

HOUSE JOINT MEMORIAL NO. 4.

TO THE HONORABLE, THE CONGRESS OF THE UNITED STATES:

Your Memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents:

WHEREAS, practically the entire native population and a large percentage of the whole population of Southern Alaska are engaged in commercial fishing and have their entire capital invested in it; and

WHEREAS, the Bureau of Fisheries of the United States, under the provisions of the Acts of Congress approved June 26, 1906, and June 6, 1924, and acts amendatory thereto, are charged with the administration of the said laws and with the conservation of the Fisheries of Alaska and under the power given them have issued orders governing fishing that are sometimes ambiguous and technical; and

WHEREAS, the said acts provided penalties for breaches thereof or violations of any of the orders issued thereunder. These penalties permit fines of not more than \$5,000 or imprisonment of not more than 90 days, or both, upon conviction in the criminal court, and in addition, the seizure and forfeiture of boats, gear or appliances under the Admiralty law, where the trial is before the Judge alone. No provision is made for the release of these boats or paraphernalia on bonds or otherwise, pending the disposition of the case; and

WHEREAS, a practice has arisen whereby the agents of the said Bureau of Fisheries immediately seize the boats, gear or appliances as soon as a breach of the law is suspected and the accused is then notified by the said agents that if he, they or it, as the case may be, will agree to plead guilty to offense charged and pay a fine designated by the said agents, that the boats, etc., will be released upon the said plea of guilty being made to a charge that would be filed in the criminal court, and paying the fine agreed upon, otherwise the said boats, etc., would be held for disposition by the Admiralty Court; and

WHEREAS, this practice is unjust and unAmerican, since it deprives the accused, of the right guaranteed by the Constitution, to appear and answer, and the right to a speedy trial by jury on the charge presented, and compels the innocent to either accept the alternative of admitting a crime of which he was not guilty or paying the penalty for the said crime by losing the use of his

property for a period likely to cover the whole fishing season, thereby limiting his means of earning his living;

NOW, THEREFORE, Your Memorialist respectfully prays that Section 6 of the Act of Congress approved June 6, 1924, be amended to provide that no boats, gear or other appliances used in fishing shall be seized until the accused has been tried and convicted of the crime charged against him.

Passed by the House, March 30, 1933.

Passed by the Senate, April 4, 1933.

HOUSE JOINT MEMORIAL NO. 7.

TO THE HONORABLE, THE SECRETARY OF COMMERCE OF
THE UNITED STATES:

Your Memorialists, the Legislature of the Territory of Alaska, in eleventh regular session assembled, respectfully draw your attention to Department Circular, No. 286 Bureau of Fisheries, Alaska Fisheries Service, on page one,

"Game defined—The term 'game animals' shall include * * * sea lions and walrus."

On page 3

"Sea Lions. The killing of sea lions in the Territory of Alaska or in any of the waters of Alaska over which the United States has jurisdiction is prohibited from May 1, 1932, to April 30, 1934, both dates inclusive. This prohibition shall not apply to the killing of sea lions by natives for food or clothing, by miners or explorers when in need of food, by anyone in the necessary protection of property or while such animals are actually engaged in the devastation of runs of salmon, or to the collection of specimens for scientific purposes under permits issued by the Secretary of Commerce.

The penalties and forfeitures imposed by law will be strictly enforced against all persons who commit acts in violation thereof or of the regulations promulgated in accordance therewith."

NOW, WHEREAS, there are in the waters of Alaska a great number of these sea lions; and

WHEREAS, they are increasing rapidly under the protection of the Bureau of Fisheries; and