

DULL MARKET AND SMALL DEMAND.

TRAWLER SPRAY LANDED 10,000 POUNDS OF SOLE AT T WHARF TODAY.

It is Provincetown at T wharf today, eight of the fresh fishing fleet of that port being in for market and all with nice trips, the catches ranging 21,000 to 43,000 pounds, mostly haddock.

Two of the pollock seining fleet, schs. Reliance and Thomas Brundage, are among the arrivals with small fares taken off Halfway rock.

Sch. Richard J. Numan of the Cape Porpoise fleet has a good sized trip, 48,000 pounds, 44,000 pounds of which are hake and cusk.

Several of the market boats have small catches and the steam trawler Spray hailed for only about 30,000 pounds of haddock, etc., but beside this she had 10,000 pounds of sole, one of the best catches of this species of fish for a long while.

Haddock brought from \$1.60 to \$3, according to quality, while codfish were slow at about splitting prices. Pollock sold for \$1.50 and hake at from \$1.25 to \$1.75. Cusk were \$1.60, or 15 cents under the splitting price here. The market generally is dull and there is little demand.

The dealers who receive shad from the Kennebec river in the spring were disappointed yesterday when the Bath steamer brought none. Last year the first shad from the Kennebec arrived here April 15. Shad from the south are still coming from New York, and by the southern steamers direct, and there is a good supply in the market at reasonable prices. Spanish mackerel are also coming and the supply is good.

Boston Arrivals.

The fares and prices in detail are: Sch. Thomas Brundage, 7000 pollock.

Sch. Laura Enos, 1000 cod.

Sch. Olivia Sears, 4000 cod.

Sch. Richard J. Numan, 4000 cod, 32,000 hake, 12,000 cusk.

Sch. Leo, 3000 haddock, 3000 cod.

Sch. Emily Cooney, 6000 haddock, 4000 cod.

Sch. Nettie Franklin, 16,000 haddock, 10,000 cod, 1000 pollock.

Sch. Flora J. Sears, 23,000 haddock, 1000 cod.

Steamer Spray, 23,000 haddock, 3300 cod, 4500 pollock, 10,000 soles.

Sch. Louisa R. Sylvia, 15,000 haddock, 6000 cod.

Sch. Rose Cabral, 35,900 haddock, 3000 cod.

Sch. Natalie J. Nelson, 15,000 haddock, 7000 cod.

Sch. Jessie Costa, 35,000 haddock, 8000 cod.

Sch. Annie Perry, 30,000 haddock, 7000 cod.

Sch. Josephine DeCosta, 15,000 haddock, 10,000 cod, 5000 hake.

Sch. Arbitrator, 16,000 haddock, 8000 cod.

Sch. A. C. Newhall, 5000 haddock, 1300 cod.

Sch. Dixie, 100 haddock, 3600 cod.

Sch. Eleanor DeCosta, 28,000 haddock, 15,000 cod.

Haddock, \$1.60 to \$3 per cwt.; large cod, \$2.25 to \$2.30; market cod, \$1.75; pollock, \$1.50; hake, \$1.25 to \$1.75; cusk, \$1.60.

Portland Fish Notes.

The Portland salt fish market is now much easier according to the dealers in this commodity in the city. The price has dropped off somewhat, but it is by no means low, nor is the market flooded. Plenty of the fish have been received here to supply demands. The past winter was declared to be the worst in this business for years.

A large crew of men are actively engaged in the work of changing over the building on Central wharf which is to be occupied by the Central Wharf Cold Storage Co. Many concrete posts are being built under the building on which will rest the supporting beams, and the work in all directions is being pushed as fast as possible, as the managers of the plant intend if possible to open for business about July 15. A two storied brick building to be used as a boiler room, is to be erected immediately on the vacant lot adjoining the site occupied by the storage building, and plans for a further extension of the business are already in contemplation, which if they mature will largely increase the capacity of the cold storage plant, making it the largest of any in the city.

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BAIT SCARCE AT PROVINCETOWN

But Sch. Arethusa Secured a Big Baiting There Monday.

Bait is still scarce at Provincetown. The traps took a few herring there yesterday but not enough to come any where near supplying the wants of the vessels.

There is still a good run of alewives on at Edgartown and most of the fleet will probably bait there.

The salt banker Arethusa, Capt. Clayton Morrissey, which went over to Provincetown from here Monday afternoon was very fortunate for on Tuesday she secured a big baiting, taking 90 barrels of big herring and started off for the banks.

A telephone message from Provincetown this forenoon says that bait is still scarce there.

The Times correspondent at Edgartown writes that alewives still continue plentiful there.

Sch. Margaret Dillon sailed from Edgartown Tuesday, after having baited with alewives.

NO POLLOCK ON THE RIPS.

Sch. Jennie B. Hodgdon Returned From Unsuccessful Cruise.

Sch. Jennie B. Hodgdon arrived yesterday afternoon from a pollock seining trip to the Rips, with no fish. Capt. Keoughan reported that with other vessels of the fleet he had cruised all over the Rips and vicinity and had seen no pollock. The birds were just beginning to come there and of late some feed was noticed in the water.

Sch. Benjamin A. Smith, which has also been on the Rips, had left that place and gone to the eastward.

Lunenburg, N. S., Vessels Lost Trawls and Anchors.

Three Lunenburg schooners arrived at Halifax from the banks Sunday night, and Monday morning with loss of trawls and anchors. They were the Tasmania, Captain Nass; Beatrice S. Mack, Captain Backman, and Alhambra, Captain Gilfoy.

The schooners lost their gear in a storm which swept over the banks last Friday. The Alhambra was strained and is now leaking at the rate of 300 strokes an hour. She will go on the slip at Lunenburg for repairs. She lost her trawls and an anchor.

The Tasmania lost all her cable and trawls and the Beatrice S. Mack suffered a similar loss.

Upwards of 10 Lunenburg fishing vessels have put into port this spring with loss of cable and anchors indicating the severity of the weather. The cost of the new outfits required has averaged \$500.

It would appear that the fleet left too early this year. Last year weather conditions were quite different.

Sch. Thomas A. Cromwell Still in the Ice.

Capt. Thomas Cromwell, managing owner of the knockabout Thomas A. Cromwell, which has been fast in the ice at the Bay of Islands since early in the winter, received a letter recently from Capt. William Goodwin, who has been caring for the vessel. Capt. Goodwin reported that he could see water at some distance, but that his schooner was still fast in thick ice and likely to remain there for a week or more at least.

Salt Bankers Secured Bait.

Some of the salt bankers which were in on the Cape Shore a few days ago, from the Peak, having used up their frozen baiting, succeeded in securing a fresh baiting in the vicinity of Queensport.

SALT TRAWL BANK FLEET.

Have Generally Done Well On Their First Baiting.

Advices from some of the vessels of the salt trawl bank fleet which have been in on the Cape Shore recently for bait are to the effect that as a whole the fleet did pretty well on its first baiting. From 80,000 to 100,000 pounds on the first baiting on the Peak is always considered doing all right. The vessels heard from have done as well as this and they report others of the fleet doing about the same. Some even have done better and hail for 125,000 and 150,000 pounds as the result of the first baiting, although not more than one or two have done as well as this.

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NOW LOOKING FOR POLLOCK.

SCHOOLS OFF HALFWAY ROCK PRESAGE COMING OF SPRING INFLUX.

Now that the pollockers have struck some schools up around Halfway Rock it seems as though there would be something really doing in the pollock seining line before long, and that the wharves will soon have their piles of pollock heaped up during the night by ambitious crews who have chosen not to wait till morning but swayed their catch and dusted back to the fishing grounds before daylight.

The ground fish along shore seem to be dropping off and the little shore boats, lake boats and Italian dories are not finding them as plentiful as they did the first three weeks in April. Yesterday the boats at the Fort had about 12,000 pounds altogether while the lake boats brought in only about 8,000 pounds.

This morning sch. Speculator with 30,000 pounds of fresh fish and the Georges handliner Ramona hailed for 18,000 pounds of salt cod. From Portland, where she landed her halibut, sch. Margaret brought up 10,000 pounds of salt cod and 8000 pounds of fresh fish.

Today's Arrivals and Receipts.

Sch. Speculator, LaHave Bank, 30,000 lbs. fresh fish.

Sch. Jennie B. Hodgdon, pollock seining.

Sch. Ramona, Georges, handlining, 18,000 lbs. salt cod.

Sch. Margaret, via Portland, 10,000 lbs. salt cod, 8000 lbs. fresh fish.

Sch. Monitor, via Portland.

Steamer Quartette, shore, 5000 lbs. fresh pollock.

Steamer Bryda F., shore, 3000 lbs. fresh pollock.

Steamer Joppaite, shore, 4000 lbs. fresh pollock.

Steamer Beatrice E., shore, 5000 lbs. fresh pollock.

Sch. Charles A. Dyer, shore, 1000 lbs. fresh pollock.

Steamer Nomad, shore, 1000 lbs. fresh fish.

Steamer Mindora, shore, 1600 lbs. fresh fish.

Steamer Eagle, shore, 1100 lbs. fresh fish.

Steamer Prince Olaf, shore, 1000 lbs. fresh fish.

Steamer Weazel, shore, 800 lbs. fresh fish.

Small boats at the Fort, 12,000 lbs. fresh fish.

Vessels Sailed.

Sch. Patriot, Rips.

Sch. Thalia, Rips.

Sch. Belbina F. Domingoes, haddocking.

Sch. Francis J. O'Hara, Jr., haddocking.

Sch. Onato, haddocking.

Sch. Harmony, haddocking.

Sch. Maud F. Silva, haddocking.

Sch. Olive F. Hutchins, pollock seining.

Sch. S. P. Willard, fitched halibuting.

Sch. Meteor, dory handlining.

Sch. Hattie L. Trask, Georges.

Sch. Grayling, fitched halibuting.

TODAY'S FISH MARKET.

Salt Fish.

Trawl bank codfish, large, \$4.50; mediums, \$4.

Handline Georges codfish, large, \$5; medium, \$4.75; snappers, \$3.

Trawl, Georges codfish, large, \$4.75; medium, \$4.25.

Eastern halibut codfish, large, \$4.50; medium, \$4.

Haddock, \$1.25.

Pollock, \$2.

Cusk, large, \$2.50; medium, \$2; snappers, \$1.50.

Hake, \$1.75.

All codfish with napes picked bring 25c over the above prices.

Fresh Fish.

Haddock, \$1.10.

Large cod, \$2.35; mediums, \$1.75; snappers, 75c.

Peak fresh codfish, \$2.25 per cwt. for large and \$1.75 for mediums.

Cusk, large, \$1.75.

Hake, \$1.25.

Dressed pollock, \$1.10; round, \$1.15.

Halibut, 8c per lb., for white and 7 1/4c for gray.

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New Otter Trawler Had Trial Trip.

The new otter trawler Crest was out on her trial trip yesterday. Manned by a crew from the Fore River works and in command of Capt. Joseph Kemp, she ran up Boston harbor to T wharf, where Capt. Cole, shore agent for the steamers, and some of the directors of the company were taken on board. The Crest then started for a trial sail out on the bay.

Pollock Price Increased.

The fare of fresh round pollock of steamer Quartette sold to the Gloucester Salt Fish Company, to split, yesterday afternoon, at \$1.15 per hundred weight. This is an advance of 15 cents over the previous splitting price.

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Salt Cod Sales.

The fare of Georges handline salt cod of sch. Carrie C., sold to F. F. Smith & Company at \$5 per hundred weight for large and \$4.75 for mediums.

The Cunningham & Thompson Company paid \$4.50 for large and \$4 for mediums on the salt bank cod fare of sch. Independence II., the same price as they paid for the trip of sch. Arethusa.

Stocked \$2300 on Halibut Trip.

Sch. Corona, Capt. Ernest Engstrom, stocked \$2300 on her recent three weeks halibut trip.

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Saved Life of Italian Fisherman.

Only the heroism of Capt. Thomas Dunn of the auxiliary fishing schooner Nellie saved the life of Agnosto Russo, a power boat fisherman at T wharf, Boston, yesterday afternoon. Russo lost his balance and fell out of his boat, and scarcely taking time to throw off his coat, Capt. Dunn, who saw the accident, dove into the dirty water. He grabbed his man, but the latter in his frenzy nearly carried the skipper under. Russo was finally dragged to safety and sent home.

April 28.

Mackerel Brought \$1 Each.

Large fresh mackerel, one dollar each. That is the price on 18 which arrived at Boston this morning, the first hand price. What those who ate them had to pay is problematical. The traps continue to send a few to Fulton Market daily from the New Jersey coast and Boston gets her quota from the small daily consignment.

Sch. Lucy B. Winsor is fitting at Provincetown for south mackerel netting.

Nova Scotia Lobster Shipment.

As was expected, there was a large quantity of live lobsters on the Yarmouth steamer at Boston yesterday morning, 1372 crates. The Halifax steamer had 238 crates, making a total of about 256,500 pounds. On Monday last there were 900 crates on the Yarmouth steamer, making the receipts for the week from the provinces 391,500 pounds. Last week the total number of crates received from the provinces was 2813, or 203 crates more than this week.

More Fitched Halibuters Sail.

Sch. Grayling, Capt. Axel Laager, sailed yesterday afternoon on her fitched halibut trip, and sch. Atlanta, Capt. Richard Wadding, sailed this morning, making the second and third of the fleet to get away.

Shackers Baiting at Provincetown.

Quite a number of the shackers have been at Provincetown for the past few days, and all trying to get a baiting of fresh herring. The herring dropped off and in consequence several of them are baiting out of the freezer, with the new stock at \$3.50. Others, which had some fresh herring, finished up their baiting with alewives, which John Nagle & Co. are shipping to them there.

First Sand Eels Arrive.

The first sand eels of the season are here, fresh ones and natives. Anthony Cooney, the fresh fish dealer at the fort, has them and the little shore boat men will be after them soon.

Bait Still Scarce at Provincetown.

Word from Provincetown this morning is to the effect that bait still continues scarce there.

GLOUCESTER PROTEST TO THE RECIPROCITY AGREEMENT.

The Questions at Issue—Every Man a Partner in the New England Fisheries—Number of Men Employed and Size of the Plants—Unequal Conditions of the Canadian Fisheries—Reciprocity No Advantage to the Fisheries—Americans Should Have Right to Take Fish in Canadian Waters.

At the opening of the special session of Congress, there was transmitted to the committee on ways and means, with the endorsement of the Master Mariners Association and the directors of the Board of Trade, a brief, prepared by Guy Cunningham of this city and Boston, in opposition to the proposed reciprocity agreement with Canada, proposed by President Taft.

The document was a very strong one, many of the well known facts being used in new and stronger ways than formerly, and much that was new in the way of argument and strengthening of the general position of the fishing interests against the bill was also introduced.

The brief was filed on behalf of the New England fisheries and believing that it is of very much interest here, the Times publishes it today, entire: Gentlemen:

This Brief is filed in opposition to the particular arrangement with Canada proposed by President Taft.

We shall not discuss whether reciprocity with Canada is or is not desirable. We recognize that, if the tariff walls between Canada and the United States were absolutely removed, the benefits to some American industries might far exceed the damage to our industry. The proposed arrangement, however, is of little or no value to any American industry, and will delay, if not permanently prevent any true reciprocity because the president has granted to the Canadians their hearts' desire and all they want from us, the Atlantic fisheries, and we have nothing to offer for further concessions. Accordingly, we ask all persons, whether or not in favor of reciprocity with Canada, to reject the present arrangement as one lacking entirely the element of reciprocity, in that our industries gain nothing from Canada.

Furthermore, we do not intend to argue whether or not absolute free trade with all countries is desirable. We are protectionists, but when the country is ready for absolute free trade, we are ready to take our chance with the rest. Inasmuch, however, as our industry is the oldest in New England, and has less than the average protection, we protest against the removal of our little protection while we are unable to compete on equal terms because of the tariff on everything we use.

The proposed arrangement conduces neither to free trade nor to a customs union with Canada by removing the tariff wall. In fact, we think the present arrangement was deliberately planned to prevent either result. It would seem that the president hoped that by sacrificing the fishermen and depriving the farmers of what little help they get from the tariff he could gain for himself a reputation as a tariff reducer, and yet preserve the protection on Pennsylvania steel, on Ohio wool, and on manufactured articles. At any rate, whatever his purpose, the present arrangement is neither free nor true reciprocity, and we ask Congress to view the question simply on its merits without any prejudices for or against it by reason of their opinions in favor of or against a general removal of tariff walls.

Questions in Issue.

We come, then, to exact questions in issue:—

First, whether the proposed arrangement is advantageous to the United States.

Second, whether it is so unjust to any American industry that it ought not to be passed in its present form even if on the whole advantageous. We contend that the proposed arrangement takes away the living of the New England fishermen without compensation and deprives them of the equal protection of the laws and that Congress has no moral right to

violate these cardinal principles of justice, even if some other industries may receive a greater money benefit from the arrangement than the value of the fishing industry which is to be sacrificed. Accordingly, we say the plan should be rejected on the ground that its benefits, if any, furnish no justification for taking away the living of the fishermen.

Third, whether it can be amended in any reasonable way to remove the objections to it. As to possible amendments, we contend that on the plainest principles of justice the plan should be amended so that, first, the Canadians should not be allowed the freedom of our markets without giving our vessels the freedom of their inshore waters, as they did under the last reciprocity treaty; second, the Act should be so worded that the duties should be restored automatically, if Canada restores the duties; third, no part of the agreement should take effect until the export duties on wood pulp are removed; fourth, the Act should not take effect until Canada shall secure to Americans the same right to import into Canada patented articles without destroying their Canadian patents that Canadians have to import into the United States articles covered by United States patents without destroying their United States patents. These amendments would not make the arrangement truly reciprocal, but they would make it a little less of a continuous joker.

The New England Fisheries.

About 1623 the Dorchester Company began the codfishery at what is now Gloucester, and cured their salt fish there. Gloucester has been the centre of the salt-fish industry ever since, while at present Boston is the centre of the fresh codfish

business. Other cities and towns from Eastport to Provincetown take a prominent part in the business, however, Portland, Me., and Provincetown being of chief importance after Gloucester and Boston. The business consists in fitting out schooners and steamers for the catching of cod and similar fish, such as haddock, hake, pollock and cusk (which we shall refer to as the codfishery, as the fish are not easily distinguished except by an expert), and also for the catching of halibut, mackerel, herring and swordfish. The range of the fleet is from Cape Hatteras, for mackerel, to Greenland, for halibut. The greater part of the codfish is caught between Georges Banks off Cape Cod and the Grand Banks of Newfoundland, these fish being plentiful off the shores of New England, Canada and Newfoundland. The principal herring fishery is carried on close in to the shores of Newfoundland, where the American fleet disappeared. If it should not be a consequence of this bill to stop the decline which clearly appears in the fishing part of the industry as at present conducted, and if some of the sailors should be turned from a perilous and wretchedly paid calling into safer and more prosperous pursuits, the result would not be wholly evil."

Mr. McCall does not state from what figures he determines that the "lay" of a fisherman yields him hardly as much as the commonest laborer is paid ashore, so that on the whole, he thinks it is a kindly act to take away their living. The fact is that the fishing business as carried on in Gloucester is one which gives every man a chance to make just what there is in him and to develop him into a self-respecting man, doing his utmost to succeed; which yields him a competence, and more if he is skilful, and at least good food and a healthy occupation. The dangers are considerable, but not a vessel was lost from the Gloucester

fleet in 1910, and the dangers of an occasional death by drowning are far less to be dreaded by the healthy-minded men than the maiming which is daily occurring on our railroads and in our factories. A man with skill, courage and determination may start as hand, rise to command, own his vessel and start in business on shore, acquiring not wealth, but a capital of well over one hundred thousand dollars. There are many instances of this in Gloucester. On the other hand, the intemperate, the lazy, and the incompetent will surely fail, as they should, to get more than an existence, because of the system on which the business is run.

Every Man a Partner.

This system is that every man is a partner. At least one-half the entire catch goes to the crew, and the proceeds are divided between them, sometimes equally, as in mackerel seining, where no man's share can be exactly found, and sometimes strictly, according to his personal catch, as in hand-line fishing.

The result of this system is that a good captain and a good crew will make a substantial sum annually, while a poor captain and a poor crew will get only a small sum besides their lodging and good food. For example, a Gloucester concern owning 15 vessels gives the following figures for 1910:

An ordinary hand on the schooner Ingomar, which was engaged in fresh fishing for the entire year of 1910, earned \$753.70; the captain earning about \$1500 for the year plus certain other commissions, which would bring his earnings up to about \$2000 for the year, not including his dividend for the part of the vessel owned by him, which was a substantial fraction.

The schooner Arethusa engaged in salt fishing from February 21, 1910, to November 18, 1910, and such of the crew as desired to, and many of them did, could earn money at either fishing or other occupations during the period when the vessel was not engaged in salt fishing. The crew of this vessel shared \$542.91 for the eight or nine months, and the captain's share would be over \$1500, not including his dividend for the part of the vessel owned by him, which was a substantial fraction.

The schooner Cavalier engaged in fresh halibut fishing. Each of the crew shared \$646.26, and the captain's earnings were about \$2000 for the year, not including his dividend for the part of the vessel owned by him, which was a substantial fraction.

As the vessel supplies, lodging and board, nearly all of the money earned by the crew can be saved by an unmarried man.

These figures do not represent the best earnings for the entire Gloucester fleet, but do represent earnings above the average.

The schooner Thomas S. Gorton, owned almost entirely by Captain Thomas, who was a witness before the ways and means committee at the previous congress, paid \$1042 to each of its crew for the year 1910, and the captain's share was over \$2100, not including his dividend for the seven-eighths of the vessel owned by him, which was large.

The share of the Thomas S. Gorton, whose crew incidentally were practically all if not entirely, citizens of the United States, was probably the best share per man of any vessel for 1910, but the shares of other vessels named, though above the average, are not extraordinary. If the captain and crew are less skil-

ful and energetic, they will share much less, and, if the fishery fails, as the mackerel fishery did in 1910, the crew may share very little, but even in that case they will have had comfortable lodging and good food, and have had little or nothing to do except handle the vessel, child's play for these large crews of experienced men, so that the "commonest laborer" would look upon them with envy. In our opinion, even the crew of a mackerel seiner, which has caught no fish, would be far from thanking Mr. McCall for an opportunity of exchanging a trip from Cape Hatteras to Nova Scotia in the summer, with board and clothes paid, for an opportunity to do the "commonest kind of labor," say in a protected Pennsylvania coal mine, for pay which will not secure comfortable lodging and board.

In short, there is no average pay on a fisherman. He is a business man, a partner, not a wage-earner. The good man gets pay which is enough to enable him to rise in his own lifetime to a position of comfort and the poor ones have to sink to the low level which all unskilled labor brings.

These crews, like all other laborers in American communities, are constantly recruited from the most skilled class in other countries in this line, attracted here by the increased wages paid to the better class of men. These men are largely, by no means entirely, American citizens. Every captain must be an American citizen, and all the men who succeed become citizens and settle down here ultimately, while those who fail drift back. If this arrangement goes through, these men will be forced to leave the country just as the farmer will be forced to emigrate in constantly increasing numbers to the Canadian Northwest.

Fish Curing and Packing.

Closely allied to the fish-producing business is the business of curing and packing fish for market. This business has many branches,—the curing of the cod, consisting of the pickling and drying of the fish, the skinning of the fish, and the putting of the fish in packages, either whole or in pieces, from which the bones had been removed, or in shredded packages. All of this work requires extensive planes and a large force of skilled workmen. In addition to this is the preparation of salt halibut and herring for smoking, requiring extensive smoke-houses, the packing and preparation of boneless herring and of salt mackerel. These branches of the business are closely allied to the producing end of the business and absolutely dependent on it. Suitable plants for carrying on the work have been built at considerable expense, and a force of competent workmen trained in the business. All of this has taken years of careful hard work.

Number of Men Employed.

It is estimated that over 20,000 men are employed in these branches of the fish business. These men are workmen of the highest skill in their line and fitted for no other employment. If the business leaves us, they must follow it, for they have been trained in it and cannot earn a livelihood in other lines except as unskilled laborers. The number of skilled workmen fitted for this end of the business is restricted, and the same is true with reference to the number of men available to man the vessels. Once gone away, it is not possible to secure men in any numbers to fill their places.

Size of Plants.

It would astonish the members of this committee to visit an up-to-date American fishing port, such as Gloucester, and see the size of the plant required for the handling, curing, smoking and packing of the fish catch. Extensive wharves, smoke-houses, warehouses, sheds and fish yards are required, and the plant of a modern fish company compares favorably in size and cost with the plant of any manufacturing enterprise with an equivalent output. In fact, there is absolutely no difference between the conditions that exist in the fish business today and those existing in any manufacturing business.

Dependent Industries.

Other long-established industries of considerable size are dependent directly on the New England fisheries for their prosperity, and in most cases for their very existence—the ship-builders of Essex, Boston and Gloucester, who are constantly building new vessels to replace the old ones as they become out of date or are lost; the dory builders of Amesbury, Swampscott, and elsewhere, who supply the boats for the vessels; the sail-makers and duck factories, anchor foundry, net and twine factory, box factory, box makers, label makers and the farmers, who produce the supplies for the fleet. If the Gloucester fleet is destroyed, their business goes with it, for Canada does not and will not buy these things from us. The treaty will deprive the New England fisheries of the protection that is essential to their existence.

The Proposed Plan Is Unfair.

The argument is made that the proposed bill is fair in that it affects duties only on producing lines, such as farmers and fishermen, where conditions in two countries are substantially alike, as distinguished from manufacturing lines. This is not true. Conditions in the fishing business does not differ from any manufacturing business. In fact, it has more need of protection. This is equally true of both branches of the business, both the catching of the fish and the curing and packing of them ashore when they are landed. Neither branch of the business can survive the present agreement. There are many reasons that clearly demonstrate why we cannot compete with the Canadians without protection.

Unequal Conditions in the Case of the Catching of the Fish.

First. We are prohibited by the Canadian law to fish in many of the best fishing waters which are close to the Canadian shore. By previous reciprocity treaties it was always stipulated that this right should be given us, but this plan gives us no such privileges.

Second. The Canadian government pays to the Canadian vessels, boats and men engaged in deep-sea fishing an annual bounty of \$160,000. Rev. Stat. Can. 1906, Chap. 46.)

Third. The Canadian government pays one-third of the cost of building cold storage warehouses at points where they will be useful to their fishermen, and exempts Canadian fishing vessels from wharfage at government breakwaters.

Fourth. By the laws of the United States (and this we heartily approve) we must use American-built vessels in our fisheries, and these vessels cost fully 40 per cent. more than Canadian vessels. (Testimony, p. 31.)

Fifth. Our crews live in this country and are fed from American markets. The cost and standards of living are higher here, and their earnings must be greater, and the cost of taking care of them on the vessels is greater than in Canada. For this very reason we have no merchant marine engaged in foreign commerce at the present time.

Sixth. Our vessels must be outfitted here and the cost of everything in connection with them is fully 40 per cent. greater here.

Seventh. The Canadian ports are in much closer proximity to most of the fishing grounds.

If this bill is passed, the fish will of necessity be caught in Canadian vessels by Canadian crews and with Canadian capital, and the bulk of the business will be done by the Canadian fish trust, which has already been formed with this very prospect in view. Is it likely that the price of fish to the consumer in this country will be reduced by taking away our competition from this trust?

Unequal Conditions in the Curing, Packing and Shipping Business.

Protection is even more essential for the curing, packing and shipping business, and this is true for many reasons:

First. The fundamental reason is that this business must be done where the fish are landed. If the fish are caught in Canadian vessels they will be landed in Canada, and there they will of necessity be handled, cured and prepared for shipment. The only green fish brought to the United States will be fresh fish for the Boston market, and even they will be brought in Canadian vessels.

Second. The Canadian government allows to the product of Canadian fisheries concessions in the matter of freight rates that will enable the Canadians to place their fish in our Western markets at prices under ours. At the same time the Canadians assess a duty on our price list, when mailed, and either hold them up at the border or force the recipient to open them in the presence of a postoffice official.

Third. Taxes in the Canadian maritime provinces are trivial, while we must bear our share of the burden of the large tax rate that exists throughout New England.

Fourth. The cost of plant and maintenance is far greater here than in Canada.

Fifth. The cost of labor for the work on shore is far greater here than in Canada, and it is estimated that this difference is as great as 50 per cent. in many cases. Labor is a big element in the cost of handling the fish after they are landed.

It should be borne in mind that the average profit on a pound of fish today is far less than the present duty, which averages about three-fourths of a cent a pound. That the protection is essential is clearly shown from the fact alone that the imports of fish from Canada last year amounted to approximately five millions of dollars as against a total production from the New England fisheries of less than fifteen millions of dollars. This fact alone shows that the duties are at present correctly arranged on a competitive basis, so that any shortage in our supply is met by imports from Canada, and yet our market is kept alive to supply employment to over twenty thousand laborers and yet prevent any Canadian trust from controlling the business. As soon as the supply from the United States fisheries is killed off to please the Canadians, the Canadian trust will have no difficulty in putting prices to a much higher level than at present.

We do not ask any special favors. We only ask the present protection, that is far less than the average protection that will enable us to compete with our foreign competitors with their government assistance, cheaper vessels, cheaper labor, and cheaper maintenance.

Reciprocity Has Not Been An Advantage to Our Fisheries in the Past.

The claim has been made that the former reciprocity arrangement, abrogated in 1885, was a good thing for the fisheries. The facts show the contrary, and this treaty offered certain advantages to the American fisheries that are denied by this treaty. It appears from the figures given to the committee of the previous Congress that the fleet from 1876 to 1885 in Gloucester barely held its own, being 23,078 tons in 1876 and 24,333 tons in 1885, and this notwithstanding the fact that mackerel were so plentiful on our shores that the catch of the New England fleet was more than two hundred thousand barrels a year for that period.

Immediately after the treaty was abrogated, the Gloucester tonnage increased from 24,339 in 1885 to 36,164 in 1893, and this notwithstanding the fact that the mackerel catch for that period dropped on two-thirds, the catch for 1886 being 79,998 barrels in place of 329,943 barrels in 1885, and the 1893 catch being 55,637 barrels. This failure of the mackerel fishery would naturally have caused a serious diminution of the fleet, but the advantage of a moderate protection more than offset this loss, and the business increased rapidly.

1893 was a panic year, and Gloucester shared in the depression. Moreover, the mackerel fishery has grown still worse, and the arrival of halibut from the American fleet in the Pacific, at prices preventing temporarily any competition on the part of our halibut catchers, tended to cause the fleet to decrease; but the combined fishing fleet of Gloucester and Boston for 1910 was over 29,000 tons as against less than 27,468 tons for 1885, showing

what we know, that the business is ahead of what it was during the reciprocity period. The most serious handicap to the growth of the fish industry has been these threats of tariff changes. There has not been a time since the previous reciprocity treaty was abrogated that we have not been confident that we would not be left with a fleet of vessels on our hands costing forty per cent. more than those of our competitors, and which we were forced to buy at an enhanced price as a part of the protective policy of the government, and which we would be expected to run without the benefit of any protection. The merchants' service has not been able to get along with this handicap, and we cannot get along with such a handicap. When the last tariff bill was passed, we supposed that the tariff question would remain settled for a number of years, and the more prosperous companies have been planning to increase their fleets. Boston has built four steam trawlers and is planning to build more and the more prosperous Gloucester companies have been building with some freedom and have been planning other extensions. The mere threat of the present bill has stopped completely the building of new fishing vessels, but if this bill is defeated and there is a reasonable probability that we are to be allowed a moderate part of the protection which other industries enjoy, we see no reason why the Gloucester and Boston fleet should not increase as rapidly as during the years between 1885 and 1893 under the protection then granted.

The Bill Offers No Substantial Benefits To Any American Industry.

We deny that the proposed arrangement is advantageous to the United States. It throws open to the Canadians the enormous American market of ninety millions of people in exchange for American entry for similar products into the Canadian market of nine millions.

A dozen articles of the entire number mentioned in the bill constituted fifty per cent. of the exports of enumerated articles last year to Canada, and of these fifty per cent. are already free. Our exports to Canada of most of the balance were negligible, and will always be so. The bill does not give us what we desire,—the free entry of American manufactures. In fact, manufactured articles were specially excluded from consideration. Finance Minister Fielding, of Canada, stated in the Canadian Parliament

"No proposals for general free trade between Canada and the United States were made to Canada by the American commissioners in the recent negotiations. If the American commissioners had authority to make such proposals, they were not given the opportunity, because at the very outset of negotiations we gave them to understand that, speaking generally, we were not prepared to have manufactured articles included in the list for reciprocity."

On the few manufactured articles that are mentioned, such as automobiles and farm implements, the bill is intentionally ineffective; for should the American manufacturer take advantage of it, under the Canadian law he would forfeit his Canadian patents. In fact, it is impossible to point out in what particulars the proposed bill will be a material benefit to any American industry. Absolutely the only argument that can be made in its favor is that it may possibly reduce slightly the cost of living in the United States by taking away from the farmer and fishermen some, if not all, of their present earnings. It is a fact that can be proved that the only possible difference to the consumer that this bill could make in the cost of fish would be an average of one cent per person annually. On the Canadian side, what is the object to be attained? One thing above all, the free entry of Canadian fish. Farm products were but incidental. Contrary to the apparent American policy, the Canadians have always cherished their fisheries and tried to secure for them every advantage. We assert with absolute confidence that the free entry of Canadian fish is the one great desire of the Canadians in this bill. By referring to the table of imports into this country from Canada last year of the articles covered by this bill, this fact is manifest. That table shows that of the articles enumerated, over 150, totaling \$47,333,158, lumber and pulp constituted over 50 per cent., and, excepting flaxseed and asbestos, fish to the amount of \$4,920,336 was the only other item of any size. We all know the Canadian attitude on lumber and pulp. Nothing in the proposed bill will prevent an export duty on lumber and on pulp. There already is an existing export duty in the most important Canadian provinces, which they have indicated their unwillingness to remove. These figures show clearly what Canada desires and the ease with which the Canadians have, after trying ineffectually for years, accomplished their purpose without an adequate (in fact, any) quid pro quo except the empty word reciprocity is apparent.

Essential Amendments.

Should the Congress of the United States determine to disregard the rights or wrongs of the fishermen and pass the bill, there are, nevertheless, certain essential amendments that should be made in order to prevent the gravest injustice to this country.

Right to Fish in Canadian Waters.

The Canadians should not be allowed the freedom of our markets without giving our vessels the freedom of their inshore waters. If we are to be forced to compete without any protection with bounty-fed and government-favored Canadians and cheaper Canadian vessels, labor, and production costs, at least we ought to have substantially equal rights in the fishing grounds, and not be excluded as we are today from all Canadian grounds. This right was a condition of the last reciprocity treaty. Had the statesmen who negotiated the present arrangement on behalf of the United States cared one jot about our

fishing interests, they could have had the same provision in this bill. We are entitled to this right, and our government owes it to us to insist upon its being granted. Any other course would be the greatest injustice.

Automatic Restoration of Duties.

Any one familiar with conditions in Canada and this country is aware of the celerity with which the Canadian government, eager as the fox, seizes upon the advantage of the moment and of the ponderous and deliberate movements of our government under similar conditions. Nothing in this act prevents Canada from restoring the duties without any notice whatsoever to this country and at any time after the bill is put in force. Clearly then, the act should provide for some automatic restoration of the United States duties under such circumstances. Otherwise, should the Canadians choose a strategic movement for the restoration of their duties, we might, nevertheless, be forced to continue allowing the free entry of their products for years. The bill works almost automatically for the reduction in duties, and the same should be true for their restoration.

The Wood-Pulp Question.

Certain Canadian provinces have already loudly proclaimed their unwillingness to remove any of their export restrictions on wood pulp. Thus we will lose the benefit of this most important feature of the bill. No other result could have been expected from a bill in the form submitted. No other intention or expectation ever existed in the Canadian mind. This clause was put in as additional bait for the unwary, but it is not too late to cure this. The bill should be amended so as to provide that the reduced rates should not go into effect until these provincial restrictions are removed and we are given the advantage of this provision. We shall never get it otherwise.

A Characteristic Joker in the Bill.

The bill holds out to a certain few—very few indeed it is—of our manufacturers inducements of the Canadian market (though in most cases it is only a slight reduction that is offered), but there is a joker concealed here, and every time the Canadian holds out such apparent inducements this is sure to be true. We have already shown that Mr. Fielding has clearly stated that he does not intend any competition with Canadian manufacturers on the part of the United States. Any apparent exception to this rule will be found to be illusory. No principle is more firmly established in Canada than that of protection to Canadian manufactures. It is true that agricultural implements and a few other manufactured goods from the United States are mentioned in the bill, but the Canadian patent act (not mentioned in the bill) provides, if the holder of a Canadian patent

"Imports or causes to be imported into Canada the invention for which the patent is granted, such patent shall be void" (2 Rev. Stat., Chap. 61, Sec. 38).

It is, of course, a fact beyond dispute that most American manufacturers hold Canadian patents, and it is not likely that they will be willing to invalidate their Canadian patents, even though the duty is reduced. Certainly this bill should not be passed till Canada secures to Americans the same right to import into Canada patented articles without destroying their Canadian patents that Canadians have to import into the United States articles covered by United States patents without destroying their United States patents.

Canada Must Increase Duties On Other Articles to Make up Revenue Loss.

There is not a word in the arrangement to prevent Canada doubling the duties on any articles not included in its terms the day after the agreement takes effect without in any way violating the terms of the agreement. The arrangement attempts only to fix duties on certain articles, and it is no violation of the arrangement in letter or in spirit if Canada increases its tariff on other articles to make up for the duties here remitted. In fact, it is obvious that Canada must do something of the kind, for the amount remitted in duties on goods Canada does not produce which form the staple of the Canadian concession must be made up some way, and the natural way will be by an increase in the duty on manufactured articles.

Can you say that there is an implied agreement in the arrangement that other duties shall not be changed? If so, the like rule applies to the United States, and we are impliedly agreeing not to change our tariff in any respect.

Are Foreign Complications Avoided by the Proposed Plan?

The president says: "She" (Canada) "has cost us nothing in the way of preparations for defence against her possible assault, and she never will. She has sought to agree with us quickly when differences have disturbed our relations."

The contrary is true. So far as controversies are concerned, we have had more serious controversies with the Dominion of Canada than any other country. The American claim of 54-40 or fight, and the corresponding Canadian claim to a large part of what is now Washington, Oregon, and Maine, and the Alaska boundary dispute are only instances of this that will readily be recalled by any one familiar with American history. We men of Gloucester know only too well the bitter animosity that has always existed toward us and toward the United States on the part of all Canadians that we have encountered. If up to the present time Canada has cost us nothing by way of preparation for defence against possible assaults, it is only her weakness that is to be credited with our safety, together with the conciliatory attitude of the United States and Great Britain. It is to be noted that the present plan, so far as the fisheries are concerned, does not remove any difficulties. The question whether American vessels, when fishing, are within three miles of shore is a fruitful source of trouble, as no act will so quickly raise a war spirit as a violent seizure of an American citizen or vessel. When we consider that scarcely more than a request on the part of the president was necessary to remove the source of dispute by a provision in the present plan that the Americans should enjoy equally with the Canadians, as under previous treaties, the inshore fisheries, it will

be seen what a golden opportunity the president has let slip.

The Passing of the Bill Would Be a Moral Wrong.

We require every bit of the protection that we now have. If this bill passes, it will mean the gradual extermination of the New England fisheries, both the business of catching the fish and of curing, packing, and shipping them on shore. The only reason that can be advanced for doing this is a possible benefit to other industries. We contend that it is a monstrous thing to take away the living of one producing and manufacturing class in order possibly to benefit other classes, and particularly is this true when the benefit is to be conferred on other classes now fully protected. Morally, though perhaps not legally, this is a taking of property without compensation and deprivation of the equal protection of the laws. Congress has no moral right to violate these constitutional principles, which are cardinal principles of justice firmly established in our country. The fact that some other industries may receive a greater money benefit than the value of the fishing industry which is to be sacrificed does not justify it.

We ask if there is any occasion to violate these principles, and deprive the fisherman of his living and injure the farmer for the benefit of the steel and woolen trusts?

President's Message Self-Contradictory.

In his message transmitting the bill to the fast Congress the president said, "A far-sighted policy requires that if we can enlarge our supply of natural resources, and especially of food products and the necessities of life, without substantial injury to any of our producing and manufacturing classes, we should take steps to do so now."

Obviously, the president's plan was either based in ignorance of the conditions existing, which is possible, because he got his information solely from the Canadians, and did not consult any industry of the United States which was affected, or else the whole plan is a skillful attempt by certain protected interests to get through a mock reciprocity plan which will injure only the farmer or the fisherman without affecting any of the trust-protected articles. The proposed bill would not only be a substantial in-

jury to one of our oldest and most deserving industries and producing classes, but would, in fact, mean the absolute extermination of the industry.

Plan Should Be Rejected.

For the foregoing reasons the president's plan should be rejected.

Respectfully submitted,
Gloucester Board of Trade,
Master Mariners Association,
of Gloucester, Mass.

The New England Fishing Fleet.

Attached to the brief is a table showing the number and tonnage of the vessels in New England engaged in the fisheries, as follows:

	Vessels.	Tonnage
Maine:		
Portland,	67	1,592
Frenchman's Bay,	53	891
Belfast,	45	521
Machias,	42	396
Kennebunk,	13	204
Wiscasset,	16	186
Bath,	7	70
Passamaquoddy,	3	31
Total,	246	3,891
New Hampshire:		
Portsmouth,	1	32
Total,	1	32
Massachusetts:		
Gloucester,	267	21,212
*Boston,	114	9,242
Edgartown,	38	307
New Bedford,	14	489
Marblehead,	14	273
Salem,	13	416
Plymouth,	3	21
Total,	463	31,960
Rhode Island:		
Bristol,	19	364
Newport,	6	156
Providence,	3	37
Total,	28	557
Connecticut:		
Stonington,	28	803
New London,	14	634
Total,	42	1,437
Grand total,	780	37,877

*Boston has four beam trawlers. The above figures do not include Nantucket, Barnstable, Castine, and some smaller ports.

TEXT OF CUSTOMS COURT DECISION

Previous Ruling of Treasury Department Is Sustained.

Exhaustive Definition of What Constitutes American Fisheries.

As noted in the Times of Tuesday, the customs court of appeals decided in the well known Carter case in favor of sustaining the appeal against the judgment of the court of appraisers, which decided in favor of Carter et als., as to what constituted an American fishery in foreign waters.

The decision is a long one, but nevertheless will be of vital interest to all in this city, and for this reason it is appended in full:

"The court held that the facts in this case showed that the American fishing vessel took no part in the fishing operations in question except to convey from the United States to Newfoundland certain fishing supplies. The decision is as follows:

"A portion of the fishing tackle so conveyed was used under the supervision and by the employees of an American citizen temporarily at Bonne Bay, Newfoundland; but the fishermen engaged there for service apparently used their own boats and presumably obtained there their supplies. The fish so caught were cured on British soil and shipped to the United States in a British vessel: Held the importation was not entitled to free entry as the product of American fisheries under Paragraph 567, Tariff Act of 1909.

"United States Court of Customs Appeals, April 17, 1911. Appeal from a decision of the Board of United States Appraisers, G. A. 7121. (T. D. 31028).

(Decision reversed).
"D. Frank Lloyd, Assistant Attorney General (Edwin Wakefield on the brief), for the United States.

"No appearance for the appellees.

"Before Montgomery, Smith, Barber, DeVries and Martin, Judges Montgomery presiding judge, delivered the opinion of the court. This is an appeal from the decision of the board of general appraisers which sustained the protest of the importer and held that certain fish entered by the importer were entitled to free entry, as the product of American fisheries under Paragraph 567 of the Tariff Act of 1909. That paragraph on the free list—

"Fish, fresh, frozen, or packed in

ice, caught in the Great Lakes or other fresh waters by citizens of the United States, and all other fish products of American fisheries."

"The fish, which were the subject of the present importation were caught in the waters within the district within which the liberty to take fish and to occupy and use the bays and harbors, in common with the subjects of his Britannic majesty, in the drying and curing of same in any of the unsettled bays, harbors and creeks of the southern part of the coast of Newfoundland, and of the coast of Labrador, was granted by the treaty of 1818 between this country and Great Britain.

What Is Shown by the Record in The Case.

"The record in the case shows that one Captain Carter is the owner of the vessel Sarah C. Wharf, an American chartered tug, fitted out for fishing; that she left Boston in 1907 and remained in the treaty boundaries of Newfoundland until 1909, at the time when these fish were caught; that Captain Carter was there during the period and the business in question was conducted under his supervision. The fish covered by the present importation were

caught in Rocky Harbor and cured on the shores of Bonne Bay, which adjoined. When the tug went north in 1907, she took with her \$800 to \$1000 worth of trawl lines, nets for bait, hand lines and hooks. At the time these fish were caught the boat was not at Bonne Bay, but was some 30 miles distant in charge of an American captain, with a crew partly American. How engaged at the time the fish in question were caught the record does not disclose. It would seem, therefore, that the connection of the boat with the case was not other than its use for the transportation of the fishing gear from Boston to Boone Bay.

"Captain Carter testified that he employed residents of Newfoundland to catch the fish in question; that in some cases he furnished trawl line and hand lines that were used by the men; that he paid them according to the catch; generally so much per pound; that he then hired them, giving them so much for curing them, and in some cases paid them by the day or by the hour to help in curing the fish; that the men, while so employed, were working exclusively for him and that he was bound by his contract to take all the fish they caught and did so in the present case. The question presented is whether these facts constituted the enterprise an American fishery within the meaning of the tariff act.

Previous Decisions Were Liberal in Their Construction.

"The history of the industry shows that a somewhat liberal construction has usually been given to this provision. In December, 1886, the question was presented whether a cargo which had been taken by the crew of the vessel with the assistance of men and nets hired in Newfoundland for that purpose would be free of duty. The secretary of the treasury instructed the collector that such fish having been taken by an American vessel licensed for the fisheries, was entitled to free duty, as the product of American fisheries. (T. D. 7933.)

"In 1894 the question was presented as to whether the fish caught off the banks of Newfoundland and purchased from traps, nets, or otherwise to make a cargo of an American fishing vessel, were the products of an American industry. This question was answered in the negative. (T. D. 15,479.)

"In T. D. 28,768 it appeared that the schooner Bohemia sailed from Gloucester on August 29, 1897, on a fishing trip, with 11 men all told; that upon arrival at Bonne Bay, the master of the vessel engaged 20 men to fish for him, paying them at the rate of one and a half cents per pound for all fish caught by them; that such fish were delivered from the boats to the vessels and dressed on board the Bohemia by her regular crew.

"In holding that these fish were the products of an American fishery, the secretary said:

"The department has frequently held that fish taken by an American vessel on the coast of Newfoundland with the assistance of men, boats and gear, hired for the purpose, are free of duty, as the product of American fisheries."

And added:

"While said fish were paid for at the rate of one and one-half cents per pound, it appears that it is the general practice of fishing vessels to pay for fish caught for them at a rate per pound, and as said fish were caught after the arrival of the Bohemia on the fishing grounds and expressly for that vessel, and were loaded directly aboard the vessel from the boats without having been

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landed ashore, the department is of the opinion that the same should be considered as having been caught by said vessel with the assistance of men, and gear hired for the purpose and not as having been purchased."—T. D. 28,768, citing the case of schooner Whuland, G. A. 5453 (T. D. 24,738.)

Fish Dressed, Cured or Frozen on Shore Not Entitled to Free Entry.

The government contends that when fish are taken by foreign fishermen, and subsequently purchased by an American citizen, or when fish

caught by foreign fishermen, hired by an American citizen, are taken from the fishing ground to a foreign shore and there dressed frozen, salted, dried, or otherwise preserved for transportation, they are not entitled to free entry, notwithstanding they are caught by an American, even though the owner of an American vessel conducts the enterprise, where, as appears in the present case, the vessel had no part in the fishing operations.

"The treasury department, in a circular letter to the collectors of customs, signed by the secretary of the treasury, on January 17, 1911, defined an American fishery within the meaning of this paragraph to be a fishery operated under the American flag by American vessels in foreign waters in which such vessels have a right by treaty or otherwise to take fish and other marine products.

"We have been cited to no case decided by the courts and to no construction by the department which holds that such an operation as the present would fall within the language of the clause of the statute under the consideration. It cannot be said that all fish taken in the waters covered by the treaty between Great Britain and the United States are fish taken from an American fishery. The term "fishery" sometimes means the locus or the easement belonging to the riparian proprietor. Manifestly the term is not so used in the present tariff act. It has been extended to mean any enterprise conducted by an American fishing vessel, flying the American flag, manned by American sailors, and in such case it has been held that fish caught by men not American citizens, hired for that purpose by the master of the vessel, are still the product of an American fishery.

"This, it seems to us, is going quite as far as either department or the courts can safely go. In the present case, as we have seen, the fishing vessel, which happened to be the property of Captain Carter, engaged at Bonne Bay, had no part whatever in the actual operations involved in the taking of the fish which were the subject of this controversy. All that we have is the fact that the fish were caught under the supervision and by employees of an American citizen, temporarily at Bonne Bay, and that a portion of the fishing tackle was furnished by him. So far as the record indicates the boats employed by the fishermen were their own boats. The supplies furnished were presumably secured at Bonne Bay. Nothing to the contrary is shown. The fish were cured on British soil, and were shipped by a British vessel. And to hold that they are the product of an American fishery would result in permitting any American to go to British territory, prosecute his calling wholly through British employees, using British supplies, and bring himself within the clause of this statute permitting free entry. We think such was not the intent of Congress, and it follows that the decision of the Board of General Appraisers permitting free entry of these shipments must be reversed.

"Smith, Barber, De Vries and Martin, judges, concur."

COLD STORAGE BILL IN CONGRESS.

Would Limit the Keeping of Fish to Three Months.

Senator Weldon B. Heyburn of Idaho is hopeful of getting his cold storage bill through the 62d Congress.

Senator Heyburn drafted and pressed to its final passage the food and drugs act, commonly known as the pure food law. He was beaten in two Congresses but won in the third, with a measure which makes it a crime for any dealer to sell or even transport in interstate commerce articles of food and drugs which are adulterated or misrepresented. This was one of the greatest pieces of national legislation ever enacted and only a man of the force of Senator Heyburn could have carried it through.

The present proposition had its genesis in a bill introduced by Senator Lodge of Massachusetts to prohibit the keeping in cold storage for more than a year of certain food articles. The bill, which was intended only as a tentative suggestion, was referred to the committee on manufactures and it was indicated in this correspondence at the time that it had fallen into the welcoming hands on the father of the pure food law.

The Jurisdiction and Provision of the Proposed Law.

Chairman Heyburn at once addressed himself to the task of investigation with all his powers of industry and application. Hearings were given and promptly on the convening of the 62d Congress, Senator Heyburn introduced his bill, accompanied with a comprehensive report. The trades to which it would apply are taking the bill seriously and already have requested further hearings, which probably will be granted, now that a concrete proposition has been presented.

The jurisdiction of the bill necessarily is confined to the District of Columbia and other possessions of the United States, for of course Congress cannot regulate the wholesale and retail trade of any state. It can and would by this bill prohibit the transportation between states of any of the articles included within the prohibitions but it could not, of course, reach local dealers by law. Hence in a measure the Heyburn bill will serve rather as a model for the states to copy than an instrument of direct regulation.

It provides first that any of the following-named articles, the manufactures or products thereof, shall be deemed to be "adulterated" if held in cold storage for more than the periods designated, as follows:

- Beef seven months.
- Veal, four months.
- Pork, four months.
- Sheep, four months.
- Lamb, three months.
- Poultry, three months.
- Game, three months.
- Fish, three months.
- Eggs, three months.
- Butter, three months.

Hits the Thanksgiving Turkey.

Included also in the prohibition is any article of food which, having been held in cold storage for any period, has been removed therefrom and returned again to cold storage. This provision would apply especially to the Thanksgiving turkey, which is placed in refrigerators perhaps in October, taken out and exposed for sale (and contamination) about Thanksgiving time, then held by the local dealer until after Christmas and then (what is left over) is again returned to the great storage warehouse. In fact the bill especially applies to the great storage plants rather than the refrigerators of the retailers. It defines the term "cold storage" as meaning the deposit of food products in warehouses, buildings or other receptacles where for a longer period than 10 days the temperature is artificially kept at 40 degrees Fahrenheit or below, except when the products are actually in transit and have not previous to such transit been in cold storage.

Goods Must Be Labelled With Correct Date of Reckoning.

Of direct interest to the consumer is the labelling provision. The bill requires the original package, say a barrel, to be labelled plainly with the date of production, killing, packing or manufacturing and the period during which the article has been held in cold storage. It adds—translating into popular terms—that when a customer goes to a dealer and buys a turkey the seller shall if so requested by the purchaser, tag the turkey with a label bearing the exact information to be found on the original package.

"I want to place some of the responsibility on the purchaser," explained Senator Heyburn. "If this bill becomes law the consumer can protect himself through this provision if he is interested enough to do so. If he is not, of course he cannot complain at what he receives.

While the hearings were in process the dealers protested strongly against the labelling provision, but Senator Heyburn conducted a little investigation

of his own and confounded them all with the discovery that it was the trade practice now to label meats and poultry and other articles to which the law would apply. The only difference was that the labels were in cipher and of course meant nothing to the purchaser. The senator proved, too that the labels were exceedingly cheap—dozens could be bought for a fraction of a cent; and after he had produced his discoveries and expatiated on them a little, the violent outcry against the labelling provision suddenly ceased.

Call Cold Storage a Blessing.

Fearful lest Congress shall enact legislative hostile to cold storage of food products those favoring it are on hand by Washington to prevent such legislation if they can and they seem to have arranged a procedure corrective of what is conceived erroneous public opinion.

Circulars are being received to show what a blessing cold storage is and how much the people would suffer if the lean months were not taken care of while the months are fat. It seems to be agreed to accept this much law:

"To limit the cold storage of food to one year (covering all interstate commerce as well as the District of Columbia) will meet all requirements as to health, work no hurt to any interest and result in no appreciable raise in price of any food product. This limitation to be accompanied by such rules as to inspection as will insure enforcement of the law.

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SEEKING NOVA SCOTIA PLANTS.

Gorton-Pew Fisheries Co. Said to Have Option on Lunenburg Property.

Other Concerns Reported to Be After Locations There.

It looks at present as though one or more of the leading fish concerns in this city really have their eyes on locations and plants at Lunenburg and other Nova Scotia fish centers in case the reciprocity bill passes at this session of Congress.

Often of late it has been stated that some of the concerns were actually going to move their business to Lunenburg if free fish became an actuality while on the other hand the statement has been disputed and doubted by some here who believed that the talk of moving was for effect.

It is a fact, however, that several of the large concerns have turned their eyes and thoughts Lunenburgward and figured and made tentative plans in that direction. It must be admitted that with the coming of free fish many things are liable to happen here as far forth as the future conduct of the fishery and fish curing.

cutting and shipping are concerned. The Yarmouth, N. S., Daily Post of Tuesday has the following very important and very interesting item, which will be read here with more than passing interest:

"In view of the possible passing of the reciprocity measure, the Gorton Pew Fishery Company, of Gloucester, which owns fully 50 fishing schooners, has taken an option on the wharves and buildings of Eisinhaur & Company at Lunenburg and another large firm is talking of locating at Shelburne and Lockeport."

General Manager Thomas J. Carroll of the Gorton-Pew Fisheries Company, to whom the item was read by a Times representative, who asked if the statement herein contained was correct as far as his company was concerned, would not deny or affirm and said that at the present time he did not care to make any statement regarding the matter, but intimated that he might at a later date.

RECEIPTS SMALL, DEMAND LIGHT.

BUT LITTLE DOING IN FRESH FISH AMONG T WHARF DEALERS.

The fish situation at T wharf just at present is duller than the gum drop trade along the North Pole route. There is nothing doing.

This morning nine vessels lined up at the wharf and five of these were little cod netters and four market boats, and altogether they had but little more than 100,000 pounds, 37,000 pounds of the total being hake and cusk.

Shore haddock sold at \$1.65 and \$2.50, and not too many at the latter figure. Large cod were about splitting price, ranging from \$2 to \$2.50. Hake were \$1.25 and \$1.40, cusk \$1.70 and pollock \$1.25. Nothing very encouraging there.

Boston Arrivals.

The fares and prices in detail are: Sch. Joseph H. Cromwell, 5000 cod, 30,000 hake, 7000 cusk. Sch. Matchless, 25,000 haddock, 4000 cod, 1000 pollock. Sch. Stranger, 10,000 haddock, 6000 cod. Sch. Actor, 9000 haddock, 3200 cod. Sch. Ignatius Enos, 5500 cod. Sch. Lucy B. Winsor, 2900 cod. Sch. Eva Avma, 1700 cod. Sch. Morning Star, 1500 cod. Sch. Laura Enos, 5000 cod. Haddock, \$1.65 to \$2.50 per cwt.; large cod, \$2 to \$2.50; market cod, \$1.75 to \$2; hake, \$1.25 to \$1.40; cusk, \$1.70; pollock, \$1.25.

New York's Early Fisheries.

According to early records of New York, fish and fishing engaged the attention of citizens of the town to no small degree. Von der Donk, the historian, relates that the waters about New Netherlands abounded in lobsters, and not only in lobsters, but in specimens of other kinds that would make a fish stall of today unsafe to approach save by a man with an ax or a harpoon, for they were "from 5 to 6 feet long."

It is recorded in 1753 the oyster trade of New York was worth £10,000 a year, and that "shad were exceedingly plentiful," so plentiful, in fact, that the New York Gazette of April 13, 1756, says that "on Tuesday last 5751 shad were caught at one draught on the west side of Long Island."

Yet only a few years later fishing seems to have fallen into such a state that a fish famine existed in New York, and at last, in 1773, the General Assembly offered a bounty "for the encouragement of a fishery on the coast for the better supplying of the markets of this city with fish." The bounty to be distributed was \$200 per annum for five years.

The New York Chamber of Commerce likewise took the matter up and added a premium of £150 to the most successful fisherman, whereupon one Peter Parks went out and from the adjacent waters brought in 800 live cod—this is July, 1774—and put them on the market. The catch won the premium, and a bonus of £20 was given one Robert Heartshorne for bringing in a catch of 450 sheep-head.

All this was years after whales were no longer taken in the "Hudsons River" and off the city in the harbor. There is the authority of Von der Donk for the statement that in March 1647, "at time of a great freshet," two whales of ordinary size swam up the Hudson.

April 28.

French Fishing Vessel Sunk by Iceberg.

Disaster among the French fishing fleet operating on the Quero and Grand Banks continues. To the two vessels previously reported sunk on the Grand Banks, one a fisherman and the other a supply ship, is added another in the bark Guillaume Tell, which also went down on the Grand Banks after collision with an iceberg.

Of the crew of 31 men, 20 are known to be aboard the bark Paquerette, which is carrying them to St. Pierre, and the others are thought to be on another vessel.

Held in Harbor By Ice.

Schs. J. J. Flaherty and Mystery, which put in at Canso, N. S., last week, were forced to remain in that port for five days, as the recent gale drove the ice in and held them there and made it impossible for them to get out until the wind hauled and drove the ice in another direction and opened up the harbor once more.

April 28.

POLLOCKERS FOUND FISH.

ALTHOUGH IN SMALL SCHOOLS AND NOT TOO PLENTIFUL AT THAT.

There are no arrivals from offshore this morning, but as was predicted in the Times of yesterday, the pollock seiners struck fish and started in on their old tricks of landing afternoon and evening fares and darting out again so as to be on the ground early in the morning for another try at the fish.

Quite a number of the small gasoliners and steamers made hauls off Thacher's island. They did not get big catches, and the fish were reported in small schools and not too plentiful.

The boats have a fine fish day today, and are expected back this afternoon with catches. The price took another advance yesterday afternoon, when William H. Jordan & Co. paid \$1.25 round. This concern and the Gloucester Salt Fish Company secured the bulk of what was landed. Practically none went to the Fort wharf dealers, as they considered that they could not pay \$1.25 round and get out of it without a loss. They figured pretty near right, for dressed pollock at Boston this morning brought \$1.25 and not many were wanted at that figure.

The Provincetown schs. Lottie Brynes and Gladstone are here to fit for their rannual dory handline trips to the banks, and a few vessels are down from Boston with no fish. Outside of the pollockers it is dull music.

Today's Arrivals and Receipts.

The arrivals and receipts in detail are:

- Sch. Little Fannie, shore, 9000 lbs. fresh pollock.
- Sch. Freedom, shore, 8000 lbs. fresh pollock.
- Sch. Reliance, shore, 3000 lbs. fresh pollock.
- Steamer Marchant, shore, 5000 lbs. fresh pollock.
- Steamer Herbert and Emma, shore, 9000 lbs. fresh pollock.
- Steamer Independence, shore, 19,000 lbs. fresh pollock.
- Steamer Quartette, shore, 7000 lbs. fresh pollock.
- Steamer Mystery, shore, 5000 lbs. fresh pollock.
- Steamer Water Witch, shore, 5000 lbs. fresh pollock.
- Steamer Bessie M. Dugan, shore, 6000 lbs. fresh pollock.
- Steamer Nomad, shore, 1500 lbs. fresh fish.
- Steamer Mindora, shore, 2500 lbs. fresh pollock.
- Steamer Eagle, shore, 2500 lbs. fresh pollock.
- Steamer Quoddy, shore, 700 lbs. fresh fish.
- Steamer Prince Olaf, shore, 1700 lbs. fresh fish.
- Steamer Weazel, shore, 1700 lbs. fresh fish.
- Sch. Lottie Brynes, Provincetown.
- Sch. Gladstone, Provincetown.
- Sch. Gladys and Sabra, shore.
- Sch. Buema, shore.
- Sch. Emily Cooney, shore.

Vessels Sailed.

- Sch. James W. Parker, haddocking.
- Sch. Richard, haddocking.
- Sch. Vanessa, haddocking.
- Sch. Mary E. Cooney, haddocking.
- Sch. Edith Silveira, haddocking.
- Sch. Alert, south mackerel seining.
- Sch. Etta Mildred Rips.
- Sch. Atalanta, fitched halibuting.

TODAY'S FISH MARKET.

Salt Fish.

- Trawl bank codfish, large, \$4.50; mediums, \$4.
- Handline Georges codfish, large, \$5; medium, \$4.75; snappers, \$3.
- Trawl, Georges codfish, large, \$4.75; medium, \$4.25.
- Eastern halibut codfish, large, \$4.50; medium, \$4.
- Haddock, \$1.25.
- Pollock, \$2.
- Cusk, large, \$2.50; medium, \$2; snappers, \$1.50.
- Hake, \$1.75.
- All codfish with napes picked bring 25c over the above prices.

Fresh Fish.

- Haddock, \$1.10.
- Large cod, \$2.35; mediums, \$1.75; snappers, 75c.
- Peak fresh codfish, \$2.25 per cwt. for large and \$1.75 for mediums.
- Cusk, large, \$1.75.
- Hake, \$1.25.
- Dressed pollock, \$1.10; round, \$1.15.
- Halibut, 8c per lb., for white and 7 1/2c for gray.

April 28. 149

FISH RECEIPTS DURING MARCH.

COMPARATIVE AMOUNTS LANDED BY AMERICAN VESSELS AT THIS PORT AND BOSTON.

According to the report of the Bureau of Fisheries 173 fares of fish aggregating 1,474,107 pounds of fresh fish valued at \$53,781 and 237,614 pounds of salt fish, valued at \$11,599, a total of 1,711,721 pounds valued at \$65,380, were landed at this port by American vessels, over five tons register during March, while at Boston for the same month, were landed 342 fares, aggregating 10,079,200 pounds of fresh fish valued at \$276,885.

Gloucester.

	Pounds.	Value.
Fresh cod,	438,934	\$12,080
Salt cod,	204,529	10,754
Total cod,	643,463	22,834
Fresh haddock,	687,730	18,427
Salt haddock,	9,090	182
Total haddock,	696,820	18,609
Fresh cusk,	23,655	415
Salt cusk,	2,700	72
Total cusk,	26,355	487
Fresh hake,	12,564	405
Salt hake,	833	16
Total hake,	13,397	421
Fresh pollock,	147,745	5,819
Salt pollock,	17,720	355
Total pollock,	165,465	6,174
Fresh halibut,	163,479	16,635
Salt halibut,	2,742	220
Total halibut,	166,221	16,855

Boston.

	Pounds.	Value.
Fresh cod,	2,954,000	\$81,652
Fresh haddock,	6,164,300	157,414
Fresh cusk,	267,300	6,662
Fresh hake,	545,000	20,157
Fresh pollock,	88,500	3,685
Fresh halibut,	60,100	7,315

April 29.

Portland Fish Notes.

These are the days when the small-boat fishermen are making their share of the money in the industry. If it were not for them, there would be very few ground fish received at Portland. As it is, there is a steady supply being brought in. The market is very low, but the fishermen are making money for all of that.

Word has been received at Portland that the lobster smacks Katie L. Lamson and Chester A. Kennedy have arrived safely at Westport, N. S. The Lamson went from Jonesport and the Kennedy from here. The latter was eight days in making the trip, for she left Portland on the 18th and was in Westport Wednesday night. The smacks bound for Lockeport have not yet made that place.

When the schooner Robert and Carr arrived at Portland Tuesday she had 2000 pounds of pollock. The members of the crew reported the black-backed fish are very scarce. They saw herding on Buganut, the other side of Half Way rock, but as none were taken, it could not be told whether the fish were large or small.

The ranks of the Portland fishing fleet will be sadly depleted this summer, judging from the number of craft that have already sailed away on long cruises or are preparing to. Schs. Bernie and Bessie and Hockomock are south with the mackerel fleet, schs. Mary Sinnett and Watauga have gone after halibut, sch. Fannie Hayden, Capt. Humphrey Skolfield in command this time, is out pollocking and will then go shadding. Sch. Angie B. Watson, Capt. William Sinnett, will shortly leave for Newfoundland after halibut and sch. Marjie Turner, Capt. Samuel Coisen, is preparing to go to the same place. The vessels that will be left here to do the trawling will be few and far between.

Price of Lobster Dropped.

Lobsters have hit the toboggan. Last week the price was low and now it has dropped still farther—to the fishermen.

Thursday the price being paid to the fishermen for lobsters was from \$12 to \$14 a crate of 100 fish. That means that the price of the crustaceans ran from eight cents a pound up, a seventh of what was being paid a month ago. This is almost as low as the price paid last season when the shellfish were almost a drug on the market. It is predicted that the price may go still lower this year.

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FREE ENTRY OF PRODUCTS OF AMERICAN FISHERIES.

1911.
Department Circular No. 7.
Division of Customs.

TREASURY DEPARTMENT,

OFFICE OF THE SECRETARY,

Washington, January 17, 1911.

To Collectors and other Officers of the Customs:

Paragraph 639 of the Tariff Act of August 5, 1909, provides for the free entry, among other things, of "spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries."

1. An American fishery, within the meaning of said paragraph, is defined as a fishery operated under the American flag by American vessels in foreign waters, in which such vessels have the right, by treaty or otherwise, to take fish and other marine products. The products of such fisheries will be held to include fish, oil, bone, sponges, turtles, and all other marine products.

2. Fish taken by the citizens of another country, and purchased by the owner, master, or agent of an American vessel, whether or not landed on shore prior to being taken aboard such vessel, are not entitled to free entry as a product of an American fishery.

3. Fish taken from the water by members of the crew of an American vessel (who may be either American citizens or foreigners), or by foreign fishermen in the presence of such vessel and under the supervision of its master or crew, and in pursuance of an employment for that purpose, *whether with foreign boats, nets, gear, and tackle, or with boats, nets, etc., provided for such purpose by the fishing vessel*, and brought by such fishing vessel to a port of this country, or transhipped to another vessel as hereinafter provided, will be entitled to free entry.

In other words, the employment of foreign fishermen either as members of the crew or under the supervision of the master or crew of an American vessel is allowed. The *purchase* by the master or crew of an American vessel of fish caught by the citizens of another country in foreign waters will subject such fish to duty.

4. Fish taken by an American vessel in the manner described in paragraph 3 hereof and landed on shore in foreign territory to be frozen, salted, dried, or otherwise preserved for transportation by the master and crew of the fishing vessel will be entitled to free entry, provided that no persons other than the officers, master, and crew of said fishing vessel, or persons employed for the purpose, have been engaged in freezing, salting, drying, or curing such fish on shore, and further provided that the fish have not been subjected to any process of manufacture on shore.

5. Fish imported in a vessel other than the vessel by which the same are taken will not be entitled to free entry unless it be shown to the satisfaction of the collector of customs at the port of entry, by affidavits, or otherwise, that it was impracticable, for commercial reasons or because of accident, stress of weather, or otherwise, for such fishing vessel to bring the catch into port.

6. Whether such products are imported in the vessel by which the same are taken or by another vessel, as provided in section 5 (supra), an affidavit by the master of the vessel by

which the fish or other products were taken will be required upon entry, showing when, where, by whom, and the manner in which the same were taken from the water on board such vessel, and such affidavit will be required to be verified by the affidavits of at least two members of the crew of the fishing vessel.

Free entry will be denied unless it appears that the fish or other products were taken by members of the crew of the fishing vessel, either alone or with the assistance of men, boats, and gear employed for such purpose. If the fish were taken by or with the assistance of citizens of a foreign country not members of such crew, it must appear that the same were taken from the water in the presence of the fishing vessel and under the supervision of the master or crew thereof in pursuance of an employment for that purpose, and were not purchased by or on behalf of the owner or master of said vessel.

Such affidavits may be made before a Treasury agent designated by the Department, before any United States consul, or any collector or deputy collector of customs, or before any notary public or other officer having a seal and authorized to administer oaths.

7. In case such fish are imported by a vessel other than the one by which the same were taken, as provided in section 5 (supra), a manifest showing transshipment from the fishing vessel by which the same were taken, certified by the American consul at the port of transshipment, or by a Treasury agent designated by the Department, or, if there be no such officer at such port, before two reputable resident merchants, in the following form, must be produced on entry:

Manifest of products of American fisheries.

Packages and contents.	Marks.	Port of entry.	Consignee.	Value.

I, ———, American consul at ——— (or we, ——— and ———, merchants residing at ———), do hereby certify that I am (or we are) informed and believe that the fish hereinbefore described were taken in the waters of ——— by the American fishing vessel ———, documented under the laws of the United States, and that the same have been transshipped at ——— to the ——— for shipment to the port of ———, by reason of ——— rendering it impracticable for said fishing vessel to transport the said articles to the said port of entry.

8. In the case of transshipment of the catch of an American fishing vessel to railway cars in a foreign country for shipment to this country, the same procedure will be followed as in the case of transshipment to another vessel.

FRANKLIN MacVEAGH,
Secretary.