

# FISHING VESSELS HAVE NO COMMERCIAL RIGHTS.

## England's Attorney General Claims Classes Are Distinctively Separate.

### Trading Craft Would Not Be Allowed to Hover on Coast.

(From Our Special Correspondent.)  
In considering question seven of those submitted to the Hague tribunal for arbitration in the Great Britain-United States fisheries dispute, Sir William Robson, the attorney general of England, said the question had greatly puzzled him to know just what was meant until he listened to the address of Mr. Elder in behalf of the United States. And even then the question was not entirely clear.

The question asks, "Are the inhabitants of the United States whose vessels resort to the treaty coasts for the purpose of fishing entitled to have those vessels, when duly authorized by the United States in that behalf, entitled to the commercial privileges of the treaty coasts accorded by agreement or otherwise to United States vessels generally?"

Sir William asked on what title they are asking these privileges. Certainly not by the treaty, because that confers no commercial privileges. What do they mean by entitled by agreement or otherwise? If they are asking a question as to the validity of the rights which they claim to possess under some other agreement they should produce the agreements. But Mr. Elder says we must not have the documents because the questions assumes that they exist and not only assumes that but that they give rights to trading vessels generally.

But assuming they give rights to trading vessels generally, does that show that the treaties which give rights to trading vessels give rights to vessels which are not trading vessels but fishing vessels? If they say the language of the documents is broad enough to cover fishing vessels, they should produce the documents and let the commission settle the question.

#### Rights Given to Trading Vessels Are Special in Their Nature.

Rights given to the owners of trading vessels are very particular and special things. You do not give a trading vessel the right to do what it likes. You give to a trading vessel the right to trade, that is to buy and sell. That is not a right conferred by a fishing treaty nor upon a fishing vessel. If you want to know whether vessels may exercise such rights, then show us the documents creating the rights. No, no, says Mr. Elder, you cannot have those documents. Mr. Elder says: "You have got my speech; that is quite enough; no documents, no treaties, no agreements."

Well, Mr. Elder's speech was very good, but it is not quite a substitute for the documents under which he is claiming certain rights and asking this tribunal to affirm those rights. He cannot get trading rights under this treaty. Trading rights are determined

by separate and special treaties, and one thing clear in all these documents for the last 100 years is that we have kept this fishing right apart from trading; we would not even let them trade to the extent of buying bait. We would not even let them buy bait for their fishing; we would not even give them the right to pursue the industry of fishing as a whole—that is to say the fishing trade in those waters. We would not let them carry on the whole trade of persons who buy and sell fish. We would only let them exercise one particular right independent of that trade, so that the

#### Jealousy of the Parties With Regard to Trading Rights

is apparent at every stage and step of the negotiations and transactions between them.

What right have they to come now and ask this Tribunal to say whether they are entitled to have these rights under documents which they do not produce and cannot specify? I do not believe they can specify one single treaty of trade in which the language can be so stretched as to include fishing vessels. Why?—because the characteristic of a trading vessel is that it must not be allowed to hover. A trading vessel has to trade. It may take its cargo in one place and deliver it in another. Taking its cargo in one place, it may go elsewhere to deliver that cargo, but it must be either going or coming, loading or unloading. A trading vessel is not allowed to take up its position off the coast and wait about for some favorable or convenient opportunity to do something which it has not told us it is going to do—it may be to land its cargo conveniently, without any undue interference on the part of the customs officer, in some creek, or cove, or inlet. So, they are not allowed to hover, and if you are going to give trading vessels fishing privileges you must take away their trading privileges.

#### A Very Pertinent Question Was Put by the Tribunal

to Mr. Elder, and also for consideration on the part of counsel for Great Britain, namely: May an inhabitant of the United States fish from a trading vessel? The answer is "yes," but if he does he must be content to have the trading privileges taken away from that vessel. He cannot have both.

Sir Charles Fitzpatrick—Why?

Sir William Robson—Because we cannot allow a trading vessel to hover and we have complete control over trading rights. No treaty has taken away from us our right to say to a nation, we will, or will not, trade with you. We have absolute unrestricted control over trading rights, and the United States have framed their question because they felt that difficulty. They dared not ask you what their trading rights are under the treaties which they enjoy because their trading rights may be altered tomorrow. No judgment of an international tribunal upon such treaties would have

more than twenty-four hours' value. If we found that these trading rights were being exercised in an inconvenient way they not only could but should be immediately recalled, and if any United States inhabitant, carrying brandy to Newfoundland said: I will amuse my leisure hours, as I enjoy all the rights of a fishing vessel, by fishing and, for that purpose, my ship shall pause, the inhabitants of Newfoundland may wait a little for their brandy while I catch cod, he gets cod, but the moment he began to do that he began to have his vessel hovering off the coast in contravention of and disobedience to the hovering acts by which Newfoundland, like every other civilized state, protects its revenue.

#### Suspicion of Smuggling Sufficient to Cause Withdrawal.

The moment he began to do that, they would say, If you are going to treat your trading rights in that way we begin to suspect that you want to put your brandy off in the night and you will never come to port with your brandy at all; you will catch your cod, smuggle your brandy and go back. Therefore, Newfoundland would be compelled to say, We withdraw your trading rights the moment you begin to fish, not because we object to your catching a few cod, but because the moment you begin to fish you begin to hover; you begin sailing about our coasts and ports and bays and we will suspect your intention. You may be the most innocent man with the most innocent intention. You may not have brandy on board, but only stockings; you may be delaying because you enjoy the fresh air of our territorial waters; your motives may be most admirable, but we cannot stop to inquire into your territory; you have your ship's papers, but they do not tell us the ethical quality of your captain and crew from the revenue point of view, and therefore we will not allow you to hang about here and your trading rights must go.

Would not Newfoundland come within its rights, would not Newfoundland be acting within its duties and according to its duties? Mr. Elder and the United States know that they cannot call upon this tribunal, directly or indirectly, to give any judgment which shall appear, or affect to confer trading rights upon them.

#### Mr. Elder Admitted Right to Buy Bait Was Wanted.

What is the right they want? Mr. Elder was quite candid about it. He wanted the right to buy bait. There is no secret. Look at what that means. These two states, Newfoundland and the United States, have been engaged, as we know, in one of these deplorable fiscal conflicts that are injurious to both, and most injurious, of course, to the smaller state. I have already dealt with that circumstance. Mr. Elder, I do not think, laid quite sufficient stress upon it. In the speech from which he cited, Sir Robert Bond makes his position perfectly clear, that he felt it was his duty to fight against bounties and closed ports.

The reciprocity treaty allowed the fish of Newfoundland to come in without a tax, and the fishermen said, and their representatives in Congress backed them up: What we want is to keep out the products of our Newfoundland friends while we go on buying their bait by their kind permission in their ports. Well, Sir Robert Bond is a human being with the ordinary passions and feelings, I suppose, of a human being, plus those of a politician and he said, that is a very good argument for the United States; we are to give you trading privileges and you are to close your markets against us. You cannot even get your fish here without our permission because you will not take the trouble to come and fish for bait; it does not pay you; what you want to do is to get your bait here, to purchase it and then carry it off to the banks and fish with it. It is necessary that we should cooperate with you before you can catch your fish, and, under those circumstances, you are asking a bit too much of us when you ask that we shall continue these privileges while the very fishermen whom we are helping and whose industry we are enabling to be carried on go and

#### Stir Up the United States to Reject This Treaty

which we are proposing and to reject it in order to destroy our market in your country.

That was a preposterous position for the United States to take up, but Mr. Elder opened the case as if Sir Robert Bond were a monster of unreason.

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I do not know about Sir Robert Bond's speeches, but I do know that the motives upon which he appears to have been acting are those that animate most human beings I have met in my short pilgrimage through this world. No state likes to have an attack made upon it, such as was made by the fishermen of the United States upon Newfoundland, and not make some resistance to it.

Sir Robert Bond made the only resistance he could. He said: If you will not give us a fair chance, such as this treaty offers to us in your markets, we will not give you these trading privileges which we are entitled to withhold. They began to fight and that has brought about this arbitration and has produced every one of these difficulties, because the other difficulties were such as, I dare say, might have been accommodated by the action of the parties.

**Sir Robert Bond a Bugbear to the United States.**

Now, the United States come and say: Who has brought all this trouble about? Says Mr. Elder, one man—Sir Robert Bond. Well, you have one man on one side of the question and about eighty-five millions on the other side of the question, and yet Mr. Elder would have us think that really the eighty-five millions are in serious apprehension of Sir Robert Bond. There will be no peace with Sir Robert Bond there, or with Newfoundland there—no peace until we get our trading rights.

Well, the population of the United States is, as I have just indicated, about eighty-five millions. I forget the population of Newfoundland. I dare say that Sir Robert Bond himself would not be unwilling to admit that it is

smaller than the population of the United States, but could any one suppose that the United States are in the slightest degree apprehensive of what may be done by this little, self-governing colony in the northern seas, knowing that they have got, as a barrier between them and Sir Robert, the Imperial authority if it is required to be exercised? Apparently they have also got the people of Newfoundland who, when they were called upon to give a judgment upon this matter, turned out Sir Robert Bond.

But, that is not enough for Mr. Elder. I have got the security of the Imperial Government, I have got with me the good-will of the people of Newfoundland, I have got behind me a population of eighty-five millions, but with Sir Robert Bond in front of me, there is no peace.

I say that is

**Not Treating This Question in a Practical Spirit**

at all. Sir Robert Bond has made his fight with such poor little weapons as he has, and he has been fighting a fight perhaps more distinguished for its courage than its success. But, it is not for this Tribunal to take away from him any little weapon that he has. The only weapon that he has is his bait. That is what he is fighting the United States with. You shall not have your bait unless you do this; that, or the other thing for me. And Mr. Elder comes and says: In the name of peace, in the sacred name of law and order, under question seven, we demand the right to buy bait whether Sir Robert Bond and Newfoundland like it or not. I say it is a right which he admits to be brought up by this question and it is a right which this Tribunal is not entitled to deprive Newfoundland of.

It is a sovereign right. It may be very unwisely used, like other sovereign rights are, but it is his own and I do not think that anyone can take it from him.

**Treaty Grants No Trading Rights But Excludes Them.**

Well, now, that is the whole point of question seven. It is framed with extreme ingenuity and ambiguity. Are the United States entitled to commercial privileges? That means: Are they entitled to buy bait? I say, no, we gave no such right by this treaty or in relation to this treaty. No such right can be given to them at all and no such right ought to be given to them. The answer that I respectfully ask the tribunal to give to this question is: No, they are not entitled in so far as we, this International tribunal, are concerned, to have commercial privileges, they have not framed the question in a way that we could answer it upon documents that conferred the privileges; we cannot answer it upon those documents and, in so far as this treaty is concerned, so far from their being entitled, there is not a word respecting trading privileges at all.

As to all this about the United States licensing its vessels to trade, I ask: What if it does? It may license its fishing vessels. We are not concerned with their licenses. Their authority does not bind us. We have nothing to do with that. I listened with amazement to Mr. Elder's statement about the register of the United States. He said: We may have to alter our register. What if they have? I do not know and I do not care what the registry of the United States amounts to, and what it does. I only know that the fishery right is a thing secured by a particular document with which alone we are concerned in this tribunal and gives no trading rights, and that when the document comes to be examined and interpreted in the light of the negotiations that preceded it, it not only gives no trading rights but it excludes trading rights.

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## FLEET TAKING NO MACKEREL.

### Few Fish Raised in North Bay with Hook and Line.

The only news from the mackerel fishers was received in a letter by Capt. John Chisholm from Capt. Douglas McLean of sch. Pinta, now on a seining trip to North Bay.

Capt. McLean said they had taken no fish yet, but everywhere they tried mackerel could be raised, and a half dozen or so would be caught on the hooks and they would then leave.

They had one heavy breeze which they rode out at the Magdalenes, but met with no accident other than breaking the stock of the anchor, when the vessel put into Souris, P. E. I., to procure another.

From the few seiners on this shore no news of any taking fish has been received and it seems as they had not found any or they would have been heard from. It is the opinion among fishermen that the mackerel are "all in" on this shore and no more large fish will be seen again here this season.

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## FISH DEPOTS IN JAPAN.

Proposed Establishment at Two Cities  
—Whaling Industry Increasing.

United States Consul Carl F. Diechman reports from Nagasaki that sea fishing continues to be one of the important and paying industries of the Japanese island Kyushu and is increasing yearly, in importance. It is proposed to establish modern fish depots at Nagasaki and Shimonoseki for the benefit of the steam trawlers. A cold-storage plant would be an essential part of the scheme, and the fish could be sent to all points in the interior of Japan having rail connection, and would vastly increase the market for the fish.

The whaling industry is also one of increasing importance. The Toyo Hogel Kaisha is a combination of several whaling companies and owns 36 of the forty vessels licensed by the Japanese government to engage in whaling. The total number of whales caught by this company during 1909 was 605, which had an estimated value of \$1500 each. The port of Moji is the shipping point for a large number of the whalers.

### When Fish Were Plentiful.

Capt. Augustus Peterson, an ex-fisherman, still in his prime, and familiar figure on T wharf, Boston, recently recalled interesting fishing days of 1880, when "times were different."

"In 1880," says he, "men brought in some fish. Less than 100,000 pounds was considered a small trip. And it was a small trip that netted the salmons less than \$100.

"Now a 40,000-pound trip is above the average.

"I remember when we had so much mackerel and fancy fish that we sold them by the barrel for lobster bait." When asked to explain the present shortage of mackerel, he said, "I don't know as I can. Skippers, however, have told me that the power boats, with their noise and oil, have driven them off. I believe that they are still plentiful, but have new schooling grounds."

Capt. Peterson is considered the best authority on salmon on the wharf. By noting the teeth, or color, or stripe, or tail he can tell at a glance whether the fish is native or imported, North Lawrence or South Lawrence, Penobscot or Blue river salmon.

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## ANOTHER MACKEREL SALE AT EXTREME HIGH FIGURES.

Forty Barrel Fare of Sch. Monarch  
Sold at \$40 per Barrel.

Fish Somewhat Smaller Than Fare  
of Sch. Victor.

Another big price has been paid for a small fare of mackerel and the Consumers Fish Company, of which Edward K. Burnham is manager, carried off the prize, paying \$40 per barrel for the fare of 16 barrels of mackerel of sch. Monarch.

Last week, Mr. Burnham created a sensation in local fishery circles by paying \$42.50 per barrel for the 40 barrel fare of sch. Victor. This was the highest price ever paid for mackerel in

the history of the fishery at this port.

Some few years ago, a small fare sold for \$39, and this was looked upon at that time as a high water mark, but according to the prices, above quoted it has been passed twice within the past week, both high line marks being credited to the Consumers Fish Company.

The mackerel of sch. Monarch were taken on the Cultivator ground and Georges, and while they are fine, white fat fish, are not quite as large as the fare of sch. Victor, running about 90 to the barrel, whereas the Victor's fare run about 65 fish to the barrel.

# HAS FLITCHED HALIBUT FARE.

## Sch. Ramona Arrives from Trip to Davis Strait.

The fish receipts at this port this morning are confined to one vessel from the far north, sch. Ramona, with 100,000 pounds of flitched halibut and four fares of fresh fish from Boston for the splitters.

Sch. Ramona, Capt. Fred Upshall, which has been on a flitched halibut trip to Davis strait and is the first of the fleet to arrive this season.

Capt. Upshall was very fortunate in securing a good fare of 120,000 pounds, for he had uphill work at the first of the voyage. When the vessel sailed from here late last spring she touched at a Nova Scotia port the skipper was discharged, and some of the crew left. The owners then sent Capt. Upshall and a part of a crew down to replace those who had left, so that much valuable time was lost.

But Capt. Upshall was in no way discouraged and penetrated Davis strait where he found pretty good fishing. The weather this season had been fine and no field ice had been met with, but several icebergs ranging from 50 to 200 feet high were seen as they were carried south by the Polar current.

Capt. Upshall did not see any others of the flitchers and did not go so far north as some of them.

The northern lights, he says, were extremely brilliant up north this season, and it was nothing unusual to sit on the deck at night and read a paper as the lights were passing from north to south over the vessel. Indeed, Capt. Upshall and his crew says it was a scene more to be imagined than described.

As the market is firm for flitched halibut, the vessel will make a good stock, which reflects well for captain and crew when all things are considered.

Later in the forenoon sch. Fannie E. Prescott arrived from Brown's bank with a fare of 130,000 pounds of salt cod.

The arrivals and receipts in detail are:

- Today's Arrivals and Receipts.**
- Sch. Ramona, Davis Strait 100,000 lbs. flitched halibut.
  - Sch. Thomas J. Carroll, via Boston, 20,000 lbs. fresh fish.
  - Sch. Edith Silveira, via Boston, 35,000 lbs. fresh fish.
  - Sch. N. A. Rowe, via Boston, 3000 lbs. pollock.
  - Sch. Georgiana, via Boston.
  - Sch. Mabel E. Bryson, via Boston.
  - Sch. Fannie E. Prescott, Quero Bank, 130,000 lbs. salt cod.
  - Sch. Gladys and Sabra, via Boston.
  - Sch. Actor, via Boston.

- Vessels Sailed.**
- Sch. Valentina, pollocking.
  - Sch. Robert and Carr, shacking.
  - Sch. Terra Nova, shacking.

- 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, \$1.65 per cwt.; medium, \$1.25; 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.

# RECEIPTS AT BOSTON LIGHT.

## Three of Nine Vessels Have Fair-sized Trips.

Fish receipts at Boston today are confined to nine fares, mostly of insignificant proportions, and prices as expected are low. This is usually the case at the last of the week, as the fishermen do not generally come in at that time, knowing that a low market is in order.

The shore fishermen and in fact those who go to the outer banks are bothered for bait at the present time, there being none anywhere to be had on the coast. If this condition prevails it will curtail the supply of fish and prices in the near future will be of a high order.

The leading fares are sch. Mary DeCosta with 50,000 pounds of haddock and 20,000 pounds of cod, sch. Helen B. Thomas with 30,000 pounds of haddock, 1000 pounds of cod and 3000 pounds of hake, and sch. Frances V. Silva with 20,000 pounds of haddock, 10,000 pounds of cod and 2000 pounds of hake.

One swordfish was landed by sch. Diana and steamer Jeffrey has 80 barrels of fresh herring.

The fares and prices in detail are:

- Boston Arrivals.**
- Sch. Viking, 2000 haddock, 16,000 cod.
  - Sch. Mary DeCosta, 50,000 haddock, 20,000 cod.
  - Sch. Helen B. Thomas, 30,000 haddock, 1000 cod, 3000 hake.
  - Sch. Mabelle E. Leavitt, 200 haddock, 200 cod, 6000 pollock.
  - Steamer Jeffrey, 80 bbls. herring.
  - Sch. Frances V. Silva, 20,000 haddock, 10,000 cod, 2000 hake.
  - Sch. Manomet, 16,000 cod, 2000 pollock.
  - Sch. Athena, 15,000 cod.
  - Sch. Diana, 1 swordfish.
- Haddock, \$1.50 to \$1.75 per cwt.; large cod, \$4; market cod, \$2; pollock, \$2 to \$2.25; swordfish, 17 cts. per lb.

# ONLY FOUR TRIPS AT T WHARF.

## But Fish Supply is Ample for the Demand.

Boston has no fish today, other than what was brought in by four small vessels, but according to prices it appears to be sufficient to supply the demand.

This is about always the case at the last day of the week, for vessels keep out and wait until Monday when the market is stronger.

Codfish today, however, is at a good price and quoted at four to five cents, while swordfish is 17 1-4 cents, but haddock is much below the average.

The fares and prices in detail are:

- Boston Arrivals.**
- Sch. Hattie F. Knowlton, 4500 haddock, 1000 hake.
  - Sch. Olive F. Hutchins, 3500 haddock, 1500 cod, 1500 hake.
  - Sch. Yankee, 27 swordfish.
  - Sch. Joseph E. Johnson, 25,000 haddock, 9000 cod, 2000 hake.
- Haddock, \$1.55 to \$1.75 per cwt.; large cod, \$4 to \$5; market cod, \$3 to \$3.50; hake, \$3.50; pollock, \$2 to \$2.50; swordfish, 17 1-4 cts. per lb.

### Mackerel at Newport.

The following netters arrived at Newport, yesterday:  
Sch. Clara T., 1500 fresh mackerel.  
Sch. Thomas Condon, 1600 fresh mackerel.  
Sch. Freedom, 1000 fresh mackerel.  
The fish sold at 12 cents each.

# THREE FARES AT THIS PORT.

## One Handline Banker Has 130,000 Pounds Cod.

The receipts at this port today are confined to two salt trips and two vessels with mixed fish.

While receipts are not large, it gradually shows an improvement over the last month.

The arrivals and receipts in detail are:

- Today's Arrivals and Receipts.**
- Sch. Muriel, Quero Bank, 130,000 lbs. salt cod.
  - Sch. Jubilee, LeHave Bank, 45,000 lbs. fresh fish.
  - Sch. Pontiac, LeHave Bank, 60,000 lbs. fresh fish, 20,000 lbs. salt cod.
  - Sch. Mary DeCosta, via Boston, 50,000 lbs. fresh mixed fish.
  - Sch. Hockomock, via Boston.

### Vessels Sailed.

- Sch. George E. Lane, Jr., New York.
- Sch. Clara G. Silva, haddocking.
- Sch. Belbina P. Domingoes, haddocking.
- Sch. Thomas J. Carroll, haddocking.
- Sch. Edith Silveira, haddocking.
- Steamer Bessie M. Dugan, seining.
- Sch. Yakima, halibuting.
- Sch. Dictator, halibuting.
- Sch. Pythian, halibuting.
- Sch. Cavalier, halibuting.
- Sch. Fitz A. Oakes, shore.
- Sch. Actor, shore.
- Sch. Gladys and Sabra, drifting.
- Sch. Grace Otis, drifting.
- Sch. Patrician, shacking.
- Sch. Hope, dory handlining.

### Today's Fish Market.

- Handline Georges cod, large, \$4 per cwt.; medium, \$3.50.
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  - Haddock, \$1.10 per cwt.; hake, \$1.10 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.

### Flitched Halibut Sale.

The fare of 12,000 pounds of flitched halibut which arrived yesterday in sch. Ramona was sold to the Gorton-Pew Fisheries Company, for 9 cents per pound.

It is not expected that flitches would bring this extreme price, and dealers thought that there would be no sales until all the vessels arrived, when a price would then be made. But the Gorton-Pew Company thought it best to set a price for others to follow, and so made the offer which Capt. Upshall took without any hesitation, and immediately commenced to discharge them.

### Fish Sales.

The big fare of cod fish of sch. Thomas S. Gorton was sold to the Gorton-Pew Fisheries Company.  
The fare of sch. Arabia was taken by Sylvanus Smith & Co.  
The fare of sch. Fannie E. Prescott was sold to Henry E. Pinkham & Co.  
The fare of sch. Pontiac was sold to Cunningham Thompson Co.