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SCH. CARRIE W. BABSON CASE.

Has Newfoundland License and Will Act Under It.

Bond Must Hold Vessel Up or Must Back Down.

From reading the St. John's, N. F., Herald, one would naturally suppose that all Newfoundland thought one way as regards the present difficulty between that island and this country on the interpretation of the treaty of 1818 and the present herring difficulty. When, however, one reads the columns of the St. John's Daily News, the illusion is quickly dispelled, and it is soon seen that there are two sides to the question even there.

The News champions the side of the fishermen and not the big merchants, and at quite an expense has sent one of its best men to Bay of Islands to size up the situation there and watch closely the turn of events, and it is evident, from reading the articles sent by this correspondent, that he knows wherof he speaks.

The following article is from the pen of the special representative of the St. John's News at Bay of Islands. It deals with a subject, which in the midst of the settlement of the main question has been lost sight of here and yet is of vital interest. It deals almost exclusively with the case of sch. Carrie W. Babson, which has a Newfoundland 1905 license, and will no doubt be read with interest at this time, as, barring nothing, the Newfoundland herring situation is, without exception, the matter of the greatest interest to Gloucester at the present time. The despatch is as follows:

"The fishing question here has entered a new phase. The engaging in these waters of a crew of Newfoundland fishermen with their boats and nets to fish on board the American schooner Carrie W. Babson of Gloucester is the first step by American vessels in the direction of a clash with Newfoundland Government upon whom it will force the necessity of asserting its authority and enforcing observance of the law. The Carrie W. Babson holds a license, issued by our government in January of this year, which grants her the privilege to enter our harbors for the purpose of "purchasing bait, ice, seines, lines and other supplies, etc., and for the shipping of crews."

"The owners of the Carrie W. Babson, after mature deliberation, have instructed her master to proceed to exercise the privilege granted in this license, of 'shipping crews.' They further claim that they have a right to use such crew or crews for whatever purpose they require them in connection with their fishing on the Treaty Coast, and that the Newfoundland government has no jurisdiction over them. The license permits them to ship crews, but does not specify for what purpose they are to be shipped, and as they are shipped on the treaty coast, where Americans have a right to fish, they deny the Newfoundland government the right to interfere with them in any manner. They therefore intend to use these men to catch herring for export. Such is the stand the Americans will take on this question as far as I can gather from them.

"The government at first refused the vessels holding such license the privilege of shipping crews, but backed down when a formal protest was lodged with His Excellency the Governor, and conceded the Americans the right they claimed under the license to "ship crews." But it is stated the government has instructed Inspector O'Rielly, now on board the Fiona, to confine the Carrie W. Babson to the quantity of herring allowed her as bait, which is eight barrels per day. Matters are thus brought to the point where the government, if they maintain their position, must prohibit his vessel from taking on board more than sixty-four barrels of herring. If they exceed this there is no alternative for the government but order the seizure of the vessel, or must back down. Which will it be?"

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"Before this is read the question will be answered. Certainly the government will not again back down and "swallow" their legal opinions, and admit that the "Yankee" is right, and that they are incapable of properly interpreting the laws of their own making. On the other hand, does the American master violate our laws by shipping a crew under a license which clearly authorizes him to do so, and then using that crew for the prosecution of the fishery in any manner he chooses in waters where he has an undeniable right to fish? The "Yankee" says he does not, and that he is fishing in conformity to the laws of our country wherein they are applicable to him. The government says he does violate the law. Both cannot be right. Which is wrong? The courts will, in all probability, be called on to answer. The result will be waited with interest.

"But this is only the beginning of the government's troubles. This week, or as soon as the American vessels now on their way from Gloucester reach the scene, the government will be up against another knotty problem. Men are now ready to leave here with boats and gear to engage on the high seas on American vessels that will then enter our ports and proceed to take herring in the same old way, with the same old men, and the same appliances as heretofore. The government are then face to face with the question, 'Shall we permit the men and boats thus engaged to fish in our waters for the Americans?' Should they answer in the affirmative, then the continuance of the act in force is a ridiculous farce; should they answer in the negative, under what color of right can they say 'thou shalt not?'"

"To the ordinary individual reading the Act there does not appear anything prohibiting the American vessels engaging and using such men and gear, nor to prevent our men from thus engaging. But no doubt the astute statesmen now guiding the destinies of our tight little isle will discover what is invisible to the eye of common mortals like the poor fishermen. Nor is that all. This Act will involve the government in such difficulties that they will have to call in a lawyer to help them out. The American captains in port, and on the way hence have received instructions to transfer their crews and boats from one vessel to another until all are finished, thus facilitating the loading, and obviating the necessity of engaging large crews for each vessel. Does the Act prohibit this? Can Newfoundland enact a law to prohibit it?"

"Verily Mr. Morine was right when he said the whole American fleet can sail through the Act as it now stands. Governments, like individuals, have some distinguishing feature. The distinguishing feature of the present government is the ease with which any old thing can be driven through their acts, the "Railway Amendment Act," for instance, through which the Reids rode their trains, and now the "Foreign Fishing Vessels Act" through which the "Yankees" are sailing their herring fleet. I would suggest the calling in of the "Law Giver of the Humber Arm," O'Rourke, to assist in drafting the next act to debar the Americans from getting herring here. There is yet another feature of this business which is of grave import to all, and which the government will ere long be called upon to deal with, and we trust will find themselves armed with the necessary power to deal with it in an effective manner, I mean the seizing of herring by American vessels.

Good Stock.

Sch. Senator, Capt. Forman Spinney, stocked \$1570 as the result of her recent haddock trip, the crew sharing \$41.39. Capt. Spinney has made a good start for the season.

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GOOD SEASON'S WORK.

Capt. Newman Wharton Ends Fine Salt Bank Season.

Sch. Talisman, Capt. Newman Wharton, stocked \$8150 as the result of her recent salt bank trip, the crew, all sharesmen, making the fine share of \$171.11 to a man. Capt. Wharton has made a fine season work, as he made two trips, making a stock of better than \$16,000 on his two trips, which is certainly a fine showing for any skipper, and especially for him, as this is only his second season as commander of a Grand Banker. He has shown much ability and judgment and his success is very gratifying to his large circle of friends. He will now take command of sch. Aloha on a frozen herring voyage to Newfoundland and next spring will take command of sch. Arkona, one of the finest vessels in the fleet, in the salt bank fishery.

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DAILY TIMES FISH BUREAU.

To-day's Arrivals and Receipts.

Sch. Essex, Banks, 100,000 lbs. salt cod.
Sch. Lottie Byrnes of Provincetown, Banks, dry lining, 160,000 lbs. salt cod.
Sch. Frank Munroe, pollocking.
Sch. Catherine D. Enos, pollocking.
Sch. Dixie, shore.
Sch. Valentiuna, pollocking.
Sch. Eva Avina, pollocking.
Sch. Canopus, 27,000 lbs. pollock.
Sch. Galatea, 30,000 lbs. pollock.
Sch. Ralph Russell, 30,000 lbs. pollock.
Sch. Ella G. King, Georges, 10,000 lbs. salt cod, 1200 lbs. halibut.
Sch. Francis P. Mosquito, shore, 20,000 lbs. fresh fish.
Sch. Collins Howes, Dix Island, Me., cured fish.
Sch. Walter P. Goulart, shore.
Sch. Olive F. Hutchins, shore, 15,000 lbs. fresh fish.
Sch. Valentiuna, 50,000 lbs. pollock.
Sch. Mattakeeett, pollocking.

Today's Fish Market.

These prices are based on the last known sales.

Salt handline Georges codfish, \$5.25 per cwt. for large, \$4.25 for medium.
Salt trawl Georges codfish, \$5 for large, \$4.00 for medium.
Salt Rips codfish, \$5 for large, \$4 for medium.
Salt hake, \$1.75
Salt pollock, \$1.50.
Salt haddock, \$1.75.
Salt cusk, \$2.50.
Fresh large codfish, \$2.50, medium do., \$1.75.
Fresh haddock, \$1.20.
Fresh hake, \$1.00.
Fresh cusk, \$1.75
Fresh pollock, 90 cents.
Large salt mackerel, \$30 per bbl.
Salt small mackerel, \$14 per bbl.

Flitched halibut, 6 cts. per lb.
Fresh bait herring, \$2.50 to \$3 per bbl.
Salt trawl bank codfish, \$4.50 for large, \$4.00 for medium, \$2.75 for snappers.
Fresh halibut, 12 1-2 cts. per lb. for white and 8 1-2 cts. for gray.
Large salt mackerel, \$24 per bbl.
Salt tinker mackerel, \$11 per bbl.

Boston.

Sch. Sachem, 5000 pollock.
Sch. Nokomis, 3000 haddock, 1000 cod, 5000 hake.
Sch. Stranger, 3000 haddock, 500 cod, 12,000 hake.
Sch. Bertha M. Bailey, 28,000 pollock.
Sch. Top, 1000 haddock, 600 cod, 900 hake.
Sch. Robert and Arthur, 10,000 haddock, 4000 cod, 5000 hake.
Haddock, \$3.50; large cod, \$4.75 to \$5; market cod, \$3; hake 90 cts. to \$1.50; pollock, \$1.30.

FROM BAY OF ISLANDS.

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Capt. Carl C. Young Returned Home Last Night.

NO TROUBLE OF ANY KIND.

Gloucester Fishermen Have No Difficulty in Taking Herring.

Capt. Carl C. Young of this port, who went to Bay of Islands, N. F., a few weeks ago to study conditions there and to look after the interest of his schooner, the Dauntless, which went there with a large crew from this port, the vessel being all fitted to catch her own fare, arrived home last night, having left the scene of operations last Wednesday.

Evidently nothing has escaped Cap. Young's notice, for he is a regular mine of information as to conditions there. When he left here, Secretary Root had just issued his now well known stand on the matter, and on his arrival, armed with several copies of the Daily Times of that time, he spread the news of the decision to all.

Captain Young said that since his arrival there had been no friction and no trouble of

any kind. Things were going along smoothly and the vessels were fishing without molestation. The Gloucester fisherman had shown that when it came to fishing for herring, as for everything else, they had no equals, for on the vessels which sailed from here with Gloucester crews and shipped more men, Newfoundlanders who came over from Bay of Islands, the men shipped here had brought on board more herring than had the Newfoundlanders themselves. So the stories that our fishermen would not be able to hold their own against the hunky lads at Bay of Islands was without foundation.

Capt. Young says that when he left for home 21 American vessels were at Bay of Islands for cargoes, and they had from 100 to 400 barrels each. There were very few Nova Scotia vessels there loading for the Halifax market barreling their herring.

The British man of war Latona was at Bay of Islands, being on hand, if necessity required it, to see that the Americans were not interfered with in their treaty rights. Lying near her was the now famous Newfoundland cutter Fiona with steam up all the time. To the eastward of the Latona was the United States Fish Commission sch. Grampus, with Special Commissioner A. R. Alexander on board and astern of the Latona was lying sch. Carrie W. Babson, with the American flag flying over the stern. There had been a slight snow, about an inch on the high hills, but the weather during the whole fall had been the best imaginable.

Herring are scarce at present, but Capt. Young considers the prospect bright, and has no doubt but what our vessels will be able to bring all the herring our market will need. Capt. Young believes that it can be arranged so that one full cargo of salt herring can leave there for this port every day. On Monday last considerable were taken, but on Tuesday very few were caught and also on Wednesday. There had been no trouble and the vessels were fishing as if nothing had ever happened.

Capt. Young speaks in the highest terms of the diligence and diplomacy of Mr. A. B. Alexander, the special commissioner, on the United States Sch. Grampus and says that the Gloucester firms and fishermen owe him a big debt of gratitude for his good offices and quiet, masterly method of handling matters which have come to his care. He has worked in a discreet manner and has been watchful of every point and incident.

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IN MIDDLE ARM.

All the American Herring Vessels Are Now.

Heavy Northeast Storm Encountered There Recently.

A letter to the TIMES from Bay of Islands, N. F., states that all the vessels of the American herring fleet are now at the Middle Arm and nearly all the Canadian vessels are in the Humber. Herring are not plentiful and the vessels are taking from 10 to 30 barrels of herring a day.

The fishermen claim that the weather has been too pleasant for the herring to strike in. A few days ago, however, a very heavy northeast storm was encountered and good catches are now expected. The storm started in the forenoon with a blinding fall of snow and the wind gradually increased until it reached the severity of a gale.

The British cruiser Latona is at Birchy Cove watching the moves.

Mr. James B. Connolly, the well-known writer, who has been there studying the situation, has left for home.

Mackerel Off Inverness.

An Inverness, C. B., dispatch of this week says that whenever the weather is favorable, the fishermen along the North Shore have been making good catches of large mackerel. At Eastern harbor the boatmen have been taking the mackerel on hook and line, four men going in a boat and their average catch being 300 to 500 to a boat. One of the boats took 936 in one day. The fish are being taken six miles off shore.

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LUNENBURG SCHOONER.

Coming from Bay of Islands with Full Salt Herring Cargo.

The Lunenburg, N. S., sch. Marjner sailed from Bay of Islands, N. F., last Friday, for this port, with a full cargo of salt herring. The craft is in command of Capt. John J. Carroll of this city, and is chartered by Slade Gorton & Co. of this city, to whom her cargo of salt herring will go.

Maiden Trip.

The new Boston sch. James W. Parker, Capt. Joseph Cass, of this port, arrived yesterday from Cashes from her maiden trip, with a fine fare, 120,000 pounds of fresh fish. Capt. Cass has made a good start in his new command.

AT LOUISBURG, C. B.

Sch. Dora A. Lawson Bound Home with Full Load of Salt Herring.

Sch. Dora A. Lawson, of this port, Capt. Murray, bound home from Bay of Islands, N. F., with a full line of salt herring, was at Louisburg, C. B., yesterday, and after purchasing supplies, proceeded on her voyage. Capt. Murray reported that herring were scarce when he left but he thought all the American vessels would secure cargoes.

Nova Scotia Vessels to Bring Salt Herring.

Two of the fleet of W. C. Smith of Lunenburg, N. S., are at Bay of Islands, N. S., for cargoes of salt herring which will be brought to the United States. Fall and winter fishing is becoming quite popular with the Lunenburg fishermen and this year many of the fleet there will continue fishing the year round.

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To-day's Arrivals and Receipts.

- Sch. James W. Parker, Cashes, 120,000 lbs. fresh fish.
- Sch. Judique, Banks, 65,000 lbs. salt cod.
- Sch. Monitor, Cape Shore, 28 bbls. salt mackerel.
- Sch. Victor, Cape Shore, 17 bbls. salt mackerel.
- Sch. Dictator, Cashes, 35,000 lbs. fresh fish.
- Sch. Selma, Georges, 20,000 lbs. fresh fish.
- Sch. Mary T. Fallon, South Channel, 25,000 lbs. fresh fish.
- Sch. Mary Brewer, Swan's Island, Me., 1500 qts. cured fish.
- Sch. James A. Garfield, pollocking.
- Sch. Margie Smith, pollocking.
- Sch. Lafayette, pollocking.
- Sch. Blanche F. Irving, 11,000 lbs. pollock.
- Sch. Gladys and Sabra, 30,000 lbs. pollock.
- Sch. Mettaomet, pollocking.
- Sch. Lafayette, 25,000 lbs. pollock.
- Sch. Norman Fisher, 20,000 lbs. pollock.
- Sch. Hattie F. Knowlton, shore.
- Sch. Elmer E. Gray, Cashes, 20,000 lbs. fresh fish.
- Sch. Belbina P. Domingoes, shore, 10,000 lbs. fresh fish.
- Sch. Ida S. Brooks, shore, 10,000 lbs. fresh fish.
- Sch. Mary Edith, shore.
- Sch. Eddie A. Minot, pollocking.
- Sch. Emerald, pollocking.
- Sch. Appon attox, pollocking.
- Sch. Mary E. Silveira, shore.
- Sch. Mildred Robinson, shore.
- Sch. Viola, pollocking.
- Sch. Manomet, shore.

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- Salt trawl Georges codfish, \$5 for large, \$4.00 for medium.
- Salt Rips codfish, \$5 for large, \$4 for medium.
- Salt hake, \$1.75

- Salt pollock, \$1.50.
- Salt haddock, \$1.75.
- Salt cusk, \$2.50.
- Fresh large codfish, \$2.50, medium do., \$1.75.
- Fresh haddock, \$1.20.
- Fresh hake, \$1.0.
- Fresh cusk, \$1.75.
- Fresh pollock, 70 cents.
- Large salt mackerel, \$30 per bbl.
- Salt small mackerel, \$14 per bbl.
- Flitted halibut, 6 cts. per lb.
- Fresh bait herring, \$2.50 to \$3 per bbl.
- Salt trawl bank codfish, \$4.50 for large, \$4.00 for medium, \$2.75 for snappers.
- Fresh halibut, 12 1-2 cts. per lb. for white and 8 1-2 cts. for gray.
- Large salt mackerel, \$24 per bbl.
- Salt tinker mackerel, \$11 per bbl.

Boston.

- Sch. John M. Keen, 5500 haddock, 1000 cod, 4000 hake.
- Sch. Ella F. Gleason.
- Sch. Shepherd King, 4000 haddock, 1500 cod, 12,000 hake, 6000 cusk.
- Sch. Grace W. Hone, 400 haddock, 100 cod, 2500 pollock.
- Sch. E. C. Hussey, 12,000 haddock, 25,000 cod.
- Sch. Onato, 25,000 haddock, 7000 cod, 10,000 hake.
- Sch. Two Sisters, 6000 pollock.
- Sch. Maryland, 20,000 haddock, 5000 cod.
- Sch. Marshal L. Adams, 8000 haddock, 6000 cod, 12,000 hake, 5000 cusk.
- Sch. Ellen C. Burke, 15,000 haddock, 4000 cod, 12,000 hake.
- Sch. Carrie F. Roberts, 3000 haddock, 500 cod.
- Sch. Flora J. Sears, 5000 haddock, 2000 cod, 15,000 hake.