

COUNSEL ELDER DISCUSSED MORE QUESTIONS AT HAGUE.

Shows Absurdity of Some of the British Propositions.

Capt. Anstruther Pays Tribute to American Fishermen.

(From our Special Correspondent.)

After completing his argument on question two, Counsel Samuel J. Elder took up questions three and four, relative to the imposition of entry fees and light and harbor dues upon United States fishermen without the consent of the United States when seeking harbor for the purposes named in article one of the treaty of 1818.

He claimed that although a vessel might not visit the same port twice, under the Canadian customs service she could be seized at some other port, as therefore the vessel must pay or it cannot exercise its treaty privileges. The question is, can the liberty on the treaty coast or the privileges on the non-treaty coast be made dependent upon the payment of these various charges?

Speaking on the words report and enter, Mr. Elder claimed they were not synonymous, but that if a vessel became a trading vessel or was registered with a right to trade as well as fish, she became liable to formal entry, but if she was simply a fishing vessel, she should not be called upon to do anything except simply report.

As an illustration of the difficulties of the American fishermen to enter or clear, Mr. Elder instanced the case of Capt. Edward Cosgrove of sch. Columbia, owned by John Pew & Son, of this port, who sailed from Bay of Islands, November 4, 1904, as soon as his vessel was loaded, expecting to find a cutter at the mouth of the bay and procure a clearance, but was unable to do so on account of a snow storm, and who on his arrival at Bay of Islands in another vessel later in the month was summoned before a magistrate and fined \$200.

Calling attention to the fact that the Arms are liable to be frozen over quite early in the season and if a vessel gets frozen in it means the loss of the entire season's work, and considering this question of clearance and its burdensomeness becomes apparent.

Capt. Anstruther's Tribute to the American Fishermen.

Mr. Elder also quoted from the report of Capt. Anstruther to the secretary of the admiralty, referring to American fishermen in these words:

"It is a marvel how the men do the work at all in the sort of weather one gets on the west coast of Newfoundland in the winter; blow high and blow low, it makes no difference to them, in hail, sleet, frost or snow, they fish steadily on as if they were not made of flesh and blood. Ice does not daunt them, if they cannot break it up they make holes in it and shove their nets down through and fish that way. Truly they are hardy folk and deserve every cent they get. I have seen fishing in Iceland, fishing in the North Sea and in many other parts of the world, but if I had a grudge against a man I should send him to sea for herring in the Bay of Island about Handseil-Monday."

While Newfoundland or Canada is entitled to know when a vessel comes there to exercise the privilege that she is entitled to do so, it can be done in two ways, by requiring the vessel to report at the customs house or the cutter can go out to where the vessel is fishing. But it is oftentimes a burdensome thing to a vessel to have to go up into a harbor, as with the wind ahead she may be a day in getting there, and with the variability of the winds up there the wind may be ahead when she comes back to the fishing grounds and much valuable time may be lost.

Practical Working of Power Results in Hardship.

It is conceded in the British argument that the power ought to be reasonably exercised, ought not to be vexatiously insisted upon, and that the matter of its being physically impossible for the vessel to report is one of those conditions. The question whether there is any custom house within reach is another.

Mr. Elder instanced the case of sch. Everett Steele to show how any hard and fast regulation in regard to fishing vessels would bear. The vessel put in in heavy weather for shelter, and of course prepared to go to sea the instant the storm cleared, but was met by a cutter and was required to go up the harbor to the custom house and report. In the course of the conversation he was asked whether he had ever been in any port without reporting and he told them honestly enough that he had put into some place for shelter and made away early in the morning. And so they held his vessel. The vessel was released within two or three days, after her bait had spoiled, so that her catch was for that particular trip ruined.

Right to Fish in Bays and Harbors on Newfoundland Treaty Coasts.

Taking up question five, as to the rights of American fishermen to fish in the bays, harbors and creeks on the treaty coasts of Newfoundland, Mr. Elder said that the British contention was that under the first clause of the treaty which granted the liberty of fishing, no right of access to the bays was included. In other words, they say the United States only got the right to a strip of water three miles wide, and that on the outside was the open sea where any body could fish and on the inside were the bays where we could not fish and the coast.

After a lengthy dissertation as to the meaning of the terms coast and coasts as understood by the negotiators of the treaty of 1818, Mr. Elder said that if these bays, harbors and creeks are not covered by the treaty, they were not covered anywhere by that treaty. The bays renounced were not within the treaty coast limits, so the United States did not renounce them, and according to Sir Robert Bond the United States did not get them, and therefore these bays were left out by these able negotiators and never were provided for at all. If his contention is true, the negotiators were guilty of a solemn farce and in attempting to dispose of this whole controversy they left out a most important part.

Under Sir Robert's contention the United States fishermen have no right of shelter, repairs, wood or water in the bays of the treaty coast, but in case of a storm must go a long distance to get on the non-treaty coast to get shelter, while if they are short of wood or water or need to make repairs, they cannot do it, because the right of entry for those purposes was only on the non-treaty coasts. This was admitted by Sir James Winter in reply to a question by the president of the tribunal.

And while the fishermen can go into the harbors to cure and dry fish, they cannot fish in these very harbors where they have rights on the shores. The absurdity of such a proposition is apparent.

FISH RECEIPTS LESSENER.

But Fish Prices at T Wharf Rule Low Today.

Fish receipts at Boston today show a falling off from those of the three first days of this week, there being but 14 vessels at that port and some of them have good trips.

Steamer Spray, only out three days, is in again with a big fare of haddock.

Prices show no change, which is somewhat weak, but nothing more than expected at this season.

The next two days will see a further decline in fish receipts for a greater portion of the market fleet have been in and sailed again, not to return before next week. Then many of the vessels are fishing off shore and usually make longer trips, so it may be that Boston will not see such a glut of fish again for some time.

The shore boats are now finding better fishing than earlier in the season, as can be seen by the trips they are bringing in.

The fares and prices in detail are:

Boston Arrivals.

Sch. Marion Turner, 74 swordfish.
Sch. Mabelle E. Leavitt, 2000 cod, 6000 pollock.
Sch. Seaconnet, 2500 haddock, 3000 cod, 10,000 hake.
Sch. Warren M. Goodspeed, 35,000 haddock, 3000 cod, 15,000 hake.
Sch. Manomet, 7000 haddock, 18,000 cod.
Sch. Viking, 15,000 cod.
Sch. Albert H. Kilham, 20,000 cod.
Steamer Spray, 48,000 haddock, 1000 cod.
Sch. Frances P. Mesquita, 35,000 haddock, 43,000 cod.
Sch. William A. Morse, 15,000 haddock, 15,000 cod, 8000 hake.
Sch. Gertrude, 14,000 haddock, 23,000 cod.
Sch. Boyd and Leeds, 16,000 cod.
Sch. Victor and Ethan, 3,000 haddock, 5000 cod.
Sch. Annie Perry, 8000 haddock, 14,000 cod.
Haddock, \$1.25 to \$1.40, per cwt.; large cod, \$2.50 to \$3; market cod, \$1.75 to \$2; hake, \$1.10 to \$1.50; pollock, \$1.25 to \$1.50; swordfish, 12 cts. per lb.

August 26.

OYSTERS GROWN ON TREES.

Also, Fish Eat Out of One's Hand in Porto Rico, Says Report.

Oysters grow on trees in Porto Rico and fish that have never had the honor of mention on expensive restaurant menus swim unsuspectingly in the waters of Porto Rico; fish of hitherto unknown varieties will eat out of the angler's hand in Porto Rico; fish of every kind and description are waiting to be caught in Porto Rico.

All the foregoing is described in a report to the bureau of insular affairs from San Juan.

As for oysters, Capt. John H. Kerr of Baltimore, who is in Porto Rico looking over the fishing field, is authority for the declaration that they grow on trees, and the report to the bureau of insular affairs says:

"Oysters of good flavor are quite plentiful on the south side of the island; they are usually attached to the roots and lower branches of the mangrove trees at the shore."

August 26.

Codfish Sales.

The fare of salt cod of sch. Richard and fare of fresh fish of sch. Francis P. Mesquita was sold to the Gorton-Pew Fisheries Company.

The dory handline fare of sch. Hattie A. Heckman was sold to Frank F. Smith & Co.

Salt Bark Sailed.

The Italian bark Mary G., having discharged her cargo of salt which was consigned to Fred. Bradley, was towed to Boston this forenoon, where she will load lumber for Buenos Ayres.

August 26,

ROCKPORT NEWS.

More Swordfish Landed.

Sloop Minnie, Capt. Flanders landed a swordfish yesterday weighing 329 pounds and the Minerva two weighing about 200 pounds each.

August 26.

VESSELS HAVE FAIR TRIPS.**But Two Arrivals This Morning Made Long Voyages.**

Receipts of fish at this port continue light for this season, as it is now when dealers look for large returns by incoming vessels. The arrivals today are confined to three vessels, two of which have salt fish direct from the Banks and one via Boston with fresh mixed fish.

Of the arrivals sch. Hattie A. Heckman is from dory handling with 150,000 pounds of salt cod and sch. Richard from a shacking trip has 100,000 pounds of salted fish, both vessels have been out a long time, one since April and the other since early June so that their fares must be considered very light for the time they have been absent from home.

The arrival receipts in detail are as follows:

Today's Arrivals and Receipts.

Sch. Hattie A. Heckman, St. Peter's Bank, 150,000 lbs., salt cod.
Sch. Richard, Quero Bank, 100,000 lbs. salt cod.
Sch. Francis P. Mesquita, via Boston, 40,000 lbs. fresh mixed fish.
Sch. Manomet, Via Boston.

Vessels Sailed.

Sch. Waldo L. Streams, halibuting.
Sch. Kineo, halibuting.
Sch. Ida S. Brooks, haddocking.
Sch. Buema, haddocking.
Sch. Harriet, haddocking.
Sch. Maud S. Silva, haddocking.
Sch. Mary E. Cooney, haddocking.
Sch. Flora J. Sears, haddocking.
Sch. Marsala, Georges.
Sch. John Hays Hammond, shackling.
Sch. Actor, shore.
Sch. Mattie D. Brundage, drifting.

Today's Fish Market.

Handline Georges cod, large, \$4 per cwt.; medium, \$3.50.
Trawl Georges cod, large, \$3.75 per cwt.; medium, \$3.25.
Trawl bank cod, large, \$3.35 per cwt.; medium, \$3.
Drift Georges cod, large, \$3.75 per cwt.; medium, \$3.50.
Outside sales of Bank cod, \$3.75 for large and \$3.50 for medium.
Salt cusk, large, \$2.50 per cwt.; medium, \$2.
Salt haddock, \$1.25 per cwt.
Salt hake, \$1.25 per cwt.
Salt pollock, \$1.25 per cwt.
Dory handline cod, large, \$3.75 per cwt.; medium, \$3.50.
Splitting prices for fresh fish:
Western cod, large, \$2.25 per cwt.; medium, \$1.75.
Eastern cod, large, \$1.90 per cwt.; medium, \$1.55; snappers, 60 cts.
Western Bank cod, large, \$2.12 1-2 per cwt.; medium, \$1.65.
Cusk, large, \$1.60 per cwt.; medium, \$1.20; snappers, 50 cts.
Haddock, \$1.10 per cwt.; hake, \$1.10 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.

Fishing Fleet Movements.

Sch. Mooween sailed from Canso, N. S., on Tuesday.
Schs. Arkona, Mary Edith and Cynthia arrived at Liverpool on Tuesday and cleared for the fishing grounds.

August 26.

Fisherman Sent Home.

Killam Lyle, one of the crew of sch. Titania, arrived home via way of Sydney, C. B., yesterday where he was landed. He reports the Titania as having over 100,000 pounds of salt cod when he left her, and prospects good for securing a full trip. Fish were just beginning to strike on the ground and there was squid enough to supply the dory.

August 26.

FISH RECEIPTS AT BOSTON.**Few Vessels Arrived and Prices Run Low.**

As expected, receipts of fresh fish at Boston today are very light, as the arrivals are small and confined to the shore fishermen, who have small fares.

Prices however, are low, for the heavy receipts during the week have sent quotations downward and they will not advance again before next week.

The prospect is for a firm market with advent of September, as the trips are likely to be smaller and receipts from then on will not more than supply immediate demand. This has been the situation for years past and they are not likely to change this. It is doubtful if such a fleet, as has been seen the last few days will be in evidence again for some time.

The fares and prices in detail are:

Boston Arrivals.

Sch. Valentinna, 34 swordfish.
Sch. Stranger, 26 swordfish.
Sch. Josephine DeCosta, 8000 haddock, 15,000 cod, 10,000 pollock.
Haddock, \$1.50 to \$1.60 per cwt.; codfish, \$2.50 light through; pollock, \$1.60; swordfish, 12c per lb.

Sch. Victor and Ethan Won.

Capt Herbert Nickerson and the crew of sch. Victor and Ethan, which arrived at Boston yesterday, are boasting this morning over their success in a triangular race on their way in. On Tuesday they had a brush with schs. Regina and Benjamin F. Phillips, all three coming in from Georges. The knockabout outfooted the bowsprit vessels easily, leaving them several miles behind.

August 26.

NOTHING DOING IN MACKEREL.**Weather Too Blowy For Seiners if Fish Show Up.**

No reports were received today from the few seiners now operating on this shore, and doubtless the strong south wind of yesterday prevented them from fishing, providing the mackerel made their appearance at the surface.

Today the weather is not what the seiners desire for a strong southwest wind is blowing and will make it uncomfortable to fish on the shoal water off Chatham and Nantucket ground.

Schs. Indian and Victor and steamer Bessie M. Dugan are still in port, and Capt McFarland of the Victor is undecided whether he will go to the North Bay or on this shore again. He thinks the chances are good to secure a trip in the bay.

The Canadian Fish Bureau of a recent date report some mackerel being taken at various places from Liverpool to Halifax, while at Alberton, P. E. I., and Magdalenes, the shore fishermen have been doing well. It would not be surprising if some of the seiners down there were heard from most any day as having taken fish.

The big price paid by the Consumers Fish Company for sch. Victor's trip still continues to be discussed in fishing circles and all are wondering what a like trip would bring, should one arrive next week.

THE HALIBUT BUSINESS.

Correspondent Asks Some Questions Regarding Weighing Fish.

To the Editor of the Times:—In answer to an article in your issue of the Times of August 24, I would like to inquire of the writer what he knows about the business as to the buying of halibut, heads off or heads on. What difference does it make to the purchaser whether he buys for 8 cents heads off, or 7 cents heads on, for the dealers certainly buy at prices allowing for the loss of heads, as the heads are not salable with the fish and have to be cut off after weighing, and the 14 per cent. is only the allowance made for the loss on the heads.

Regarding the matter of giving the Maine port the preference, how is this when all the cry has been "encourage home industry?" This looks thin to the writer, but you will certainly find in all business some cranks that are open to say one thing and practice another.

The cry has been for a long time to boom Gloucester. If this is the way to boom it, it certainly looks thin to me. Again, regarding the sale of halibut of late in Portland, the prices paid have been from one-half to one cent less than any sold in Gloucester.

Under the circumstances, will you kindly inform me how they do better outside of Gloucester; and another matter I would like to call to the attention of the owners of the vessels that bring in either fresh or salt fish is, why they continue to weigh the same on the beam scale when the cry some few months ago from them was that the halibut companies should weigh on the platform scale (which they adopted). If the beam scale was not right to weigh halibut upon, why is it right to weigh salt fish upon it, which at the present time is done by all the firms outside of the halibut companies, who are weighing on the platform scales.

If it was wrong for fresh halibut to be weighed on beam scales it certainly was and is now for the salt fish. What is right for one to do certainly ought to be for the others.

FAIR PLAY.

August 26

WHY LOBSTERS ARE SCARCE.

High Price Blamed on Gastronomics of Summer Visitors.

George M. Bowers, head of the bureau of fisheries of the department of commerce and labor, returned on the Philadelphia to give an expert opinion as to the present high prices of lobsters. According to Mr. Bowers, it really is due to the gastronomic ability of the summer visitors on the Maine coast.

"There are tens of thousands of men and woman in Massachusetts and about the Maine coast just now, all with keen lobster appetites," said Mr. Bowers impressively. "They will not be there next month, and then lobsters will decrease in price. The enormous number of lobsters planted along the Maine coast, too, will aid in lowering the cost of this edible."

August 26.

DISAPPEARANCE OF THE MACKEREL.

C. A. Dyer Blames Southern Fleet and Advocates Close Season.

To the Editor of the Times.—I have been reading with much interest the different reasons given by different parties for the big failure of the mackerel fisheries on the coasts of Maine and Massachusetts, and the latest and principal claim is the use of a purse seine which came into use about 40 years since. The old way of catching mackerel at the commencement of the industry was carried on with vessels under sail, the crews standing along the rail of the vessels, using poles, with hooks and lines, called "trailing for mackerel." Later the catching of mackerel with lines, hooks and jigs, and the use of bait to toll the mackerel alongside of the vessel came in use. The method was discovered and first used by Capt. Pote of Freeport, Maine, and was a very great improvement over the old way. The vessels were brought up into the wind, hove to and allowed to drift sideways; a bait mill was used to grind fine porgie, slivers and salt clams, and the bait was thrown forward and aft along the side of a vessel. The crew stood along the rail with two or three lines each. This method was a great success and became a very large and profitable business until 1837, when the first great failure of the mackerel fisheries came.

Previous to this year and up to this time, my father, under the firm of Whitehouse & Dyer, was extensively engaged in the business in Portland, and all the mackerel received that year were caught with hooks and lines and bait, and consisted of small tinker mackerel, caught among the islands of Casco bay. The firm also fitted out vessels and sent them to the Bay Chaleure, or Bay of St. Lawrence, on the Nova Scotia and Prince Edward Island coasts, and the highest fare for a three months' cruise was one-half barrel, which was given to the cook, and the business at that time was a failure, and continued so for some years. It was claimed that the use of line and hooks, and jigs and bait, instead of using the old way, was the cause of this failure of the business in 1837, the same cause that brought the failure of the mackerel fisheries in 1886 and up to the present time, brought the failure of 1837.

Catching of Small Mackerel Depleted Fishery in 1837.

It was the sending of a very large fleet of vessels to southern waters, previous to and during the spawning season, and catching thousands of barrels of mackerel, full of spawn and milt, which destroyed the foundation of the business. Previous to, and up to 1837, there was a very large demand all through the Southern states for poor, No. 3 salt mackerel, for the reason that in a hot climate they will keep much better than fat mackerel, and the conditions of mackerel when in spawn and milt are very poor. In order to supply the demand the vessels were sent in the spring south to catch mackerel instead of being sent to the banks codfishing, and a very large fleet caught the fish when full of spawn and milt, until the failure came in 1837, and the vessels after the failure were again sent to the banks codfishing.

After a while the mackerel began to make their appearance again and the industry was again started, with the use of lines, hooks and bait. The Maine and Massachusetts vessels were not sent to the banks until after July 1, when most of them were fitted for the mackerel fisheries, using hook, line and bait, and the business became very profitable, until they began, in a small way, to send vessels into southern waters to catch up the mackerel previous to and during the spawning season and again destroying the foundation of a very large and profitable business.

The business carried on at this time was for the purpose of running mackerel fresh in ice to the Fulton market, New York. They commenced in a small way, sending a few medium-sized vessels, called "market boats." They carried ice and fished with hooks, lines and bait, and the business was very profitable, so that the number of vessels increased rapidly. The

method of catching mackerel with purse seines were introduced, and a large number of new and expensive vessels were built and added to the fleet, and a large portion of the Maine and Massachusetts vessels, with seines and boats were added to the business.

Similar Tactics Caused Mackerel Slump of 1886.

Thousands of barrels of mackerel, full of spawn and milt, were caught and, as the vessels were fitted with ice, without salt and barrels, thousands of barrels were caught, carried to New York, and what could not be sold were carried out and dumped. More were caught, hoping for a better market next time. In the spring of 1885, the last good mackerel year previous to the big failure of 1886, more than 100,000 barrels of fresh mackerel were caught, carried into New York fresh, and carried out and dumped, and there were thousands of barrels sold at very low figures. That year one of my vessels, the James Dyer, caught 5000 barrels of mackerel; more than half of them were wasted, and the business of the vessel at the end of the season showed but very little profit. The year 1885 I packed, inspected and sold 25,500 barrels of salt mackerel. There were packed in the city of Portland that year 140,000 barrels of mackerel. Last year there was not a barrel of salt mackerel packed in Portland.

My experience in the business for the last 40 years, with the information got previous to 1837, shows me that it is not the purse seine, it is not the dogfish or shark, that has ruined the once large and prosperous mackerel fishery; a business employing thousands of men, and bringing into the states of Maine and Massachusetts thousands of dollars; producing thousands of barrels of the best food fish that come out of the water, and they were shipped to every state in the Union. It was, in both instances, the sending of a very large fleet of vessels into southern waters to catch up the mackerel full of spawn and milt, first with hook and line and bait; second, the purse seine, and last, the gillnet. If the Gloucester firms and owners of the vessels would make up their minds to protect these fish previous to and during the spawning season, what mackerel they might catch after the spawning season is over, with the purse seines and nets, would cut a very small figure in making a scarcity of mackerel. As long as Maine and Massachusetts kept their vessels codfishing until July 1, there was no failure of mackerel, and, in my opinion, if the business had been continued in the same way up to the present time, there would now be a large fleet of vessels seining mackerel and making a profitable business of same for all interested.

Close Season to July 1 of Each Year Advocated.

I was one of three firms some years since that came to Boston and Gloucester to advocate a close time on mackerel until July 1 of each year, and succeeded with the help of Gloucester and Boston, in obtaining a close time until June 1, for five years, and the effect of same was that small mackerel again struck the Maine and Massachusetts coast, and with a small fleet we had some years of good fishing on our shores and in the Bay of Fundy; but as there were interests that saw lots of money in catching mackerel and running them fresh into New York, the time could not be renewed. The business now for fitting vessels for fishing for mackerel during the spawning season has become as unprofitable as the business itself at the present time, and the chances for fitting the vessels for a profit in the future is exceedingly small. There is still a chance to fit cheap vessels for netting mackerel south at a profit; but the gill net is the worst of all, and if allowed to go on will finish up what the seiners have left in a year or two, and if the use of cod and haddock nets are allowed during the spawning season and the use of same increases, the inshore cod and haddock fisheries will be put just where the inshore mackerel fisheries are today. It lays

with the business firms and owners of vessels at Gloucester to regulate this business for the benefit of themselves and the crews of the vessels. Give us natural hatcheries instead of artificial. The latter I think is a waste of time and money.

C. A. DYER.

August 26.

DOG FISH CHANGED TO FERTILIZER.

Would Largely Increase Annual Yield of Cereal Crop.

Charles E. Davis of Orr's Island, Me., who has interested himself to a considerable extent in an effort to secure some national legislation against the dogfish, makes the recent death of Congressman Tirrell of Natick the occasion for the following communication:

"The recent death of Congressman Charles Q. Tirrell of Massachusetts, who introduced the national dogfish bounty bill for protecting the national sea food supply from being longer devoured by millions of sea carrion-eating sharks on the New England and northwest coast of the United States, brings up the immediate necessity of moving congress to act this coming session along these lines. The dogfish must be got into politics to get him out of the waters, Canada did not wait, but went ahead.

"Mr. Tirrell wrote before his death to the effect that he could not pass this bill alone. It was always a matter of regret to him that others of the Maine and Massachusetts delegations would not take an active interest in protecting the national sea food supply in this way, especially in view of the fact that sea food supply was one of the chief sources of this nation's food. He also regretted that other New England congressmen stood lukewarm when united action was needed most.

"The national loss has never been yet understood and perhaps never will be until it is too late. It will be a case of:

"Humpty Dumpty sat on a wall
"Humpty Dumpty had a great fall
"All the King's oxen and all the King's men couldn't restore the Nation's Fisheries Again."

"No! the natural history fact is that the natural prolificness of our standard salt water edible fishes is not able to feed millions of dogfish and 100,000,000 people of this nation at one time.

"Why?
"Because every school of mackerel in salt water, every school of herring, every lobster, every codfish, haddock, pollock and salmon has a dogfish looking, for it, and those which are not caught by the dogfish are driven off.

Example of Canada Should Be Followed.

There is a living wall of dogfish, from Hatteras to Eastport, Me., which, if the United States would convert into agricultural fertilizer under federal auspices as Canada has been doing and is now doing, would speedily show the wisdom of such a course in the increase of food crops. The average of cereal crops has been and is now a question of under-fertilization more than a question of under-cultivation.

"So low is the average (reported as about 12 bushels to the acre) that the yield of foodstuffs could easily be doubled if a wholesale production of dogfish fertilizer could become an accomplished fact under federal auspices and sold by the United States government at cost of the bounty and reduction of the dogfish. This is the only solution of the high cost of living, so far as foodstuffs are concerned.

"Opposed to this policy is the 'eat 'em jack' idea of people eating up the dogfish before the dogfish can eat up the food fish and lobsters. Eat 'em up in canned form under misbrands, as 'fish balls ready to fry' and 'fish cheese ready to walk,' for army and navy rations, etc. Too bad to waste the delicious dogfish for fertilizer, as they are nice to eat; always nice for the other fellow to eat, or, as Artemus Ward said of going to war—for his wife's relations.

Pure Food Law a Bar to Use of Dogfish as Food.

"The pure food law is after misbranded food with a sharp stick and it is not easy to see how the people are going to eat up the dogfish for Japanese mackerel, whitefish or any other fish which they are not. The natural history classification will probably be insisted on in plain English, and if that is so the dogfish pest cannot be canned and sold any easier than gypsy moths, rats or snakes.

"It is easier to catch a trout in the lakes and brooks of New England with a hook and line than it is to catch a mackerel in salt water. All this and more too shows something of the decline of this nation's salt water fisheries, and if it were not for the increase of the number of vessels, and the multiplication of the number of hooks from several hooks to miles of hooks per vessel, there would be no salt water fish on the market at all, to say nothing of nets and seines.

"Candidate Pennell (Democratic), representing Casco bay, Portland, and the farming districts, is now making a study of the subject and he will make some announcement, it is said, in favor of dogfish bounty legislation. Anyway, he would be a worthy successor to Congressman Tirrell on the matter of protection of the national sea food supply.

"C. E. DAVIS.

COMMERCIAL PRIVILEGES TO UNITED STATES FISHERMEN.

Counsel Claims American Vessels Under Register Are Entitled to Them.

Nothing in Treaty of 1818 Prohibiting Fishing Vessels.

(From Our Special Correspondent.)

Hon. Samuel J. Elder closed his argument at The Hague by a consideration of the seventh question submitted, whether American fishing vessels on the Newfoundland treaty coast are entitled to the same commercial privileges as are accorded United States trading vessels.

He said the question was not as claimed by Great Britain whether the treaty of 1818 granted the United States fishing vessels any commercial privileges. He admitted that it did not. It is a fishing treaty and there is not anything about commercial rights there at all. It was at a time when Great Britain did not give commercial rights on those coasts at all. Newfoundland was simply a fishing station in the Atlantic. Long after United States trading vessels were admitted to the West Indies and other sections, they could not go to the Newfoundland shores, or indeed to the colonial shores in the North Atlantic at all.

Great Britain rests its contention very largely on the word "entitled" which is in the question—"entitled to have." But the question does not say entitled to have commercial privileges accorded by the treaty, but by agreement or otherwise.

The generality of the word otherwise shows that there was nothing of the source, extent or character of the commercial privileges with which the tribunal was to be troubled at all. It takes for granted that commercial privileges are granted somehow, and the question is whether United States fishermen are entitled to exercise them.

Exercise of Commercial Privileges Not Contrary to Intent of Treaty.

After describing at some length the method in which the United States was granted commercial privileges on the North Atlantic coast by a reciprocal arrangement, on which both the United States and the British representatives agreed, Mr. Elder said the latter part of the British contention was the real question, "and that the exercise of commercial privileges by American fishing vessels would be contrary to the intention of the treaty."

The United States agrees that if it can be found that the exercise of commercial privileges was contrary to the intention of the treaty, then the decision of the question should be against us. But so far as he could see and from the arguments, practically no contention is now made; and Great Britain has changed its position when it came to the counter case.

The question is distinctly the one pointed out, whether there is anything in the treaty of 1818 or fairly to be inferred from it which prohibits fishing vessels from exercising commercial privileges that have been accorded to the United States when they have been duly authorized by the United States to exercise those privileges. That is a question of importance and moment.

Present Commercial Privileges not Restricted By Treaty.

It is conclusively assumed that some commercial privileges have been accorded to the United States to United States trading vessels generally. If the tribunal was called upon to interpret the order in council and that United States statute and proclamation of the president through which they were granted, it would have a serious question before it and they should be placed before the tribunal. But the terms "accorded by agreement or otherwise" do not call for such examination.

But the question is more far-reaching than that. It is whether fishing vessels are entitled to exercise commercial privileges on the treaty coast which have been accorded in some way or other or which may be hereafter accorded. It is solely a question of the relation of fishing vessels to commercial privileges as interpreted by the treaty of 1818, and the question when answered would be of service as to future commercial privileges granted.

Of course in the grant of future commercial privileges they might be restricted, it might be said that commercial privileges should not be exercised by six-masted schooners or turbin steamers or by fishing vessels, but with that of course the tribunal would have nothing to do. The word generally is the one used at the end of the sentence. So far as we get commercial privileges in the future or have them now, if there is anything in the treaty of 1818 or a fair intendment of it which prohibits American fishing vessels?

How the Trouble Came About in 1905 at Bay of Islands.

The way the trouble came about in 1905 at Bay of Islands was that our fishermen reported that they were forbidden to fish with vessels on register. It seemed to raise the question whether a vessel which was on register and could both trade and fish would be allowed to fish. The early correspondence was on that theory that our registered vessels, vessels authorized to trade, had been forbidden to fish and the second and third dispatch that Mr. Root sent was that the local officials seemed to be discriminating between vessels on register and vessels with license to fish. Can they not be instructed that they have no right to make such discrimination?

Almost immediately it was replied that vessels on register had not been forbidden to fish. Some notices apparently had been given. If any notices had been given forbidding registered vessels to fish, it was almost immediately retracted, but that is the way, and the corollary of the proposition that is made here is that if a fishing vessel, although duly authorized by its United States register to trade cannot trade, then the opposite, will be true, that a United States trading vessel on register, and therefore with permission to fish, cannot fish.

Only Question Is Interpretation of the Treaty.

And the question before the tribunal is whether there is anything in the treaty of 1818 that would justify Great Britain in taking that position and excluding our vessels on register, who have the right to trade, from fishing, or of course the reverse.

Of course, under the fishing part of its register, under the fishing part of its authorization, we do not contend that the right of purchase exists, but under the authorization to trade, we do. We say that in the reason of the thing, and I hardly need point out that this question relates solely to the treaty coast, it has nothing to do with the non-treaty coast, where there is only the right of entry, and some things like that, but it refers solely to the treaty coast, and as I say, it refers in no way whatever to the Newfoundland statute or prohibitions of any kind. Of course we have no right or power to compel Newfoundland to trade with us.

The United States submits that it is in the highest degree reasonable, and not in conflict at all with the spirit or intention of this treaty of 1818, to allow trading by a vessel which is also a fishing vessel. There

is no reason in the order of things, in 1818, or now, why a vessel should not carry a cargo of goods down to Newfoundland, enter them and pay customs, and sell them, and land, and immediately proceed to fish or take its cargo by buying and taking back to the United States. It is in the order of things that that should be so, the order of conserving time and force, and everything of that description.

Of course it is perfectly obvious that even so far as the southern coast of Newfoundland was concerned, we had the right to carry on some trade with the people, because we might hire places to dry fish and cure fish, and undoubtedly we could pay for them in one way or another, money or barter, but it is not necessary to go into that discussion, and for a still further reason, that is, the repeated statement that was made by Sir Edward Grey concerning this very question.

Mr. Root had brought out clearly in his letters that these registered vessels had the right both to trade and to fish, so that this question of the combined right, which is the one we have here, whether we put it as was put by the distinguished arbitrator—whether trading vessels could fish, or put it the other way around, was squarely before Sir Edward Grey when he received that letter.

In reply Sir Edward said:

"It is admitted that the majority of the American fishing vessels lately engaged in the fishery on the western coast of the colony were registered vessels, as opposed to licensed fishing vessels, and as such were at liberty both to trade and to fish."

There is no word or suggestion in Sir Edward Grey's reply that there is any incongruity or impropriety between the right of both fishing and trading, and having that power in colonial waters, both to trade and fish.