

SECOND  
BIENNIAL REPORT

OF THE  
OYSTER COMMISSION  
OF LOUISIANA

TO

His Excellency, the Governor, and the  
General Assembly of the State  
of Louisiana.

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FEBRUARY 1, 1904, TO FEBRUARY 28, 1906.

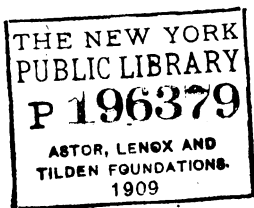
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NEW ORLEANS, LA.  
MARCH, 1906,

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MILLER & BRANDAO, PRINT, 522 GRAVIER ST.,  
NEW ORLEANS, LA.

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# SECOND BIENNIAL REPORT

## OF THE

### OYSTER COMMISSION OF LOUISIANA.

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*His Excellency, Newton C. Blanchard, Governor, and  
the General Assembly of the State of Louisiana:*

The Oyster Commission of Louisiana begs to submit this, its second biennial report, covering the period from February 1, 1904, to February 28, 1906.

By the provisions of Act No. 153 of 1902 the oyster industry of our State was for the first time placed under the control of an Oyster Commission, and our first biennial report submitted to you in May, 1904, gave the results of the first two years' comprehensive control of the industry. We at that time made certain recommendations to the State Legislature, suggesting certain changes in the then existing oyster law, with the idea of improving, encouraging and enlarging the industry, the principal changes suggested being an increase in the acreage of barren water bottoms, which could be leased by individuals and corporations, and the use of modern implements in the cultivation and harvesting of the annual oyster crops. We are glad to say that the Legislature considered the recommendations well made, and altered the oyster law accordingly by enacting Act No. 52 of 1904 under which law this Commission has now been operating for the past two years.

#### REMARKABLE RESULTS OF RATIONAL REGULATIONS.

Under the oyster law of 1902, the maximum area of water bottoms that any one individual or corporation could lease from the State, for the purpose of oyster culture was restricted to 20 acres. The law of 1904 increased this limit to 1,000 acres. That the change was most judicious and the results most beneficial is

shown by the following statistics as to the water bottoms leased by this Commission for oyster cultivation under the old and new laws, both laws having been in effect for two years each.

Area leased under Act 153 of 1902, during first two years,  
2,677 10-100 acres.

Area leased under Act 52 of 1904, during second two years,  
20,626 33-100 acres.

In other words, by adopting a more rational system of control of the State's barren water bottoms, the area leased has in the past two years been increased one thousand (1,000) per cent.

The Commission leases these barren water bottoms at an annual rental of one dollar per acre. These bottoms are then bedded by the lessees with shells or other suitable cultch during the first season to catch a suitable set of oyster spat or young oysters. Once set it takes these young oysters about two years to attain marketable size, so that it requires about three years for the lessee to begin to receive a direct return from his investment. As the oyster crop of the State must come from but two sources, either the natural oyster reefs or private oyster fields, and as the product of the natural oyster reefs is annually growing less, it is evident that any development in our State industry must be brought about by encouraging our people to lease and cultivate barren water bottoms so that such water bottoms may thereby be made productive. This feature forms the very foundation and basis of any solid and substantial development in our oyster industry.

Considering the subject along these lines, and as showing what has been done by this Commission to date, we submit the following statistics:

	No. of leases.	Area in acres.	Average area.
For 16 years prior to Commission . . . . .	521	2,820.20	5.04
For 4 years under Com- mission's control.	1194	23,303.43	19.51
	<u>1715</u>	<u>26,123.63</u>	<u>15.22</u>

It will be observed from this that although the maximum area leased by one person for two years has been placed at one thousand acres, and although there have been eight leases made, involving between 500 and 1000 acres and 28 leases involving between 100 and 500 acres the general average remains at 15.22 acres per

lease, and the fear at one time felt by some that under the new law all the available water bottoms would at once be taken up and an oyster producing trust created has by two years' experience been shown to be unfounded.

It was only to be expected that in the starting out of the development of an industry of this character many people would embark in it without proper knowledge, funds and experience, and that some of the leases made would be forfeited for non-payment of rentals. This has been proven to be true by the fact that the Commission has been compelled to cancel and declare forfeited for non-payment of rentals 393 leases, aggregating 4,271.07 acres, averaging 10.92 acres per lease. Notwithstanding these cancellations there are now in force 1322 leases aggregating 21,952.53 acres, from which the State will derive an annual rental of twenty-one thousand nine hundred and fifty three dollars (\$21,953.00), not including the tax of three cents (3c.) per barrel which will be collected from each barrel of oysters harvested from these leased bedding grounds, and we are therefore pleased to report that from this point of view the oyster industry is in a sound, growing and healthy condition, though to increase its growth along these industrial lines will require wise, rational legislation, applicable at all times.

### ANNUAL OYSTER CROPS.

While it is true that the barren water bottoms so far leased have by no means all come into production, and in fact are only now beginning to become productive, it is nevertheless to be observed that under intelligent management of this industry there has been a steady and continuous increase in the annual oyster crop of the State, despite the fact that the natural oyster reefs are annually less productive, as will be seen from the following crop statistics:

For the year ending—	Crop in barrels of $3\frac{1}{4}$ bushels.
September 30, 1903 .....	472,191
September 30, 1904 .....	540,192
September 30, 1905 .....	673,060

The last year's crop therefore amounted to two million one hundred and eighty seven thousand, four hundred and forty-five bushels (2,187,445).

## SYSTEM OF PATROL.

At the time of our last report, our patrol fleet consisted of the Schooner Majestic and the gasoline launch Nita. The Legislature, by Act No 162 of 1904, placed at the disposal of this Commission the old oyster fund, amounting to \$8958.71, for the purpose of increasing the patrol fleet. In furtherance of this object the Commission contracted for the construction of the Patrol Boat Louisiana, and has placed her in commission at a cost of \$7,435.21. The Louisiana is a twin screw, 40 H. P., gasoline cabin vessel, 60 feet long, 12 feet beam, with a draft of 2 feet 6 inches, making her especially adapted to the shallow water of our coast. We also purchased the 12 H. P. gasoline cabin launch Baton Rouge, 31 feet long, 7 feet 6 inches beam, with a draft of 3 feet, and costing the sum of \$1500.00, so that there remains a balance of this fund unexpended amounting to \$23.50, and our patrol fleet now consists of the aforesaid four vessels. In this connection it is interesting to note the value of the permanent equipment which has now been accumulated by the Commission, it being as follows:

Office Furniture .....	\$ 998.31
Patrol Boat Louisiana .....	7,593.61
Patrol Boat Majestic .....	3,133.98
Patrol Boat Baton Rouge .....	1,592.18
Patrol Boat Nita .....	540.00
Houseboat .....	250.00
Sundries .....	104.60
Real Estate—House and Land at Three Mile Bayou...	561.68

Total .....\$14,774.36

All of which has been made directly from the oyster industry.

## SURPLUS REVENUES.

Under the provisions of Section 7 of Act 52 of 1904, the revenues of the Commission on June 30 of each year, and being in excess of the outstanding obligations of the Commission, are transferred to the credit of the Good Roads and School Funds in equal proportions. It was a pleasure to us to be able to place to the credit of these funds on June 30, 1905, the handsome sum of six thousand four hundred and twenty-five 51-100 dollars (\$6-425.51). At the time of this report our cash shows a credit

balance of \$6558.47, inclusive of the balance of \$713.19 in the hands of the State Auditor, January 31, 1904, and it is our hope and expectation to be able to again make, on June 30, 1906, a handsome addition to the School and Good Roads Funds. It is to be noted in this connection, however, that the Supreme Court of the United States has finally decided in this State's favor its suit against the State of Mississippi concerning the water boundary in Lake Borgne and Mississippi Sound, and it will be necessary to pay Louisiana's special counsel for their services in accordance with the contract made with them by your Excellency, under the authority of Act No. 111 of 1904. As this contract provides that payment of services was contingent on success, counsel to receive their pay under such circumstances from the revenues collected from the disputed area, there will after this be no available balance until this indebtedness is first liquidated.

#### WATER BOUNDARY LINE IN LAKE BORGNE AND MISSISSIPPI SOUND.

When this Commission went into office in August, 1902, one of the first things it did was to consistently urge on the Oyster Commission of Mississippi the long standing Louisiana contention that the deepwater channel sailing line emerging from the mouth of Pearl River and extending through Lake Borgne and Mississippi Sound out between Cat Island and Isle of Pitre, north-east of Chandeleur Islands into the Gulf of Mexico, was the correct line separating Louisiana and Mississippi in that locality. Pending the decision which was to be rendered in the suit instituted in the Supreme Court of the United States, this Commission entered into an agreement with the Oyster Commission of Mississippi, establishing a certain zone in the waters of Lake Borgne and Mississippi Sound which was constituted a neutral territory and from which the oyster fishermen of both States were free to gather oysters. The effect of the decision of the Supreme Court of the United States, as rendered March 5, 1906, will give to Louisiana all of this neutral area. In this connection it might be well to note that when testimony was being taken in this case, Mr. W. K. M. Dukate of the firm of Lopez-Dukate of Biloxi, Miss., the largest oyster packers in the country, testified that he considered that in the event of a decision determining the disputed

boundary, a syndicate could be organized of oyster packers who would be willing to lease the disputed area from the State of Louisiana, and would pay therefor an annual rental of two hundred thousand dollars (\$200,000.00) for a term of years, for the exclusive fishing privilege, of the disputed area, provided they were given adequate police protection. The leasing of this area could not be effected under the terms of the present oyster law, and should your Excellency and the Legislature deem it wise for this Commission to be in position to consider such a proposition with power to accept it when put in satisfactory shape, legislation amendatory of the present oyster law would be necessary. A ten years' lease on this basis would yield the State, a revenue of two million of dollars (\$2,000,000.00) and the subject is therefore worthy of most serious consideration.

#### POWER AND DISCRETION OF COMMISSION.

Prior to the year 1898, but very little was known of the oyster industry of our State. In that year the Bureau of Fish and Fisheries of the United States, at the request of our Legislature, made an investigation and report upon the subject, the latter having been prepared by Lieutenant Swift and Dr. Moore. In 1900 the Legislature appointed a Commission to investigate and report on the oyster industry, and this report submitted in 1902 led to the adoption of legislation creating the Oyster Commission of Louisiana. This Commission has now been in existence for the past four years, and during that period of time has been carefully studying the State's oyster industry in all of its various phases, and has now accumulated a fund of personal information and knowledge concerning same. In the operation of the Commission however it has been necessary to follow the rigid requirements of the oyster law, in all cases, even where subsequent experience shows that these legislative enactments were ill advised and not most conducive to proper development under new conditions. As an illustration, we find on an examination of the oyster law a provision defining what constitutes a natural oyster reef. In another part of the law is found a further provision of the law prohibiting, without exception, the leasing of natural oyster reefs under any and all circumstances. Now, let us suppose a case where an applicant desires to lease an area of one thousand

acres of barren water bottoms from the Commission for purposes of oyster cultivation. This lease of 1000 acres would at once begin to pay the State \$1,000.00 per annum rental, and as soon as placed in cultivation would pay at least \$3,000.00 per annum more in the tax on the oysters produced, or a total of \$4,000.00 per annum. If, however, there happened to be three or four acres of natural oyster reefs in this 1000 acres, the Commission could not lease the three or four acres, and the applicant would decline to make the lease unless he could get the full 1,000 acres, because if there were any public spots in his field he could not exercise proper police control of it, because other oyster men would enter upon his fields and rob him, claiming that they were fishing from the reserved public spots, and the lessee thus lacking complete control would be unable to keep them beyond his general bounds.

Over four years experience has shown us, by illustrations such as this, that more discretion should be vested in the Oyster Commission, and that where an opportunity presented itself, from which the State could gain a considerable advantage by moulding the regulations to suit the occasion, such discretion should be vested in the commission as would permit it to do this.

Again our knowledge and experience has shown us that the use of scrapers in harvesting oysters is less injurious to the future productiveness of the bottoms than is the present system of using hand tongs. With the use of scrapers there is a continuous movement of the vessel which permits of a wider distribution of the small oysters and dead shells in throwing them back into the water. This wider distribution tends to continually enlarge the area of the natural oyster reefs, while in the case of fishing with handtongs the culling of the oysters is always done when the vessel is at anchor, and the cullings are generally thrown back into the water in two piles, one on each side of the vessel, and the naturally productive area is in this way continually reduced by the gathering of the available cultch from a large area and concentrating it in piles.

The provisions of the present oyster law restrict the use of scrapers to water over fifteen feet in depth. It is difficult to find water over fifteen feet in depth on our coast and even in the bayous the depth is so irregular that while you may be in fifteen feet of water at one moment you are in eight feet of water at the next

moment; and it is difficult to make use of scrapers without the risk of unintentionally violating the letter of the law. As scrapers are not expensive and are within the ability of all fishermen to procure them, as they permit of fishing in all conditions of weather, and as their use as a modern implement greatly reduces the cost of harvesting oysters, we recommend that this Commission should be invested with greater discretion in permitting their use. It stands to reason that this Commission, which is continuously studying these subjects and in daily contact with the execution of the provisions of the oyster law, should be better informed than any other body of men of what would produce the best results for the State. It was upon this theory that this Commission was created. We do not by this mean to say that the same conditions exist in every portion of our oyster producing territory, and that each portion should be treated and regulated the same as every other portion. On the contrary, we submit that just the opposite is the true state of facts and that there are natural differences existing in different sections of our vast oyster producing area, and that by reason of these natural and existing differences this Commission should, in its discretion, be vested with power to treat and regulate these different sections differently. The truth of this proposition, and the correctness of its principle, is illustrated in the laws and regulations governing the oyster industries of other States, where these natural differences are recognized in the enactment of different regulations as affecting different localities and the Oyster Commission, or other controlling official body, is vested with corresponding discretion in the premises, and we therefore recommend to your Excellency and the Legislature the enactment of such legislation as will secure these results.

#### OFFICIAL MEASURE.

In the matter of the collection of the three (3.) cent privilege tax, all of the operations and all of the statistics of this Commission are based upon an oyster measure unit of a barrel containing three and one-quarter bushel ( $3\frac{1}{4}$ ), of 2150 cubic inches each. When we come to apply this measure, however, in the transactions of individuals between themselves we at once begin to meet with difficulties. By the provisions of Act No. 35 of 1894,

re-enacted as Act No. 63 of 1902, the Legislature first provided for an oyster measure for use in all oyster transactions. This measure was a basket equal to one-half a barrel, which barrel would contain  $3\frac{1}{4}$  bushels. In the practical execution of the law the Secretary of State approved a basket of certain dimensions supposed to contain space equivalent to a half barrel. No provision was made however as to whether this basket should be level full or heaping full, and this made a great difference. In a dull market at the oyster landing in New Orleans, the seller would be inclined to begin to heap his basket to attract the buyer, while in a market where oysters were scarce and in great demand the seller would give a correspondingly decreased measure. By Act No. 153 of 1902 a measure was again provided and this Commission given authority to enforce its use in baskets and half baskets, the latter requiring four to the barrel. In the handling of oysters it should be borne in mind that the unit should not be in excess in weight and bulk of a man's capacity to lift and transport it. In New Orleans it was customary to use the basket, and where oysters were sold by the sack, the basket was supposed to be used; and in other points on the coast the half basket, or quarter barrel measure was extensively used. There was always present the contention as to whether the measure should be level or heaping full. In enforcing the provisions of Section 17 of Act No. 153 of 1902, this Commission ordained that the baskets and half baskets should have such fixed dimensions as when *level full* they would equal a half barrel and a quarter barrel respectively. This necessarily somewhat increased the general dimensions of the baskets. The sellers of oysters at once evidenced an unwillingness to use the new measure, claiming that competition between the sellers would soon lead to the selling of the new baskets heaping full, which would not only mean the giving of a greater quantity of oysters for the same money but also would make a basket thus heaping full too heavy and bulky for one man to handle. Act No. 153 of 1902 by repealing all laws on the same subject matter repealed Act No. 63 of 1902 in so far as it provided for an oyster measure. Act No. 52 of 1904 repeal Act No. 153 of 1902, and contained no reference to the legal measure, thus leaving the whole subject matter to the discretion of this Commission to regulate by ordinance. The experience of this Commission

suggests the wisdom of adopting a measure which when heaping full will constitute the legal unit. This will provide a measure which competition cannot increase in size, and unless your Excellency and the Legislature shall differ with us in the wisdom of this conclusion, this Commission will act accordingly.

## DUTIES AND COMPENSATION OF THE PRESIDENT.

When this Commission was first created by Act No. 153 of 1902 we were entering upon an experimental stage in the development and control of our oyster industry, with the magnitude and possibilities of which we were then but imperfectly acquainted, and the office of President of the Oyster Commission of Louisiana was then regarded as an honorary position rather than one where the compensation was to be in proportion to the services rendered. During the first two years of its existence the President of the Commission under the law received the same compensation as the other four members of the Commission, namely, five hundred dollars (\$500.00) per annum, which barely covered the traveling expenses. The Legislature in 1904 appreciated the injustice of this condition of affairs, and increased the President's annual compensation by an additional allowance of one thousand dollars (\$1,000.00), so that under the present law he receives a per diem of ten dollars (\$10.00) for each meeting attended in addition to the aforesaid one thousand dollars, the per diem under no circumstances to exceed five hundred dollars (\$500.00).

Our experience of the past two years shows that there has been a great increase of the business of this Commission and the supervision of the various departments into which the control of the industry is systematized and subdivided requires the giving by the President of his entire time and undivided attention to the business of the Commission and that the salary as now allowed by law is inadequate compensation for the services rendered in the discharge of the duties required of this office. By the provisions of the oyster law the president, together with the other commissioners, officers and employees of the Commission are prohibited from being in any way financially interested in the oyster industry, yet he is, as the head of the Commission, held largely responsible for its success or failure. To place the compensation of the President of the Commission on a parity with that of the other officers

of this Commission, to place it on a parity with that of the chief executive officers of the other official boards of this State of equal dignity, to make the salary of the President an adequate compensation for the services which are required of this officer under these new and still growing conditions he should receive an annual compensation of twenty-five hundred dollars (\$2500.00), and we recommend to your Excellency and the Legislature the enactment of such amendatory legislation as will secure this result.

On this subject of adequate compensation for services rendered we beg to also direct the attention of your Excellency and the Legislature to the case of the Secretary of this Commission, who from the beginning has received a salary of but one hundred dollars (\$100.00) per month. This official is required by the law to give his entire time and attention to the duties of his office, he is prohibited by law from being in any way financially interested in the oyster industry, and as a result of the growth of the oyster industry, not only have his duties increased but his financial responsibilities have also enlarged to such an extent as to make the salary received inadequate compensation for the services rendered and responsibilities assumed by him. All the funds of the Commission pass through his hands and amount to thousands of dollars annually, for the correctness and safe custody of which he and his bondsmen are responsible; and we recommend, under the aforesaid conditions, that the salary of the Secretary should by amendment be fixed at eighteen hundred dollars (\$1800.00) per annum, an increase over the present salary of fifty dollars (\$50.00) per month.

### ANNUAL APPROPRIATIONS.

Under the provisions of the Constitution of this State, in order to withdraw funds from the State Treasury, such withdrawal must be in pursuance of an act of the Legislature making the appropriation, which appropriation shall not be for a greater length of time than two years. Accordingly the Legislature in 1904, in enacting Act 52 of that year, appropriated by Section 7, the sum of thirty-five thousand dollars (\$35,000.00) for each of the years ending June 30, 1905, and 1906, for the purposes of the Commission. This appropriation was not made from the general fund like

other appropriations, but was made conditioned on the fact that the Oyster Commission would previously collect these funds from its supervision and control of the oyster industry, deposit them and make them available to cover the appropriation. As a matter of fact the operation of the Oyster Commission has never cost the State of Louisiana one cent in money, but has produced and placed to the credit of the Schools and Good Road Funds handsome balances. The Commission has now been in existence for practically 42 months to February 28, 1906, and its gross expenses have during that time aggregated \$103,013.84, or an average of \$2452.71 per month. If our expenses average \$2500.00 a month for the next two years, an annual appropriation of at least thirty thousand dollars (\$30,000.00) would be necessary for this purpose, without making provision for the extraordinary expenses which we have every reason to anticipate as originating out of the settlement, by the decision of the Supreme Court of the United States, of the water boundary controversy heretofore existing with the State of Mississippi. While it is true that the settlement of this dispute will largely increase the revenues of the Commission, it is equally obvious that it will temporarily at least largely increase the expenses of the Commission. The attorneys' fees of counsel for the State of Louisiana, amounting to thirty thousand dollars (\$30,000.00) will have to be paid out of the revenues of the disputed area, and an appropriation for this purpose will be necessary; and provision in some way will have to be made for appropriately marking with buoys or beacons the deep water channel sailing line which the Supreme Court of the United States has designated as the true boundary separating the States of Louisiana and Mississippi in the waters of Lake Borgne and Mississippi Sound. There is then the further fact to be considered that the limited oyster area available to other States in Mississippi Sound may for a time cause non-resident oyster fishermen to endeavor to intrude beyond the boundary line as established by the decision of the Supreme Court of the United States, necessitating a stricter patrol of this line extending a distance of approximately 34 miles, and consequently increasing the expenses of this Commission. For the foregoing reasons we recommend that for the next two years a conditional appropriation be made of fifty thousand dollars (\$50,000.00) per

annum, stipulating as heretofore that for these funds to be available they must be collected and deposited by the Commission to its credit.

### COLLECTION OF THE THREE CENT PRIVILEGE TAX.

We beg to submit to your Excellency and the Legislature the following facts: Under the provisions of Act 52 of 1904 the revenues of this Commission from bedding ground leases and from all licenses, in fact from all sources except the three cents privilege taxes, are collected by the officers of the Commission and deposited in the State Treasury. The collection of the three cents privilege tax on each barrel of oysters is however made by the sheriffs of the several parishes in which the oysters are sold, and such collections are remitted by the sheriffs directly to the State Treasury. We are of the opinion, however, after an experience of four years, that better results would follow were the collection of this three cents privilege tax also done by the employees of this Commission along with its other revenues. We do not mean by this to reflect in any way on the sheriffs or to imply that they have not done their full duty in the premises and in fact all that it was possible for them to do, but rather to suggest that it is not possible for the sheriffs to be as efficient collectors of this tax as this Commission could be by the very nature of things. It should be borne in mind that the oyster industry is carried on almost entirely on the water. It requires a fleet of vessels and a corps of officials to supervise and police the industry. This fleet of vessels and corps of officials are necessary in the efficient collection of the taxes. This Commission has these facilities and the sheriffs have no such facilities, and could not well be expected to furnish them out of the meager commission which they receive on the collections. We therefore recommend such amendatory legislation as will hereafter invest this Commission with authority to collect the three cents privilege taxes at the same time and with the same employees as it uses to collect the other revenues.

### SECRETARY'S REPORT.

We beg to submit to your Excellency as part of our report the

report made to us by our Secretary. This report begins where our report in 1904 left off, and gives the detail of income and disbursement on the part of the Commission to date, together with other valuable statistical information, which will prove interesting and instructive.

### FUNCTIONS OF COMMISSION.

The Oyster Commission of Louisiana is composed of five members, appointed from the coast oyster producing parishes, and its functions are largely legislative in the matter of enacting ordinances in the regulation and control of the oyster industry. The President presides at all meetings of the Commission, regular meetings being held on the third Wednesday of each month. The Commission unhesitatingly as a body assumes responsibility for all regulations enacted by it, but it cannot well assume responsibility for the execution of these regulations during its recesses. As the President of the Commission is its presiding officer, he should also be its chief executive officer *de jure* as well as *de facto*, and should be held responsible for the faithful execution during recess of all regulations enacted by the Commission during meetings. To secure the best results there should always be an individual responsibility in the execution of the mandates of this Commission, and we therefore recommend that the President of this Commission be charged with this responsibility and granted the necessary authority to execute during recesses the mandates and orders of the Commission, and we therefore recommend such amendatory legislation as may be necessary to secure these results.

### THE CONDITION OF OUR OYSTERS.

During the past two seasons, we regret to say, the physical condition of our oysters has been very poor. It is true that first class oysters were found in certain localities, but this was the exception rather than the rule, and our oysters generally were not only not fat, but were in fact quite poor. The Commission in such matters as this always endeavors to aid the fishermen and oyster cultivators in any way it can. In this instance application was made to the Bureau of Fish and Fisheries, Department of Commerce and Labor, of the United States, Washington, D. C., for

scientific assistance, and Dr. H. F. Moore was assigned to investigate and report on the subject. Dr. Moore visited Louisiana in the month of December, and expects to return in April, when during the next three years a careful, scientific study and investigation of the food conditions existing in our waters will be conducted. It is adverse food conditions which have resulted in the poor quality of our oysters. In this connection and at the suggestion of Dr. Moore experimental plantings of oysters were made by the Commission in the waters of Barataria Bay in Jefferson Parish. Barataria Bay used to be a great oyster producing center and under the skillful direction of Dr. Moore it is the hope of the Commission to bring it back into great oyster productiveness.

In this connection we also desire to direct the attention of your Excellency and the Legislature to the fact that in the lower portions of the Parish of Plaquemines the oyster crop in value exceeds all other products. We find in that locality, however, that although natural oyster conditions originally existed they have been in a way interfered with by the continuous extension of the levee system, particularly on the east or left bank of the Mississippi river. We do not mean by this to say that levees are not necessary there, because they are; but we do mean to say, that if at appropriate and suitable intervals on the east bank gaps could be permitted through which the fresh water might flow and mingle with the salt water of the Gulf more suitable oyster producing conditions would exist and the oysters would become much fatter. At present it is against the law to cut a public levee for any purpose but locks. If the law on this subject were so amended as to permit the construction of water ways of this character, with the consent of this commission, that of the Board of State Engineers, the Police Jury of the Parish, the local Levee Board, and that of the Secretary of War of the United States, we believe that such water ways would be constructed by private enterprise if adequately protected; and that their construction would result in an immense increase in the crop of fat oysters; and oyster beds now extinct, which were productive many years ago, before the levee system was extended into that section, would once more become productive.

SECOND BIENNIAL REPORT OF THE  
OBSERVANCE OF OYSTER LAW.

In concluding our report we are glad to say that there has been a notable absence of any disposition to violate the oyster law or the regulations of this Commission. The oyster fishermen and the canners and packers seem to appreciate the fact that the Commission to the best of its ability is endeavoring to serve their best interests, while properly serving the interests of the State.

All of which is respectfully submitted,

J. M. BREAUUX.

B. MICHELL.

H. H. HARVEY.

CLEMENT STORY.



REPORT  
OF SECRETARY.





## REPORT OF SECRETARY.

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*To the President and Members of the  
Oyster Commission of Louisiana:*

GENTLEMEN:—I beg, as Secretary of your Commission, to submit to you herewith my report concerning the financial operations of the Commission from February 1, 1904,\* to March 1, 1906, covering a period of twenty-five months.

At the time that our last report was published in May, 1904, there was a balance shown in the hands of the Auditor amounting to \$713.19. Our receipts since that date are given in a tabulated form, itemized both as to sources of revenue and the time received.

Inasmuch as there prevails under the oyster law a closed season during the months of May, June, July and August, our receipts during these months from every source, except bedding ground rentals, are generally quite small, and are made up in quantity during the other months of the year when the operations of the Commission are actively on. The bedding ground rentals, however, are generally paid in the months of September and October, as the leasing year begins October 1st.

This statement of revenues is shown as Statement No. 1.

As it is interesting to know from what portions of our Gulf Coast the largest amount of oysters are gathered and marketed, I present herewith a detailed statement by months and parishes of the sheriffs' returns of collections on the oyster privilege tax. These returns are based on 3 cents a barrel, and a detailed examination will prove interesting and instructive, as to the collection of taxes in a particular parish usually indicates the oyster production, although this is not in all instances absolutely correct, as the taxes are generally collected in those parishes where the oysters are marketed, rather than in those parishes where the oysters are produced, this being a simpler system of procedure.

It is from this data, compiled in this way, that we are able to determine the annual oyster crop of the State. This statement of the sheriffs' returns of this tax is shown as Statement No. 2.

Following the same plan of distribution of the expenses of the operation of the Commission as was inaugurated during the first two years of our administration, and shown in our first report, I present herewith a tabulated statement itemized as to months and kinds of all expenses of the Commission for the past 25 months, which statement is shown as Statement No. 3.

As the old oyster fund of eighty-nine hundred and fifty-eight and 71-100 (\$8958.71) dollars was transferred to the credit of this Commission under the provisions of Act 162 of 1904 for the purpose of the purchase of patrol boats, and as the same formed no part of the thirty-five thousand (\$35,000.00) dollars alimony allowed the Commission under Act 52 of 1904, a separate account was kept of these funds, and the disbursements thereunder are shown in the general report of the Commission, announcing a balance of twenty-three and 50-100 (\$23.50) dollars as remaining unexpended, these funds being now invested in the permanent equipment of the Commission.

In the operations of the Commission it follows as a matter of course that some vessels engaged in the oyster industry one year may not be engaged in the industry the following year, and, therefore, there are changes in a number of vessels employed as well as in a number of factories and shops operated.

For the years ending August 31, 1905, and August 31, 1906, one thousand three hundred and twenty-eight (1328) vessels were licensed for fishing and freighting oysters, these vessels aggregating a tonnage of eight thousand seven hundred and ninety-six (8796) tons.

Under the law those vessels buying oysters for re-sale are required as a police regulation to secure licenses permitting them so to do, and for the aforesaid two years thirty-one (31) separate vessels secured these re-sale licenses. Of these, seventeen (17) were issued during the year ending August 31, 1905, and twenty-six (26) during the year ending August 31, 1906.

While it is true that Act 52 of 1904 for the first time permitted the use of scrapers on vessels operating in Louisiana waters, there have been but a total of forty-one (41) vessels which have equipped themselves with these appliances during the last two

years. All these scraper licenses were issued to twenty-seven (27) vessels carrying two scrapers, and to one (1) vessel carrying one scraper during the year ending August 31, 1905, and to thirty-one (31) vessels carrying two scrapers, and two (2) vessels carrying one scraper for the year ending August 31, 1906. Most of these vessels operated either in the waters of Lake Borgne, Mississippi Sound, or Vermillion Bay, and very few of them operated in other parts of the State by reason of the shallow water there existing.

There has been one canning factory that was erected in Louisiana during the past year; namely, the E. C. Joutlian Canning Company, located at the Lake Borgne Canal or Violet P. O.

The Murphy Canning Company operated at Murphy, La., has not been in operation this year, and has, therefore, secured no license. The remaining factories at present operating with the number of steam boxes operated by each are as follows:

Crescent City Packing Co., Limited, Buras, La., one (1) steam box. G. W. Dunbar Sons, Dunbar, La., two (2) steam boxes. Louisiana Oyster Co., Limited, Rigolets, La., one (1) steam box. McIlhenny Canning & Mfg. Co., Avery's Island, La., two (2) steam boxes. Neptune Canning Co., Ltd., Ostrica, La., one (1) steam box. So that the number of factories operating this year remains the same as the number operating last year.

We beg herewith to submit the following summary of the finances of the Oyster Commission for the period in question showing a balance on hand March 1, 1906, amounting to six thousand five hundred and fifty-eight and 47-100 dollars (\$6,558.47) as follows:

### SUMMARY.

DR.

1904.

STATE AUDITOR.

February 1—Balance on Hand .....	\$ 713.19
Revenues—February 1, 1904—June 30, 1905 .....	47,960.65
	<hr/>
	\$48,673.84

## CR.

## DISBURSEMENTS.

February 1, 1904—June 30, 1905 .....	\$42,248.33
July 1.—Amount forwarded to State Treasurer for Current School and Good Road Funds .....	6,425.51
	<hr/> \$48,673.84

## REVENUES.

July 1, 1905—March 1, 1906 .....	\$31,175.02
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## DISBURSEMENTS.

July 1, 1905—March 1, 1906 .....	\$24,616.55
March 1—Balance on Hand .....	6,558.47
	<hr/> \$31,175.02

I beg, therefore, to report to the Commission that the financial operations are in a sound and healthy condition.

The area of oyster grounds leased is continually increasing, and as soon as these bedding grounds come into productiveness, we will have a large increase in our revenues from the three cents tax on these oysters thus produced. It is also to be noted that the revenues and the work are also being increased and enlarged from the greater scope of activity on the part of the Commission. This office is doing its best to discharge these increased duties as they appear, all of which is respectfully submitted.

W. M. JUNGBLUT,

*Secretary, Oyster Commission of Louisiana.*

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# Revenue March 1st, 1906.

	Three Cents Privilege License	Inspection of Protested Bed- ding Ground Expense	Sundries	TOTAL
1904				
February .....	\$1,4			\$1,977 20
March .....	1,7			2,832 57
April .....	1			485 58
May .....				469 50
June .....	1,8		* 50 00	1,943 43
July .....				253 14
Total.....	\$5,1			7,961 42
August .....				699 50
September .....	1,50 00			1,983 62
October .....	1,80 00			5,885 82
November .....	1,140 00			3,125 94
December .....	2,030 00			4,255 17
1905				
January .....	3,440 00		† 75 00	5,090 09
February .....	3,520 00	230 00		5,557 03
March .....	2,440 00			3,784 60
April .....	1,940 00	50 00	† 6 00	2,935 42
May .....	1,660 00	60 00		2,359 91
June .....	3,8			4,322 13
Total.....	\$25,350 00			\$47,960 65
July .....				257 03
August .....				764 28
September .....	60 00			10,802 95
October .....	200 00			7,636 79
November .....	2,900 00			2,607 05
December .....	2,840 00			4,407 43
1906				
January .....	850 00			2,047 47
February .....	2,0			2,651 92
Total.....	\$32,000 00	\$340 00	\$131 00	\$79,135 57

d.



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Dis to March 1st, 1906.

	Inspection of Protested Bed- ding Grounds Expense	Commissioners' Traveling Expense	Sundry Amounts Refunded	TOTAL
1904				
February .....				\$2,097 69
March .....				1,774 62
April .....				1,847 41
May .....				1,720 85
June .....				2,035 08
July .....				1,788 09
Total .....				\$11,263 74
August .....	10 63	120 00		2,393 79
September .....	120 05	64 50		2,691 25
October .....	182 60	120 80		2,728 89
November .....	174 05	129 30		2,754 57
December .....	8 60	33 00	* 18 00	2,660 67
1905				
January .....	8 70	10 00		3,739 63
February .....	230 00	16 05	* 44 00	3,550 25
March .....		6 35		2,540 16
April .....				3,097 19
May .....				2,431 84
June .....				2,396 35
Total .....	\$ 734 63	\$ 500 00	\$ 62 00	\$42,248 33
July .....	8 70	121 50		3,098 92
August .....				3,136 11
September .....				2,625 88
October .....		77 10	* 858 55	3,521 41
November .....		103 60		2,806 35
December .....		60 10		2,709 75
1906				
January .....		43 00	† 10 00	3,446 68
February .....		94 70		3,271 45
Total .....	\$743 33	\$1,000 00	\$930 55	\$66,864 88



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# Sheriffs' Returns to March 1, 1906.

2 Cents Tax	Orleans	Iberia	Total
1904			
February .....	\$233		\$1,401 20
March .....	188		1,708 57
April .....	75		123 09
May .....	30		30 50
June .....	30		1,804 92
July .....	35		35 64
Total.....	\$593		\$5,103 92
Barrels.....	29,6		255,196
3 Cts. Tax			
August .....			
September .....	80		114 12
October .....			168 32
November .....	446		1,127 94
December .....	345		2,006 07
1905			
January .....	407		3,452 79
February .....	287		3,504 73
March .....	268 21		2,440 40
April .....	269		1,924 92
May .....	172		1,614 91
June .....	70	768 30	3,854 93
Total.....	\$2,347 21	\$768 30	\$20,209 13
Barrels.....	78,207	25,610	673,638
July .....	\$ 18		\$ 57 93
August .....			21 98
September .....			22 65
October .....	133		279 39
November .....	228		597 30
December .....	383		2,837 03
1906			
January .....	183		802 67
February .....	170		2,089 27
Total.....	\$1,118		\$6,768 22
Barrels.....	37,2		223,607

