

the payment of all fines, costs, and expenses connected with such seizure and prosecution, otherwise the said vessel or vessels and apparatus to be held as security until all of said expenses incurred are fully paid; and in case of failure on the part of said claimant to comply with the provisions of this section, said property shall be sold as provided for in section four of this act.

8. *And be it enacted*, That the fees and costs and charges under this act shall be as follows: to the two justices, for all services thereunder, five dollars each; to the person making the seizure, or watchman placed in charge of said vessel, two dollars for each day and two dollars for each night that services shall be actually rendered; to the person putting up the advertisements or notices or serving the same, fifty cents for each notice posted or served; for all other services, the same fees that are paid in justices' courts for similar services.

9. *And be it enacted*, That this act shall take effect immediately.

(State of New Jersey, Laws of 1884, chapter 96.)

100.—BRIEF OF THE OBJECTIONS MADE BEFORE LEON ABBOTT, GOVERNOR OF NEW JERSEY, TO THE "ACT TO PROHIBIT FISHING BY STEAM VESSELS WITH SHIRRED OR PURSE SEINES IN ANY OF THE WATERS WITHIN THE JURISDICTION OF THE STATE OF NEW JERSEY."

By LOUIS C. d'HOMERGUE.*

1. The bill in question in its essential features is similar to the one vetoed by Governor Ludlow on the opinion of the then as well as now attorney-general of the State—said opinion being at present on record in your excellency's office, and which I respectfully desire to submit as part and parcel of this brief against this present bill.

2. The letter I wrote to Governor Ludlow under date of January 25, 1882, a copy of which is here appended, as a part of this argument.

3. This present bill is illegal as it is class legislation; it permits one class of vessels to engage in the said fishing and use of described nets, while it excludes another class of vessels from so doing.

4. The State of New Jersey, in becoming a part and parcel of these United States, ceded to the Federal Government the right to make treaties with foreign Governments, and in so doing parted with necessary jurisdiction in all matters pertaining thereto. The United States Government having made a reciprocal treaty with Great Britain to permit the citizens of either country to fish within its limits established by international law, the State of New Jersey cannot pass any laws conflicting with the jurisdiction of the Federal Government, thereby annulling the provisions of foreign treaties.

* Secretary of the United States Menhaden Oil and Guano Association, 82 John street, New York.

5. The provisions of the bill are against sound State policy, unjust and discriminating, as it would drive those engaged in fishing with steam vessels to take out foreign registers and proceed to carry on their business under the protection of a foreign flag.

6. The bill is illegal and unjust because it seeks to deprive a certain class of vessels of the right recognized by the Federal Government, which has registered and licensed these vessels to carry on the fishing business in the waters within the scope of its jurisdiction.

7. The bill in its provisions is arbitrary and against the principle of all human laws, for it actually prohibits in section 2 a steam fishing vessel with its fishing gear to enter any port of the State under pain of confiscation or fine—whether the vessel by stress of weather, accident, springing a leak, or in any distress whatever, should be caught in any of the waters within the jurisdiction of this State, including the waters of the Atlantic Ocean within three nautical miles of the coast-line thereof.

8. The jurisdiction of any State along the sea-coast cannot extend beyond low-water mark, in matters relating to commercial or industrial pursuits which the United States have the power to regulate and control or which can be subject-matters of foreign treaties.

101.—REPORT UPON THE RECEIPT AND HATCHING OF AMERICAN WHITEFISH OVA AND PLANTING OF THE FRY IN AUSTRALIA.*

By ALFRED GREENFIELD,

Honorary Secretary of the Nelson Acclimatization Society.

On the 11th of February, 1884, the steamship *Zealandia* arrived from America at Auckland with one million whitefish ova. The mail agent, in whose charge they were placed, instead of causing the box to be transhipped with the mails by the southern steamer then in port, which left Auckland immediately on receipt of the mails, telegraphed to me asking that instructions might be sent to the secretary of the Auckland society "what to do with the ova." I immediately sent an urgent telegram requesting that they might be sent by the first steamer, but the message did not reach the secretary until the southern steamer had left. So the eggs were unfortunately detained in Auckland until the 14th, when, after receiving a fresh supply of ice, they were placed on board the steamship *Takapuna*, which arrived at Wellington about 3 o'clock in the afternoon of the 15th. The ova box was immediately transhipped into a small steamer, which left that evening and arrived at Nelson at 9 a. m. on the 16th. It was then conveyed to the society's hatching-boxes and unpacked. A considerable quantity of ice was found on the top and sides of the trays. Four trays were taken out and

* Addressed to Hon. Thomas Dick, Wellington, Colonial Secretary of New Zealand, and by him forwarded to Professor Baird, under date of March 25, 1884.