last week by Governor Russell, and, we think, with justice.

A law which allows the sale of artificially reared trout during the close season for wild trout will open the way