"Counsel have not discussed the question whether the Bay of Islands is an American fishery, in fact, but seem to have assumed that it was, and have confined their arguments to the sufficiency of the proofs that the fish were actually caught in said bay. But this board, as we have uniformly held, is bound to take judicial notice of the true extent of the limits and jurisdiction of the United States, analogously to the general rule that 'all courts of justice are bound to take judicial notice of the territorial extent of the jurisdiction exercised by the government whose laws they administer, or of its recognition or denial of the sovereignty of a foreign power, as appearing from the public acts of the Legislature and executive, although these acts are not formally put in evidence, nor in accord with the pleadings.' Jones v. United States, 137, U. S., 202. 11 Sup. Ct., Rep. 34.

"Under the definitive treaty of peace which terminated the war of the revolution, and which was signed at Paris, Sept. 3, 1783, the people of the United States were granted the right to take fish 'on such part of the coast of Newfoundland as British fishermen shall use.' Disputes arising under this arrangement, the

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matter was again the subject of negotiations, and article one of the treaty of 1818 fixed the rights of the parties as follows:

"Whereas, differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry and cure fish * * * it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever in common with the subjects of his Britannic majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands, on the western and northern coast of Newfoundland from the said Cape Ray of the Quiroon islands, on the shores of the Magdalen islands, etc., etc. See Compilation of Treaties in Force, 1899, p. 220.

"The Newfoundland fisheries were further discussed in the treaties of 1854 and of 1871, but as neither of those conventions is in force at the present time, at least so far as the articles relating to the fisheries are concerned, the rights of the parties in the case at bar must be ascertained from the above article of the treaty of 1818. Bay of Islands, where the fish in controversy were caught, is shown by the map to be a large bay on the west coast of Newfoundland about 100 miles in an air line north of Cape Ray, which is the extreme southwestern corner of the island. Quirpon island is off the extreme northern point of Newfoundland, so that the Bay of Islands is clearly included within the terms of the treaty, allowing Americans to fish on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon islands.' The fact that the Whyland was fishing in the Bay of Islands under a license from the Canadian government is not material as affecting the question whether the fish are 'the product of an American fishery.' This point was expressly decided by the board in Post's case, G. A. 82 (T. D. 10,391), decided Oct. 30, 1890, from which decision the government took no appeal, stating that, in their judgment, it was a correct statement of the law (T. D. 10,362). It should be noticed, too, that that case arose under par. 570 of the tariff act of 1890, which reads as follows:

Fish, the product of American fisheries, and fresh or frozen fish (except salmon) caught in fresh waters by American vessels, or with nets or other devices owned by citizens of the United States.

"The language of par. 626 of the tariff act of 1897, on which the present importers base their claim is broader in its scope. Nothing is said about nets or other devices, but the privilege of free entry is accorded generally to 'all fish and other products of such (American) fisheries.' The United States circuit court for the southern district of New York has held per Lacombe, J., that where a corporation consisting of American citizens, fitted out a registered American vessel, with an American crew and engaged in the business of catching turtles in Central American waters, such turtles were entitled to free entry as the product of an American fishery. Downing v. U. S. 124 F. R. 107, affirming in re Downing, G. A. 3519 (T. D. 17,257).

"The fact that the crew of the Whyland caught the fish with the assistance 'of men,' boats and gear, hired for the purpose in the Bay of Islands, as shown by the evidence, is not material, in view of the very broad language of the statute. We do not think this conclusion is in conflict with the decision of Judge Coxe in Lake Ontario Fish Company v. U. S. (99 Fed. Rep. 551). Par. 626 was not pleaded in the protest that was there before the court, and the judge expressly refrained from placing a construction upon its language.

"We may add, in closing, that the conclusion at which we have arrived is in harmony with the practice of the treasury department for many years (T. D. 18,768, 21,889, 23,251, 3131, 7933, 10,588). We do not, however, wish to be understood as deciding that fish caught by foreigners, and afterward purchased by the master or crew of an American vessel, would be entitled to free entry as the product of an American fishery.

"The protest is sustained, and the decisions of the collector reversed, with instructions to reliquidate the entry."

Oct. 22.

DAILY TIMES FISH BUREAU.

To-day's Arrivals and Receipts.

Sch. Jennie B. Hodgdon, Newfoundland coast, 250,000 lbs. cod.
Sch. Margie Smith, 8000 lbs. pollock.
Sch. M. Madeliene, 14,000 lbs. pollock.
Sch. W. H. Moody, Rips.

Today's Market.

Board of trade prices: Large handline Georges cod, $4.50 per cwt. medium do., $3.75; large trawl Georges, $4.25; medium do., $3.50; handline cod from deck, caught east of Cape Sable, $4.25; medium do., $3.50; large trawl bank cod, $3.75; medium do., $3.25; large dory handline cod, $4.00; medium do., $3.50

Board of Trade splitting prices on fresh fish —All cod caught on Le Have Bank and to the westward, large $2.25; medium, $1.70; all cod caught to the eastward of Le Have Bank large, $2.25; medium, $1.70; snapper cod fish, 40 cts.; cusk, $1.60; snapper cusk, 40 cts haddock, $1.00; hake, $1.10.; pollock, 60 cts.

Outside sale of dory handline cod $4.40 and

Outside sales Georges cod $4.50 and $3.75 per cwt. for large and medium.

Outside sale fresh fish, large cod, $2.25; market cod, $1.75; cusk, $1.60; hake, $1.15.

Salt mackerel, $19.00 per barrel.

Flitched halibut 6 1-2 cts. per lb.

Outside sales bank cod, $3.87 1-2 and $4 per cwt. for large and $3.37 1-2 and $3.50 for mediums.

Fresh herring, $2.50 to $3 per bbl.

Boston.

Sch. E. C. Hussey, 500 haddock, 6500 cod, 3000 cusk, 500 pollock.

Sch. Thalia, 500 haddock, 8000 cod, 500 cusk, 500 pollock.

Sch. Flavilla, 1800 haddock, 1800 cod, 15,00 hake, 400 cusk, 2000 pollock.

Sch. Galatea, 15,000 pollock.

Sch. Joseph Warren, 15,000 pollock.

Sch. Valentina, 10,000 pollock.

Sch. Amelia Enos, 8000 haddock, 3500 cod, 500 hake.

Sch. Julia Costa, 11,000 haddock, 17,000 cod, $3.90 per cwt. for large and medium.

1000 pollock.

Sch. Mertis H. Perry, 5000 pollock.

Sch. Sadie M. Nunan, 500 haddock, 1000 cod, 1500 hake, 400 pollock.

Haddock, $5.50 to $6; large cod, $4 50 to $5; markets, $3 to $3.75; hake, $1.50; pollock, $1.75.

Fishing Fleet Movements.

Sch. Admiral Dewey sailed from Canso on Monday.

A FINE TRIP.

Sch. A. E. Whyland's Fare Brings Big Financial Returns.

Sch. A. E. Whyland, Capt. Charles C. Young weighs off 318,000 pounds of salt cod as the result of her recent bank trip, stocking almost $12,000, the crew making the fine share of $318.

Fine Bank Fare.

Sch. Jennie B. Hodgdon, Capt. Parkman G. Hodgdon, arrived last night, from the fishing grounds off Newfoundland with a fine fare 250,000 pounds of salt cod. This will net a big stock for Capt. Hodgdon.

BIG STOCK AND SHARES.

Sch. Independence Scores One of the Best on Record.

Her Salt Bank Trip Proves Regular Bonanza.

Sch. Independence, Capt. Joseph V. Cusick, weighed off 313,267 pounds of salt cod as the result of her recent salt bank trip, stocking $12,153.17, the sharesmen receiving $330.50 as their share of the fine voyage.

This is the biggest stock and share of the season in the salt bank fishery and one of the best on record in that branch of the fisheries. Capt. Cusick, who is a well known hustler, will lose no time, but will fit the schooner for a Newfoundland salt herring trip.

Oct. 23.

DAILY TIMES FISH BUREAU.

To-day's Arrivals and Receipts.

Sch. Arbitrator, via Boston, 10,000 lbs. fresh cod, 50,000 lbs. hake.

Sch. Madonna, via Boston, 18,000 lbs. salt cod.

Sch. Venus, 1000 lbs. pollock.

Sch. Jennie Gilbert, 5000 lbs. pollock.

Sch. Oceanus, 2000 lbs. pollock.

Sch. Sylph, 4000 lbs. pollock

Sch. Nickerson, 8000 lbs. pollock.

Sch. J. E. Garland, 5000 lbs. pollock,

Sch. Gladys and Sabra, 30,000 lbs. pollock.

Sch. Vesta, shore.

Sch. Lucy E., shore.

Sch. Thalia, shore.

Sch. Sheffeyld, shore.

Sch. Alcina, via Boston.

Sch. Oceanus, shore.

Sch. Tecumseh, shore.

Sch. Wm. H. Rider, Rips, 30,000 lbs. cod.

Sch. Bertha May, 6000 lbs. pollock.

Sch. Richard Lester, 4000 lbs. pollock.

Sch. Thomas Brundage, 8000 lbs. pollock.

Torchers, 80 bbls. fresh herring.