

MONTHLY REPORT OF FISH WARDEN

To The Honorable Board of Fish Commissioners, Salem, Oregon, Aug. 9th, 1907.

Gentlemen:—
Arrests and Prosecutions during the month for violation of the laws pertaining to the fishing industry have been as follows:

District No. 1.

By Deputy Warden "Brown" and Water Bailiff "Settem" in Launch "Oregon Patrol."

July 1, 1907, Hjalmar Johnson of Altoona, Washington, was arrested for fishing with a gill net in the Columbia river without properly numbering his boat or net, and upon being arraigned in the Justice Court, Astoria, was fined \$10.00 and costs which he paid.

July 15, 1907, Complaints were filed in the Justice Court, Astoria, against Thomas Spencer, for fishing with a seine on the Spencer Seining grounds; Frank Pearson, for fishing with a seine on the Nora Fitzpatrick Seining grounds; Harry Spencer, for fishing with a seine on the Kabeth Seining grounds; and Thomas Taylor, for fishing with a seine on the Taylor and Welch Tongue Point Seining grounds; all of which were found fishing without licenses. Upon being arraigned in said court July 19th, pleas of guilty were entered, whereupon a fine of \$50.00 and costs was imposed and paid in each case.

July 20th complaints were filed in the Justice Court, Astoria, against Christ Nielsen and John Gunderson, who were found operating Purse-Nets in the waters of the Columbia River, which was in violation of chapter 89, General Laws of Oregon, 1907. The case against Nielsen was heard before Justice Goodman, July 2, who found the defendant guilty and imposed a fine of \$50.00 and costs. An appeal was immediately taken to the Circuit Court by G. C. Fulton, attorney for the defendant, and the case was again heard before Judge McBride, of the Circuit Court, July 26, and the judgment of the lower court was affirmed. The prosecution, which was taken care of by Attorney-General A. M. Crawford, assisted by Deputy District Attorney John C. McCue of Clatsop County, contended that the state of Oregon had the right to enforce its laws over the entire Columbia river, without regard to what the laws of Washington are, while the defense claimed that the Oregon law prohibited Purse-Nets was in direct conflict with the Washington law licensing them and was therefore void. Judge McBride in rendering his decision stated that the Federal Courts had made two decisions on the matter, and while he did not agree with those decisions, he would, out of deference to the Federal Court, concur with them and discharge the defendant, except for the purpose of taking the matter to the higher courts; and as the state could not appeal, he would confirm the decision of the Justice Court on condition that the defendant be permitted to continue fishing until the case had been finally determined. An appeal was again taken from this decision by Attorney Fulton and the case will be taken up before the state supreme court, and an effort set forth by all parties concerned, to have it set for hearing at an early date.

The case against Gunderson will be held in abeyance, pending a final decision in the Nielsen case.

By Water Bailiff W. A. Mack.

In regard to the three marketmen of Portland that were arrested by Water Bailiff W. A. Mack, as reported under date of May 17th, S. A. Conrad appeared before Justice Reid for the People's Market, No. 295 North Sixteenth Street, May 23, and upon entering a plea of guilty was fined \$50; and Johns Bros., No. 61 North Park Street appeared July 3 and entered a plea of guilty, whereupon they were also fined \$50; all of which was paid.

The case against John Abrons of Milwaukee, for not properly numbering his fishing net, was called up before Justice Reid of Portland, June 28, and upon his entering a plea of guilty a fine of \$10 was imposed, which he paid.

The case against John Scott of Gilbert's Landing, Willamette Slough, for fishing a net for salmon without license was taken up before Justice of the Peace Watkins, of St. Helens, June 29, and upon his pleading guilty to the charge was fined \$50 and costs.

The cases against Frank Scott and Charles Scott for fishing for salmon with nets without licenses were each taken up before Justice Watkins, St. Helens, July 1st, and upon their entering pleas of guilty were each fined \$50 and costs.

District No. 2, by Deputy Warden John D. Wilson.

July 1st information was filed against Louie Streuber of Grants Pass for peddling salmon without a license. Upon being arraigned before Justice Holman of Grants Pass, July

3rd, a plea of guilty was entered, whereupon he was fined \$50 and costs which he paid.

A set-net found in a condition to take salmon within the 600 foot limit of the Fish Way provided for the Light & Water Company's Dam at Grants Pass was seized and confiscated.

Hatchery Operations.

The work on the Clackamas River below the Cazadero Dam we have well in hand and have everything ready for the taking of spawn. A few mature salmon have been caught FISH HATCHERY 2 and spawn taken therefrom, but the greater portion of the fish will not be ready for spawning for another couple weeks. We are equipped to take and eye four million eggs, and from a careful estimate of the number of salmon that we have in between the Racks we should get fully that many eggs. If, when we get to handling the salmon, we find more than what we have estimated, the government people will be asked to assist in taking care of them. So far, the salmon have stood their confinement as well as at any of our Columbia river stations, where the early fish have been retained, and it looks as though we would get a good lot of eggs from them.

The new hatchery building for the McKenzie river was completed by the contractor and accepted by Superintendent W. A. Smith, June 29. It is a one story structure, 109 feet long by 55 feet 4 inches wide, with a 10 foot ceiling in the clear, net on concrete piers, and has a capacity for 145 hatching troughs, each 15 feet 8 inches long. We have been delayed somewhat in getting our equipment into the building on account of our not being able to get lumber for the flume to carry a supply of water to the building, but it appears now as if we will be ready to handle the season's take of eggs; if not, we will eye the eggs out in the open troughs as we did the last two years and move them into the building before they begin to hatch. In a late report received from Superintendent Smith, he states that he only has one more load of lumber to haul, and that he is now getting along rapidly with the construction of his flume and thinks that he will be ready with it before the salmon begin to spawn.

At the Sislau station we have also been considerably delayed in our construction work on account of not being able to get lumber. The work there is being done by days' work by Superintendent Joseph Slemmons who reports that his lumber is now coming along in good order and that he has his building all framed and raised and will without doubt, have it fully equipped before the egg-taking season. The building that we are erecting is a one-story structure, 106 feet long by 40 feet wide, with a 10 foot ceiling in the clear, and has a capacity sufficient for 100 hatching troughs, each 17 feet 10 inches long.

I am taking up new work on the Alsea river and on the Coquille river, and am in hopes of being able to have a fully equipped experimental station on each stream this year where a supply of eggs can be collected. In the past, the eggs collected at the South Coos River Hatchery have been divided with the Coquille and the eggs collected at the Yaquina Hatchery have been divided with Alsea, but this year I will endeavor to have a station on each of these streams where a collection of eggs can be made from the salmon native thereto.

Poet Turns Explorer.

Joaquin Miller left for Grants Pass today, after a trip into the Sinslaw valley. There he will join a party to explore some famous caves, which are said to be the largest in Oregon. Passages in some of them are said to be yet unexplored, and doubtless our famous poet will discover some chasm or vault which will ever after bear his name. Jefferson Myers, of Portland, and Judge Watson, of Grants Pass, will also be in the party. Before returning to Eugene the poet will go to his home in California, returning here in all probability some time in October.—Eugene Guard.

Ezra Meeker at Oyster Bay.

Ezra Meeker and his ox team, which left Puget Sound many months ago, to retrace the old Oregon trail over which the early settlers came to the Pacific, is reported to be near the end of his long journey. He has passed through New York City and is now headed for Oyster Bay, where he will ask President Roosevelt to recommend that the Oregon trail from Omaha west, be made a permanent highway. Mr. Meeker has received much attention from the public and the press in the east. Since leaving Puget Sound he has permitted his hair to grow long.—East Oregonian.

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