

SHELL FISH DEPARTMENT — JURISDICTION
OVER TIDE-WATERS.

Tallahassee, Fla., June 14, 1916.

*Honorable W. A. McKrae,
Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

I have your communication of June 10th, submitting the following inquiry:

“Section 14 of Chapter 6877, Acts of 1915, provides:

“The use of pound nets shall be unlawful in the waters of the State of Florida.

“Article I of the Constitution provides that the boundaries of the State shall be from the Tortugas Islands northeastwardly to a point three leagues from the land to a point west of the mouth of the Perdido River; thence to place of beginning.

“The question arises in my mind whether or not the State of Florida has a jurisdiction beyond that of the United States, which is one marine league from the mainland, instead of three marine leagues, as claimed by Florida. I would thank you to give me your opinion as to whether this department can exercise its jurisdiction over the salt waters beyond the jurisdiction claimed by the United States.

“Kindly give me your opinion for the guidance of the Shell Fish Department.”

In reply, I beg to advise that the matter of your inquiry appears to be covered in *McCready v. Virginia*, reported in 94 U. S. 391, text 394. The court said:

“The principle has long been settled in this court, that each State owns the beds of tide waters within its jurisdiction, unless they have been granted away. In like manner, the States own the tide waters themselves, and

the fish in them, so far as they are capable of ownership while running."

This view was also sustained in the Abby Dodge case, reported in 223 U. S. 166.

In view of the above, it would seem that the jurisdiction of your department would extend over all tide waters within the jurisdiction of this State.

Respectfully submitted,

T. F. WEST,
Attorney General.

COMMERCIAL FEEDING STUFFS — INSPECTION
STAMPS—RULE WHEN STAMPS DAMAGED.

Tallahassee, Fla., July 25, 1916.

*Hon. W. A. McRae, Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

I have examined the file of correspondence submitted by you to this office relative to the sale of Commercial Feeding Stuffs Inspection Stamps to J. Zimmern's Company at Mobile, Alabama.

It appears from this file and from the additional explanation made by you at the time the matter was submitted that by reason of the recent storms in this section this consignment of stamps became wet in transit, and by sticking and adhering to each other were rendered worthless to the consignor.

Under the provisions of Section 15 of Chapter 5452, Acts of 1905, you are, in my opinion, authorized to make a rule or regulation of the Department to the effect that Com-