

# THE SOUTHERN SPRING MACKEREL FISHERY OF THE UNITED STATES.

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The southern spring mackerel fishery of the United States is important from several standpoints, and of late has been especially interesting, for well-known reasons to be hereafter referred to. While always much less extensive than the regular fishery for mackerel carried on during the summer and fall months, it has nevertheless, in past years, engaged a large fleet of vessels from various New England ports; has at times proved a remunerative industry to large numbers of fishermen and vessel-owners, and has yielded an important addition to the food supply of some of the principal coast cities of the East and indirectly to an extended area of the country. In 1886-87 this fishery was brought prominently into public notice by the agitation of the question of its suspension and by the passage by Congress, in February, 1887, of an act prohibiting the prosecution of the fishery for a period of five years, beginning March 1, 1888. The action taken by Congress in this matter must ever remain notable in the annals of our national legislative history, in that it was one of the extremely rare instances in which the Federal Government has essayed to regulate the fisheries.

The expiration in 1892, by limitation, of the law enacted by Congress again brought this fishery into prominence during the year 1893, and its renewal constituted one of the most noteworthy features of the fishery industry during the latter year, and reopened a very important subject, having interest for the legislator, the economist, the fish-dealer, the fish-protector, the fish-culturist, the commercial fisherman, and the general public.

Still further interest has recently attached to the fishery because of its long-continued unsatisfactory condition and the discussion of further restrictive measures on the part of the United States and Canada.

It is the purpose of this paper to give a short account of the history and importance of this fishery, to show the reasons for its prohibition by Congress, to present a summary of its results in the first year of its renewal and in subsequent years to 1898, and to consider some of the questions suggested by its suspension and renewal. Quotations are freely made from Congressional and other official records in order to contribute to a fuller knowledge of the various phases of this subject.

## EARLY HISTORY OF THE FISHERY.

Precise information showing the circumstances attending the origin of the spring seine fishery for mackerel in southern waters is lacking. Vessels fishing with hook-and-line had been accustomed to go south in the spring from a very early period. As early as 1817 it is recorded that a Rockport, Mass., vessel of 35 tons burden went as far south as Cape May and landed 60 barrels of fish caught by drailing.

An old mackerel fisherman, who went south two years later, is quoted as follows:

I commenced mackerel fishing in 1819; built a pinkey and went south; chopped our bait; worked sometimes all night; called 125 to 150 barrels a good trip for three or four weeks; sold no mackerel fresh in those days; all salted. The first trip was usually sold in New York; the next one brought home to Gloucester.

From that time, for a period of thirty or forty years, larger or smaller numbers of vessels sailed south annually from Gloucester, Provincetown, Newburyport, Annisquam, and other places. In 1859, however, it was announced that "the practice of going south for mackerel has almost died out of late years, and this year there are but three or four vessels in the business."\* About this time the purse seine began to be a rather common form of apparatus in the capture of mackerel, and the southern spring fishery was resumed and became more extensive than ever before.

In the early days of this fishery all of the vessels engaging therein were fitted out with salt and barrels and landed their fish in a salted condition at the principal New England ports. Occasionally vessels fishing in the vicinity of New York landed fares of fresh fish in that city, but the custom of salting practically all of the catch continued to be observed uninterruptedly until a comparatively recent date, gradually giving place, in the later years of the fishery, to a directly opposite practice. New York proving to be a reliable market for fresh mackerel, and the price received being such as to warrant the fishermen in selling their fish fresh, the owners of the vessels began to encourage their crews to dispose of as much of their catch in that way as the market would take. This action was influenced by the well-known fact that has since been much discussed, that the spring mackerel is a better food-fish when fresh than when salted, and that the fish packed in the southern fishery, owing to their poor quality, never commanded the price or had the demand that the mackerel taken later in the year did. The practice became more general, until at the time of the suspension of the fishery, and for a number of years preceding that event, most of the vessels engaged in the business with the intention of selling their entire catch fresh, while a few fitted out with a limited supply of salt and barrels to enable them to care for small quantities of fish that would not warrant a run to market unless in the immediate vicinity of port. In lieu of the former outfit, the vessels employed in the fresh-mackerel fishery were provided with large ice-bins in which to store the fish and a supply of ice with which to preserve them prior to arrival at the market.

For a great many years prior to 1860 the smacks of Connecticut and New York engaging in the line fishery for cod, bluefish, and other species to supply the markets of New York City, made a practice of taking mackerel in the spring when the schools were in the vicinity of Sandy Hook, and of preserving them alive in their wells while running to the city, where they were transferred to the live-cars of the dealers pending sale. This fishery was never very extensive and was discontinued about 1860.

During the next five years the receipts of fresh mackerel at New York were very small, but about 1865 vessels sailing from Gloucester began to land occasional fares taken off Sandy Hook and by 1870 from twenty to thirty cargoes of fresh mackerel were brought in annually, although most of the southern fleet continued to salt the catch and carry it to the various New England ports. It is recorded that in 1872 the schooner *Dreadnaught*, of Portland, Me., was fitted with a purse seine to engage exclusively in the southern fresh-mackerel fishery and was the first vessel that did not

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\* Cape Ann Advertiser, May 20, 1859.

carry salt for preserving a part of the catch. On April 20, 1872, this vessel landed 10,802 mackerel at New York, which netted the fishermen \$1,372.05. This first trip was followed by others, and the vessel closed the spring fishery with a large stock. The success of the *Dreadnaught* caused other vessels to fit out with purse seines the following year, and soon the seining fleet became quite large.

The first vessels landing fresh mackerel in New York took the fish with jigs, and the daily catch was comparatively small; and as the fish had to be carried to market soon after being caught, in order to arrive in a fresh condition, the fares were correspondingly small. After the introduction of the purse seine the jiggers were placed at a disadvantage, and in a short time the jigging fleet discontinued the selling of fresh mackerel in New York, leaving the trade exclusively to the vessels carrying seines, which often caught several hundred barrels at a single haul and had a cargo of perfectly fresh fish to take to market.

The number of cargoes of fresh mackerel landed in New York was at times so large that the market was often overstocked, and it then became necessary to find other outlets for the catch. Philadelphia came to be the headquarters of a small fleet, and the larger cities of southern New England also received the product of some of the vessels. The trade, however, was always practically controlled by New York, and from 70 to 90 per cent of the output was annually handled in that city.

With the growth of the fishery and with increased facilities for handling the fish the range of distribution of the catch has been much extended. While a large percentage of the mackerel has always been consumed locally in New York, Brooklyn, Jersey City, and the other cities adjacent to the metropolis, considerable quantities have been shipped to Baltimore and Washington in the South, to Chicago and occasionally Denver in the West, and to Boston, Portland, and Canada in the North. In order to deter the decomposition of the fish it has been found desirable to gib those intended for shipment to more distant places, and this commendable practice is now universally adopted. Gibbing consists in removing the gills and abdominal viscera without opening the fish, the parts being drawn out through the gill-cavity by inserting one or two fingers under the gill-arches. After being eviscerated the fish are packed in barrels containing an abundance of ice, and usually reach their destination in a good state of preservation.

The schools of mackerel usually approach the coast of the United States in the latter part of March or early in April, and are generally first seen by the fishermen off the coast of North Carolina, in the region of Cape Hatteras. The principal part of the fleet sails in time to meet the fish off the capes of Virginia or south of Cape Henlopen. The fish are followed northward along the shore until they reach the neighborhood of Block Island and No Man's Land, when the southern spring fishery may be said to be over. The mackerel have often made their advent in immense schools, pursued by the concentrated fleet, and from 50 to 100 vessels have been observed within an area of 20 square miles.

There is some rivalry among the fishermen as to who shall obtain the first fare, which is heightened by the knowledge that the first vessel to arrive in port will find an excellent market and have ready sale at very high prices. In calm weather the desire to reach New York when a cargo is obtained sometimes leads fishermen to charter a tug at points far down on the New Jersey coast, but this is usually deferred until the neighborhood of Sandy Hook is reached, from which place towage to the city may be had for \$15 or \$20.

Vessels sometimes run into New York without a tug, but the large number of vessels in the lower and upper bay and harbor makes the passage unsatisfactory and even dangerous. A short distance below the city the fishing vessels usually leave their boats at the ice-houses built to supply this fishery and make arrangements for taking ice aboard on their return from market. The average-sized vessel carries 10 tons of ice, valued at about \$2.50 a ton. The vessels are accustomed to stop at the docks near Fulton Market, where the dealers act as agents for the fishermen in selling the fish, charging 12½ per cent commission on gross sales. At the time of the suspension of the fishery in 1887 about 75 or 80 per cent of the business was in the hands of three dealers. Owing to the perishable nature of the fish, and the great importance to the fishermen of being on the fishing-grounds, the vessels are unloaded with all possible haste, half of the crew being employed in the hold in counting the fish into baskets and half carrying the fish from the vessel to the dealers' stalls or to the carts of peddlers; the captain and the agent of the dealer remain on the deck and keep an account of the fish as they are landed.

The first fresh mackerel are usually landed in New York during the first week in April; fares have, however, been brought in as early as March 22. When once the fishery has regularly begun, the vessels arrive in quick succession, and in fifteen or twenty days the fishery is at its height. The fishery continues without special change until the 15th or 20th of May, when a part of the fleet withdraws from this branch, returns home, and refits for the summer fishing. By June 1 the fish have gone as far north and east as Block Island, and the season at New York is over, the vessels taking fresh fish after that time usually landing them in Boston.

The fish are always sold by number and not by weight. The price naturally varies with the supply, size, and season. During the few years elapsing before the suspension of the fishery, the first fish to arrive usually brought about 10 cents each. When the market has been glutted, the price has fallen to a ridiculously low figure, sometimes only 50 cents a thousand. Reference is made elsewhere to large quantities thrown away in 1885 on account of an oversupply.

It is somewhat singular that, although New York has always controlled the trade in fresh spring mackerel, that city has never had a vessel engaging in the fishery. The fishery has been carried on wholly by New England vessels, which go south for a limited period in the spring, then refit with barrels and salt in place of bins and ice, cruise for mackerel on the New England shore, the coast of Nova Scotia, and in the Gulf of St. Lawrence, landing a certain part of the catch fresh in Boston, Gloucester, and Portland when taken sufficiently near port to warrant it.

#### THE FISHERY IN 1885, 1886, AND 1887.

The history of this fishery during the two or three years immediately preceding its suspension is of very great interest to fishermen, legislators, and others, and may be appropriately referred to at some length in this place. While most of the information that can be given has already become a matter of history, and is well known to the fishing interests, it is chiefly to the results of the fishery during these years that one must look for the reasons which finally led to the suspension of the business by Congress.

In 1885 the fleet started south at the usual time. The schooner *Mollie Adams*, of Gloucester, sailed March 4, which is reported to be the earliest recorded date for the beginning of this fishery. On March 28 the first fares of fresh fish were landed in

New York by the schooners *Emma W. Brown* and *Nellie N. Rowe*, of Gloucester; the cargo of each vessel was about 125 barrels. The *Nellie N. Rowe* had been the first to land fish in the two preceding years, arriving at New York March 31, 1883, and March 24, 1884. Enormous bodies of small mackerel were found off our coast during most of the season, and unusually large quantities were landed at New York and Philadelphia. About 175 vessels engaged in the fishery. The most active or fortunate ones landed as many as seven fares, while the average number of trips for the fleet was four or five. Probably not less than 850 trips, all told, were made to New York; these averaged from 140 to 150 barrels each, so that during the season about 125,000 barrels of fresh mackerel were landed in that city, this quantity representing about 31,250,000 fish. The large catch was considerably more than the dealers could handle and resulted in a serious glut in the market. As many as 130 vessels were in port with fish at one time, and the price had to be placed at a surprisingly low figure in order to dispose of them. Many fish at this time sold as low as 50 cents per 1,000, while large numbers were thrown away. The average price for the season was between 75 cents and \$1 per 100 fish; taking the mean, it is seen that the value of the fish landed in New York was about \$273,500. The fish caught during 1885 were comparatively small; the average number required to fill a barrel was 250. The supply was unusually constant, there being only one week when storms interfered with fishing.

Much has been said and written about the quantity of mackerel that had to be thrown away during the remarkable glut mentioned. It was stated at the time, and has been repeated in recent years, that the waste, which was enormous, amounted to 40,000 or 50,000 barrels in the judgment of some, and to as much as 100,000 barrels according to others. While the circumstances attending the waste made it extremely difficult to form a close approximation of the quantity of fish involved, and afforded good ground for extravagant statements, yet the personal observations made at the time by the agents of the United States Fish Commission, confirmed by reliable authorities, showed that there was really little foundation for these high estimates, and indicated that only from 10,000 to 15,000 barrels of fresh mackerel were thus destroyed for want of a market, and that the most liberal estimate should not place the quantity at over 20,000 or 25,000 barrels.

In 1886 about 150 vessels prosecuted this fishery. The first vessel sailed from Gloucester March 11, and in a short while there was a large fleet off the Delaware coast. The fish were first observed in a large body in latitude 37° 30', longitude 75° 35', on March 28, when the first catch was made. For more than three weeks the mackerel remained in this region, and as late as May 15 a small fare was taken there. About the middle of May large schools of fish were noticed in latitude 38° 30', longitude 74°, and good fares were taken for about a week. During the height of the season there was a period of about twenty days when stormy weather caused the suspension of the fishery to the very serious detriment of the fishermen. The quantity of fish landed in New York was much less than for a number of years; the fishery was almost a failure, and the greater part of the fleet failed to pay expenses. Perhaps half the vessels failed to secure any fish, and many of the others did not take enough to offset the expense of outfitting. Prior to the 1st of June 117 cargoes of fresh mackerel were landed in New York. These represented 2,739,370 fish, and sold out of the vessels for \$78,507. The fares averaged 106 barrels, or 23,415 fish. The prices ranged from \$1.50 to \$10 per 100 fish, the books of the dealers showing \$2.90 as the average. The fish, as a rule, were somewhat larger than for several years, the average weight being rather more than  $\frac{3}{4}$  pound, or 78 pounds to 100 fish.

The first vessel to arrive at New York with mackerel was the schooner *Ellen M. Adams*, of Gloucester, which landed 125 barrels, or 22,500 fish, on April 12. The last arrival was the schooner *E. F. Willard*, of Portland, which reached New York May 26. The largest number of vessels in port in any one day was 28 on April 24. On April 25 there were 13 fares landed, on April 27 there were 10, and on April 29 there were 11. On no other day were more than 7 cargoes landed.

During the spring of 1886 from 20 to 25 fares of fresh mackerel were received at Philadelphia, averaging about the same as those landed in New York; 5 or 6 cargoes were landed in Providence, and a few trips were made to other cities, including one to Boston consigned to New York dealers, and one to Norfolk for shipment to New York.

In addition to the fresh fish taken in 1886, about 2,000 barrels of salt mackerel were landed in New York before June 1 by vessels engaged exclusively in the salt-mackerel fishery, and 500 more barrels were landed by vessels employed principally in taking fresh fish.

The spring of 1887 found the fish-dealers with an exceptionally light stock of salt mackerel, consequently the fishermen were eager to start south, and the outcome of the fishery was watched with unusual interest. The first vessel sailed March 11, and by the height of the season about 106 schooners had entered the fishery. The fleet fell in with the mackerel unusually late, the arrival of the schools perhaps being delayed by the continuance of wintry weather far into spring. The first mackerel appear to have been taken on April 8 off Cape Charles, Va., by the U. S. Fish Commission schooner *Grampus*; these fish were caught in gill nets. The first fare was landed at New York on April 23, and consisted of 10,000 medium-small fish caught two days earlier by the schooner *Caroline Vought*, 50 miles off Hog Island, Va. There were nine other arrivals at New York during the last week of April, aggregating 195,750 fish, mostly small, the largest fare, 70,000, being brought in by the schooner *Nellie N. Rowe*. The prices were low, ranging from 2½ to 6 cents per fish.

During May there were 87 arrivals of fresh mackerel at New York and Philadelphia, the fares aggregating 6,736 barrels, or 1,347,100 fish. The largest single trips were 200 barrels, which quantity was taken by each of the schooners *Sarah P. Ayer*, *Mollie Adams*, *Clara S. Cameron*, *Margaret Smith*, *Nellie N. Rowe*, and the steamer *Novelty* (a converted menhaden steamer).

In the first half of the month the fish were found between Cape Charles and Cape May. Later the fleet followed the rapidly moving schools on the New Jersey and New York coasts. The mackerel were, for the most part, of small and medium size, and the prices were rather low, owing to the great abundance of shad in the markets; the fishermen realized from 12 cents to one-half cent per fish, according to size. Several good fares of fresh fish were also taken to Boston; thus, on May 23, the steamer *Novelty* and the schooner *Mollie Adams* each landed 350 barrels from the coast of New Jersey and New York, the sales being from \$8 to \$1.50 per 100 fish.

A feature of the fishery was the landing of comparatively large quantities of salt mackerel at New York, Philadelphia, and various New England ports. The first fare, taken to New York on May 6, consisted of 30 barrels and sold for \$7 a barrel. Other arrivals at New York and Philadelphia comprised 2,720 barrels, having a value of \$19,401, the prices per barrel ranging from \$6.25 to \$9.50. The salt mackerel landed at New England ports, chiefly Gloucester, amounted to 1,982 barrels and yielded the fishermen \$13,792. An interesting trip of salt mackerel was that of the schooner *Edith Rowe*, which reached Gloucester May 24, with 350 barrels, caught 100 miles south

of Georges Bank, in latitude 39° 18' north, longitude 70° 10' west, a region seldom visited by mackerel fishermen.

In the 1887 southern mackerel fishery, the total catch was about 1,674,600 fresh fish, or 8,384 barrels, with a market value of \$53,402, and 4,732 barrels of salt fish, valued at \$33,403. The average stock per vessel engaged was \$504 on fresh fish and \$315 on salt fish. The total number of trips of fresh fish was 100, and the average fare was 84 barrels.

#### SUSPENSION OF THE FISHERY BY CONGRESS IN 1887.

An account of the agitation immediately leading up to the consideration by Congress of the southern spring mackerel fishery and its suspension by that body, constitutes a very interesting and important chapter in our fishery history. In order to more fully and accurately cover the subject, the principal features of the discussion are presented quite fully, including certain correspondence not before made public.

The question of prohibiting this fishery seems to have first been generally discussed in 1885, and it appears to have originally emanated from the fishermen and fish dealers of Maine. It was no doubt suggested by the large catch of mackerel in 1885, elsewhere referred to, which resulted in a great waste of fish and in glutting the fresh-fish market, and which also had an unusually depressing effect on the salt-fish trade. Even before the close of the mackerel season the subject seems to have received the serious attention of some of the persons most interested, and on December 1, 1885, the mackerel fishermen and dealers of Portland, Me., sent the following letter and petition to the United States Commissioner of Fish and Fisheries, through a prominent wholesale dealer:

[Mr. A. M. Smith, Portland, Me., to the Commissioner of Fish and Fisheries, December 1, 1885.]

It is the judgment of owners of vessels and the men who man them that it would be greatly to the interest of all people who are interested in the mackerel fishery, both as owners and consumers, that there should be a law enacted by the United States prohibiting the importation of such fish by the inhabitants of the United States or of any other nation or their dependencies, if such fish are caught between February and June of each year, which I think is the spawning season for mackerel; and the Portland Fishery Exchange have taken the initiative in the matter and have appointed a committee, of which I have the honor of being chairman, to draw up a heading for signature, to a petition for the consideration of Congress, and it occurred to me that before submitting the same I would send the rough draft of same for your consideration, and ask if you would kindly offer any suggestions that may occur to you as to the best way to get at the matter.

It has seemed to me that the petitions which we send ought to go through your honorable body of commissioners, and if meeting with your indorsement would more likely meet with attention of Congress. We would also like very much to know your idea of the subject, and if it meets with your approval. We, as a community of fishing interests, are under great obligations to you for your interest in the fishing questions, and especially as opposed to free fish, and trust this question of early South mackereling will also receive your careful consideration and, if meeting with your favor, your influence in bringing about the consummation so devoutly to be wished for.

[Draft of petition from Portland Fishing Exchange asking Congress to prohibit mackerel fishing between December 1 and June 1.]

Whereas it does appear to all interested in the fishing industry of the Atlantic coast of the United States that the catching of mackerel before they are allowed sufficient time to spawn, for which purpose the said fish come upon the coast of New England and Nova Scotia from about May 1 to June 15, [is injurious] and believing as we do that the tendency of catching such fish during said spawning season is to depreciate the quality and quantity of such fish and to drive them from our own shores; and

Whereas we believe that the only way in which this industry can be preserved and the good quality and quantity of such fish maintained, is by the enactment by the United States of laws prohibiting the landing or importation into the United States by their own citizens, or the citizens of any other nation or its colonies, of any mackerel caught between December 1 and June 1 of any year beginning January 1, 1885:

Therefore we, the undersigned, engaged in said industry in our several relations of owners of vessels, fishermen employed on such vessels, and others directly interested in this industry, do hereby respectfully request that the United States Fishery Commissioners do urge upon our next Congress the necessity and desirability of such protection by suitable and sufficient legislation.

From this beginning the agitation of this question spread throughout the fishing communities of the Atlantic coast and even into the interior of the country. Petitions to Congress, similar in phraseology to the one quoted, were circulated and very extensively signed by fishermen, fish-dealers, vessel owners and fitters, and other classes of citizens.

The opposition to the continuance of this fishery, which developed in 1885 and finally resulted in the passage of a prohibitory act by Congress, chiefly originated with or was pressed by dealers in salt fish and vessel-owners engaged extensively in the salt-mackerel fishery. A majority of the fresh-fish dealers were not in favor of any legislation at that time affecting this fishery. A small percentage of the dealers in fresh fish agreed with the salt-fish dealers as to the desirability of suspending this fishery; and, on the other hand, a few salt-fish men sided with the larger number of fresh-fish dealers.

The arguments presented by those who favored the abolition of this fishery were numerous and varied, and for the most part not referred to or suggested in the petitions sent to Congress or in the act which finally became a law. Among other objections to the fishery the following were urged in substance:

*First.* This fishery is extremely uncertain and has usually been carried on at a loss from its origin to the present time. A few vessels each year have done well, and, in a few instances, the same vessels have year after year been successful, but a great deal of money has been lost by the dealers and fitters, and the fishery is, at best, little more than a lottery. The vessel-owners are reluctant to place their vessels in an enterprise which experience has taught to be so uncertain, but the chances for a good season are often too strong to be resisted by captains and crews, and the owners, often against their better judgment, fit out for the fishery. The captains, who are frequently part owners, are anxious to get to work, and their views have to be considered; even when captains have no pecuniary interest in the vessels, if they are efficient and have made money for the vessel-owners in the past, their wishes have to be regarded, as other firms of vessel-owners might offer them vessels for this fishery and thus secure their services permanently.

*Second.* The continued catching of mackerel on so large a scale before the fish have spawned will ultimately result in the exhaustion of the supply and the practical destruction of the mackerel fishery.

*Third.* The continual harassing of the fish by so large a fleet of seiners early in the season interferes with their migrations along our shores, breaks up the schools, prevents spawning, and drives the great body of mackerel from the New England coast, where they would be caught after they had deposited their spawn and grown fat. The catch on the northern part of our coast later in the year is thus seriously interfered with, the tendency of the seines being to keep the fish off the United States coast and to cause them to enter the Gulf of St. Lawrence.



*Fourth.* The fish taken in the southern spring mackerel fishery are of very inferior quality, and not really wholesome food when eaten fresh; furthermore, fish salted at this season are of decidedly poor quality as compared with those caught farther north later in the season.

*Fifth.* Some of the dealers claim that putting large quantities of fresh mackerel on the market interferes with the trade and reduces the prices for salt mackerel. The salt-fish dealers are almost unanimously of the opinion that in former years, and to a less extent recently, the landing of poor salt mackerel caught and packed during this southern fishery has had a depressing influence on the trade in salt mackerel, in that it prejudices the consumers against salt mackerel in general as a diet; further, the arrival of new salt mackerel in New York early in the season and the announcement to the trade that new mackerel have arrived, diminishes to a very large extent the sale of old mackerel and causes great difficulty in working off the stock which has been held over from the previous season, necessitating a reduction in price in order to dispose of it.

*Sixth.* Those favoring the suspension of the fishery were not united as to the length of time the fishery should be discontinued each season. While the possibility of the mackerel not completing the spawning process by June 1 was generally acknowledged, objection was made to an extension of the close season to July 1 or later, on the ground that the fisherman would not be content to remain idle so late in the year and that the vessels should start by that time in order to get an idea of the location, movements, and abundance of the fish. It was urged as an argument that the fishery after the 1st of June would not seriously interfere with the future abundance of the fish, that during the spawning season the fish are usually scattered and at the bottom, and that there is little probability of the vessels taking great quantities at this period.

Most of these arguments for the prohibition of the fishery were combated by those who favored its unrestricted continuance. The opposition to the proposed legislation was based chiefly on the following grounds:

*First.* Congressional interference with the ocean fisheries establishes a dangerous precedent. To prevent the capture of a pelagic fish that moves about freely in the ocean and whose habits are not fully understood, and to attempt the application to the high seas of the usual fish and game legislation, are serious steps.

*Second.* There is no indisputable evidence that catching mackerel in spring, or at any other time, affects the general abundance of the fish. Prohibition of this fishery should not be resorted to without positive proof of the necessity for such action. The contention is not established that the use of purse seines or the prosecution of this southern fishery is having the effect of changing the direction of the movements of the schools and is driving them from our shores.

*Third.* The limitation of the close season to June 1 rather than to the end of the spawning time shows the insincerity of those who urge that legislation is necessary for the preservation of the fish. To have any appreciable influence on the protection of the mackerel prior to spawning, the close time should be extended to July 1 or even to July 15.

*Fourth.* Fresh mackerel taken in this fishery form a cheap, wholesome food for thousands of people who can not afford to buy the higher grades of fish. The low price of mackerel in seasons of abundance is a great boon to a large part of the population.

*Fifth.* The argument of the salt-fish dealers that placing on the market poor salt mackerel caught at this season causes a depression was said to have no foundation, as the recent practice of selling the fish fresh in New York has become so general that not enough fish are salted to have any influence on the trade, and further, the fishermen are deterred from salting large quantities of spring mackerel because the fish are poor, and if salted must be sold at a low price.

*Sixth.* The proposed law would be severe and sectional in that it would prevent the taking of mackerel on one part of our coast by citizens of certain States simply to allow them to proceed to other parts of the coast, where they could be caught without restriction.

Very full consideration was accorded the subject by the appropriate committees of Congress. The matter first took definite shape when, on February 3, 1886, a bill (No. 5538) embodying the wishes of the petitioners was reported by the House Committee on Ways and Means. The text of the bill, which was afterwards amended in several important respects, was as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the period of five years from and after the passage of this act no mackerel, other than what is known as Spanish mackerel, caught between the first day of March and the first day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

SEC. 2. That section 4321 of the Revised Statutes is amended, for the period of five years aforesaid, so as to read before the last sentence as follows: "This license does not grant the right to fish for mackerel, other than for what is known as Spanish mackerel, between the first day of March and the first day of June, inclusive, of this year." Or in lieu of the foregoing there shall be inserted so much of said period of time as may remain unexpired under this act.

SEC. 3. That the penalty for the violation or attempted violation of this act shall be forfeiture of license on the part of the vessel engaged in said violation, if a vessel of this country, and the forfeiture to the United States, according to law, of the mackerel imported or landed, or sought to be imported or landed.

SEC. 4. That nothing in this act shall be construed to conflict with existing treaties.

SEC. 5. That all laws in conflict with this law are hereby repealed.

Accompanying this bill was a report made by the Committee on Ways and Means, to which the petitions had been referred. The report is interesting as showing the manner in which the petitions were regarded and the wishes of the petitioners interpreted by the committee. The most important part of the report is that in which the object of the proposed legislation is stated to be the prevention of the capture of mackerel during the spawning season. The report is as follows:

The committee are not entirely certain of their jurisdiction over the subject-matter of the petitions; but as the subject was referred to them by the House, and the question of jurisdiction may be, at best, a matter of doubt, they concluded, without wishing to arrogate to themselves the functions of others, to report a bill.

The bill herewith submitted is designed to meet the wishes of the petitioners, who are mostly those engaged in the mackerel fishery; and their wants appear to be identical, in this case, with the general interests of the people. The object is to prevent the catching of mackerel during the spawning season, and thereby save this exceedingly important food supply from threatened extinction upon our shores, the methods now employed in the business being much more liable to produce this result, if indiscriminately exercised, than were those formerly used. The principle of this bill is that which usually underlies the game laws.

As early as 1660 efforts were made to prevent unseasonable depredations upon this fish, which was then called by the commissioners of the United Colonies "the most staple commodity of the country." In 1670 "the court of the Massachusetts" prohibited the catching of mackerel, except in a very restricted way, before the 1st of July of each year. This, however, seemed to carry the

restriction too far, and it was repealed in 1692, but only to be virtually reenacted at a later period in the same year. Other legislation followed from time to time.

That the mackerel continued to abound, and the industry of catching them to increase, is to be accounted for rather by the fact that it is not an anadromous fish and by reason of the primitive devices of the day, than because of the laws of the period. In 1831 the catch reached its maximum, being 449,950 barrels. It then steadily fell off each year until in 1883 it was only a little over 138,000 barrels. With varying fortune it fell in 1877 to nearly 127,000 barrels. Each period of decline in the catch, and consequently of comparative exemption from molestation of this fish, has apparently led to the hatching and maturity of sufficient numbers to fully restock our waters. Thus in 1881 the catch rose again to over 391,000 barrels.

By far the most valuable fishing-grounds for mackerel, since the introduction of the purse seine and similar appliances for taking them, are along our northeastern coasts. With these devices they are freely taken as soon as they appear after the winter season is over. Their condition, until June or July when the spawning is mostly over, fits them only for the eager demand for fresh fish.

The only available market is our own. If fishermen are denied this market at that season they will have no occasion to take the mackerel. The proper season for catching does not begin before the 1st of June, and it usually continues until about the 1st of November, when the fish disappear for the winter. The bill will not affect the revenue receipts, nor is it in conflict with existing treaties.

It is believed that the proposed legislation will prove an adequate test of measures deemed by many to be imperatively needed at this time, and the committee recommend the passage of the bill.

The bill came up for consideration in the House of Representatives on May 20, 1886, and evoked one of the most interesting discussions concerning the fisheries that ever took place in that body. Every phase of the subject was touched upon by the advocates or opponents of the measure; the legal and constitutional questions involved were brought out, the habits of the mackerel were discussed, the early history of the fishery was revived, authorities in this and other countries were quoted, the necessity for protecting the mackerel was debated. The entire proceedings are worthy of perusal, and the following abstract of the discussion, although somewhat extensive, may appropriately be printed. The bill having been called up by Mr. C. R. Breckinridge, of Arkansas, that gentleman spoke as follows:

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, this bill has been presented by the Committee on Ways and Means in response to numerous petitions referred to the committee, as well as urgent representations by gentlemen of the House who are well informed on this subject. The object of the bill is to prevent mackerel fishing when the fish are first moving to our shores and for the most part are spawning. Gentlemen are familiar with legislation of this kind relating to other species of fish, and the general nature of the measure will be apparent, perhaps, without much explanation from me.

It may be well to remark that the committee proposes two amendments, one of which arises from the lapse of time since the introduction of the bill. The bill as drawn proposes to embrace the present season as one during which mackerel caught in the early part of the season can not be landed. That period having substantially passed, the bill, of course, can only begin to operate with the coming year.

There is also one section, section 4, which has been inserted by mistake, and which at the proper time I will ask to have stricken out. That section provides that "Nothing in this act shall be construed to conflict with existing treaties." Upon inquiry at the State Department we have learned that this provision is unnecessary verbiage.

Mr. Speaker, I would not consent to any extreme and permanent legislation upon a matter of this sort; but a conservative proposition like this, temporary in its duration, is, I think, only a reasonable response to the views and solicitations which have been presented to us. The bill can only operate for five years; and it will only preclude, so far as it may be effectual, the catching of mackerel during a period of three months of each year, mainly the spawning season, when, as is well known, so far as the salting of fish is concerned, they are ill suited for that purpose.

There is considerable doubt among the authorities as to whether or not any appliances for catching fish that rove in the open sea can have an appreciable effect upon their quantity. I am less of opinion now than I was in the earlier stages of such investigation as I have been able to give

to this matter, that it is possible to practically exterminate open-sea fish. But, as I before remarked, there is considerable difference of opinion on this subject, especially in view of modern appliances dealing with classes of fish that congregate closely in great schools and upon limited areas. By means of immense nets operated by steam, fish are now taken, not as in olden times by hook and line, but as many as hundreds of barrels at a single haul.

But apart from that, a matter about which there is practically no dispute is the unwisdom of their being harassed in the early part of the year and during the spawning season by being pursued, as they sometimes are, by five hundred or more vessels, plowing among them and dispersing them from our coast, driving them far out to sea where it is difficult to get them and, of course, much more expensive to dispose of them after they are caught. Especially is this realized in the warm season of the year—and the mackerel-fishing season proper is mainly from about the 1st of July to the 1st of November, running through the warm months of July and August—when the fish are taken at a point remote from shore, and when there must, of course, be more expensive arrangements made for preserving them until they can be properly handled.

Therefore, sir, the concurrent testimony being that, independent of the question of extinction, while the fish are coming into our shores and during this earlier portion of the season embracing at least a greater part of the spawning season, they should not be disturbed, and should not be harassed until fully upon our fishing-grounds and fitted for consumption, I have come to the conclusion (without myself knowing by experience anything at all of this business, but after conferring with those who have experience and from reading the productions of those who are considered authorities upon the question) that the passage of a bill of this character is a reasonable and conservative step, and so far as food products are concerned will tend to cheapen the supply of food. I am all the more strengthened in my support of this measure because it seems to be in accord with the almost unanimous wish of the men who catch the fish and see the need of some regularity and system.

It may be well to remark that of the fleet we have engaged in this business, 358 vessels in 1885, carrying 5,425 men, all but four of the vessels came from the States of Massachusetts and Maine. Of those four, one comes from Portsmouth, N. H., one from Connecticut, one from Pennsylvania, and one from New York. I believe the principal opposition will come from my distinguished friend from New York [Mr. Hewitt], who, I suppose, represents that single vessel.

Mr. REAGAN. Will my friend from Arkansas be kind enough to state (because I have not examined the bill) in what waters the bill proposes to control fishing?

Mr. BRECKINRIDGE, of Arkansas. We do not specify any waters in the bill. We can not do that. The bill seeks to prevent the landing of mackerel from the 1st of March to the 1st of June, wherever they may be caught, upon the theory that if people can not land and sell them they will not catch them.

Mr. REAGAN. What I wish to ask the gentleman from Arkansas, in this connection, is if there is anything in the bill that applies to the waters within the marine league of the shore on our State coasts.

Mr. BRECKINRIDGE, of Arkansas. There is nothing in the bill that affects the waters within the marine league, at least no thought of interference is entertained, nor is there anything that applies to the fish caught in the estuaries along our shores.

Mr. REAGAN. I asked the question because there was a bill referred to the Judiciary Committee for the purpose of extending to citizens of each State the rights granted to citizens of any other State to fish for floating fish—

Mr. COLLINS. They reported adversely on that bill.

Mr. BRECKINRIDGE, of Arkansas. This has no connection with that bill.

Mr. REAGAN. That is what I understand, that the Committee on the Judiciary reported adversely as to the authority to do that. How, then, can authority be assumed to do it here?

Mr. BRECKINRIDGE, of Arkansas. But we do not touch that question; this has reference to deep-sea fish. We do not say, or I do not wish to say, that citizens of the United States shall not catch fish within the jurisdiction of the State.

Mr. REAGAN. But if you disregard the principle that the waters within the marine league belong to the States, and if this bill applies to such waters, then you do restrict the rights of the citizens of the State.

Mr. REED, of Maine. We do not touch that question at all; this applies to the waters beyond the marine league.

Mr. BRECKINRIDGE, of Arkansas. This has reference, as the gentleman will observe, only to the fishing for mackerel, which do not run up the streams or come into the estuaries. They are an open-

sea deep-water fish, perhaps do not come within the marine league, or least of all during the season here embraced, and hence the point that the gentleman from Texas raises is perhaps not touched by this bill. But I will be glad to see any proper features that may be lacking added by the House.

Mr. REAGAN. But the gentleman from Arkansas must remember that the marine league extends a good way out from the estuaries.

Mr. BRECKINRIDGE, of Arkansas. I am aware of that, but I am stating the fact that these being what are termed open-sea fish do not come into the estuaries like shad and herring, and perhaps are not caught to any appreciable extent even within the marine league. Other gentlemen here can speak to that point better than I can.

Mr. COLLINS. And they do not catch them with a hook and line any more.

Mr. LORE. Let me ask the gentleman from Arkansas whether the Fish Commission of the United States has favored this bill?

Mr. BRECKINRIDGE, of Arkansas. I will state, in response to the gentleman from Delaware, that the Fish Commission of the United States has not been asked specifically about the bill, though I have talked fully with the Commissioner and others of the service, and had some correspondence with them about the propositions involved; and I have here in my hand a very interesting letter from the specialist employed by Professor Baird to study and observe the habits, etc., of the mackerel, Captain Collins, a gentleman whom I am assured by Professor Baird is the best living authority on the subject, and his statements of facts strongly sustain this bill.

Mr. TUCKER. I would like to ask the gentleman from Arkansas another question. In reading this bill it seems to me it does apply to waters which belong for the purpose of fishing to the States as well as the waters beyond the marine league or domain of the States.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman point out the provision of the bill to which he referred?

Mr. TUCKER. The second section of the bill.

Mr. BRECKINRIDGE, of Arkansas. Well, that I shall be glad to hear further upon; but I can not understand now how you can make such a construction.

Mr. TUCKER. I am asking only for information, not pretending to criticise the bill. The second section of the bill provides:

That section 4321 of the Revised Statutes is amended, for the period of five years aforesaid, so as to read before the last sentence as follows: "This license does not grant the right to fish for mackerel, other than for what is known as Spanish mackerel, between the 1st day of March and the 1st day of June, inclusive, of this year."

Now, what is the nature of this license to which reference is made?

Mr. REED, of Maine. That is simply for the purpose of giving notice to the fishermen directly in their licenses.

Mr. TUCKER. Does this license, which the Government allows under this bill, apply to waters which belong exclusively to the States?

Mr. REED, of Maine. No, sir.

Mr. TUCKER. It applies, then, only to the ocean, or to waters beyond the marine league?

Mr. REED, of Maine. It applies only to such waters as the United States has the right to issue a license for.

Mr. REAGAN. It seems to me that this first provision of the bill is more indefinite than the other. By permission of the gentleman from Arkansas I want to call his attention to the reading of the first section:

That for the period of five years from and after the passage of this act, no mackerel, other than what is known as the Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

There is nothing in this that would indicate that the bringing in of mackerel, caught within the territory of the States, may not be covered by this act.

Mr. REED, of Maine. It is not intended to cover it, and has not that effect.

Mr. TUCKER. I do not think it will cover it, for I take it for granted that the section applies only to mackerel caught in waters beyond the boundary of the United States.

Mr. REAGAN. It does not say so.

Mr. TUCKER. Yes; it says "shall not be imported," and that implies that it is caught in foreign waters; and therefore I think the first section applies only to fish caught in foreign waters.

Mr. HEWITT. Fish caught by American vessels in the deep sea and brought into our ports would not be classed as an importation under our customs laws and regulations.

At this point the debate drifted into parliamentary matters, and the consideration of the bill was postponed until the following day, May 21, when the following discussion ensued:

Mr. REED, of Maine. As this measure which is now before the House is one somewhat novel in its character, I feel it necessary that there should be a full, free, and frank explanation of the whole thing to the members of the House. In the first place, it concerns a very deserving class of people. It concerns between five and six thousand fishermen on the coast of Maine and Massachusetts, and New England generally. In a larger sense it concerns the whole of the people of the United States, because it is a food question as well as an industrial question. The class immediately concerned are at this time especially deserving of the attention of the House, not only because of what they have suffered under the unfortunate articles in the treaty of Washington, but also because to-day a difficulty exceedingly great and affecting them is springing up, causing them great damage and threatening more. The people who are engaged in the fisheries upon the northeastern coast, owing to the treaty of 1870, have been suffering severely in their person and estate in past times, and at this present time, unless there be the most careful and judicious management on the part of all concerned, there is likely to be greater suffering on their part and the beginning of trouble which will extend its effects all over the country. At this time and in behalf of this portion of our people, I present the provisions of this bill. And if I shall succeed, as I hope, in gaining the attention of the House and in satisfying the minds of the members that the request which I make is a reasonable one, the cause and objects of it will plead for me better than I can myself.

The mackerel fishery is one that has been very important to the people of this country in times past, and which can be made of equal importance in the times to come, if we judiciously attend to it. But there have been of late years a great falling off in the character of the catch and a great change in the nature of the fisheries, as I will demonstrate to you by figures. I hope to be able to point out to you the cause and also the remedy. In former years the mackerel used to be caught by a hook and line, and the result was that very fine fish were caught. But within the last ten years the nature of the fishery has changed very much. Instead of a hook-and-line fishery the purse-seine fishery has been developed, and instead of going into a school of mackerel and hauling out what could be brought out by hook and line, the fishermen of to-day, in larger craft, go out and surround the school of mackerel by nets which are placed vertically in the water and are floated by cork at the top edge. When the school is entirely surrounded the bottom edges of the net are drawn together into purse-like shape, and the result is that the whole body of fish, good, bad, and indifferent, are scooped up together, as if they were so much dirt.

Now, at a particular time any one can see that such a fishery may be specially disadvantageous to the increase of fish. There is a time when the fish thus caught are filled with spawn and with the future possibilities of the production of mackerel. All these fish are taken together; and while they are in the spawning condition—that is, while the spawn is forming within them—they are poor and almost unfit for food; they are very bad for food under all circumstances.

The proposition which I have to present to the House to-day is the same which has been put in operation in almost all the States with regard to the internal fisheries; that is, I propose that we shall have a close time which shall cover this period of spawning. I desire frankly to state any objections that there are, and I believe I know them all. It will strike you at first sight as if there could be nothing said against a proposition as reasonable as this is, to stop the destruction of fish in their spawning period when the reproduction of the fish is in very great peril. But there are arguments urged against it, and I am bound to say to you at the outset that our scientific men, Professor Baird and Professor Goode, express an opinion which I can best show by giving the opinion of Professor Goode, which is:

I have never been convinced that the abundance of mackerel along our eastern coast has been in past years diminished through the agency of man. I am not therefore prepared to say that I believe that the prosecution of the spring mackerel fishing will lead to its own destruction.

In a report on the history of mackerel, published in 1883 by the Commissioner of Fisheries, I reviewed the evidence at that time in existence, and I have not as yet seen any reason for changing the views therein expressed.

I should say to you there are other reasons besides these which I will develop, but I want to say distinctly that while Professor Goode says he does not know whether such a measure is necessary for that purpose or not, I am bound to say to you that every fisherman engaged in the business does know, and all of them are here before you, with hardly a dissenting voice, urging upon the ground of

their personal experience, that it will be the destruction of the fisheries not to have a close time, and I am prepared to show you that the lack of a close time already has been a very severe injury to the fishing industries of the United States.

All the fishermen present themselves here with their petitions for this bill. On the other hand, there is a single petition against it, and I will show you from what source that comes. It is the petition of the Fishmongers' Association of the City of New York. They are opposed to this legislation. I think I may say, without being accused of imputing unworthy motives to anybody, that they are opposed to it upon the salutary ground that commissions are good for people who sell. Of course they present one other ground, because people never reveal their selfishness utterly. The Fishmongers' Association say that they are struggling in the interest of cheap food for the people. Let us see precisely what this cheap-food cry means. Mr. Blackford, who is a New York fish commissioner, but who is also a dealer himself, gives a single instance of this cheapness of food which illustrates it all. He says:

About the 1st of April the mackerel fleet struck an immense school of fresh mackerel, and they all loaded up and came into New York, and there was at one time upward of fifteen million mackerel lying around the wharves in the vicinity of Fulton Market. Those mackerel were unloaded there just as fast as possible. Men, women, and children came from all parts of the city with baskets and the wagons of licensed vendors, and there was no question about the price. They gave a basketful for 5 or 10 cents and would load a wagon for 25 cents. For the space of two or three weeks the poorer classes had the benefit of this immense catch of mackerel. They were distributed all through the city. Of course, it was the means of a large class of people making money—not myself, although I am in the fish business.

What was the nature of this cheap food? Cheap things we want. It is a little hard sometimes on the men who furnish them that they should be so very cheap, but still we want cheap food provided it is also good food—not cheap and nasty, but cheap and good. What does Mr. Blackford himself say about the character of this food? He says:

A large portion of these were salted, but at that season of the year the mackerel are inferior in fatness; the quality is not of a kind that makes them most desirable for salting.

Let me add one other fact in that connection, which is, that in order to supply that week or two of cheap food to the people in and around the city of New York, 100,000 barrels of mackerel filled with spawn were thrown into the ocean and could not be used—a destruction greater than the actual use that was made; for Mr. Collins tells us that only 75,000 barrels were used and 27,000 salted. Is that the kind of cheap food production that you wish to preserve at the expense of what I am about to state? There has been a remarkable change of late in the nature of the results of mackerel fishing. Several years ago, when 300 barrels of mackerel were caught, 200 of them were No. 1, fat, valuable fish; 66½ per cent of the whole were fit subjects for consumption by human beings.

What are the actual results now, as taken from the books of Lewis Chase and Whitten, of Portland, for the year 1884? Of 14,877 barrels taken, 317 barrels were No. 1; that is, less than 2.2 per cent, instead of 66½ per cent. Of No. 2's there were 3,121 barrels—less than 21 per cent; and the balance, 11,439 barrels, were of poor quality—No. 3's, or perhaps worse. The result of all this is that under this system of fishing the proportion of No. 1 mackerel has been reduced from 66½ per cent of the whole to less than 2.2 per cent, and the number of No. 3's has increased to 75 per cent. Now, what is the effect of that upon the production of this food for the people? Most men know nothing of these details. To most men a mackerel is a mackerel, and there's an end of it. When they go to buy a mackerel if they get one they do not like they do not go any more. You see there is a temptation to dealers all the time to brand up their goods, because, I am sorry to say, the dealers in fish are no more honest than the members of the legal profession—things are branded up.

Mr. LORE. If the gentleman will permit me, I wish to ask him whether this change does not grow out of the change in the manner of catching the fish, the change from the line to the purse net.

Mr. REED, of Maine. I have no doubt of it, and the result is that the great majority of these fish are taken during the spawning season, when they are very poor. I can show from the report of Mr. Collins (whom I am going to quote as an expert against these other gentlemen) that all these fish are good after the spawning season.

To resume what I was saying, the effect of stopping the catching of the fish at the season when they are bad and really not suitable for food will be that we shall have good fish caught and good fish distributed all over the United States. There will be an increased market for them and an increased supply, because the catch of good, sound mackerel will be largely increased. So, then, I urge this bill, not only on behalf of my constituents, but on behalf of all the people of the United States.

Gentlemen may ask, "What people are you keeping out?" and among the cries raised in opposition to this bill is this: "You want to wait until these fish get up along the coast of Maine so that

your people can catch them all. The fish proceed northward, and you want to shut us out until after the 1st of June, when they will have gone up north, so that you can catch the whole of them." Well, I trust I have been in this House long enough not to attempt a steal of that kind. [Laughter.] What is the fact? Why, the fact is that of the one hundred and eighty-four vessels that are engaged in the spring mackerel fishery, which we want closed, not a solitary vessel can be found outside of Maine and Massachusetts. So we have got the whole business now. But the truth about it is that, as Captain Collins says here in this report, when the fish get well filled with spawn in June they dive down in order to accomplish the work. Then there is another difficulty. When the fish start in the warm waters about the Gulf Stream, at the beginning they are huddled together, and this pursuing them with purse nets breaks them up and drives them way offshore, scattering as well as destroying them.

Why, look at it. In the face of scientific authorities, I will not undertake to say we can prove that the destructive agency of man will extirpate the whole mackerel tribe from the face of the earth; but I will say this, every man on the New England coast knows that the lobster has almost disappeared. You can now only catch lobsters about 10 or 12 inches long, and I can remember when the ordinary size of the lobsters caught was nearly twice that length; and according to Mr. Everts there are affidavits in existence as to lobsters weighing 25 pounds, although I believe the lobster of that weight was not producible at the time the affidavit was made. [Laughter.] We know that the supply of halibut is thinned out, and that the case is the same in regard to a great many other kinds of fish. I am aware that Professor Huxley says there is no proof that the herring has been diminished by the agency of man. But while I can not absolutely prove the necessity, I say all these considerations put together render it exceedingly desirable that this experiment should be tried.

I hold in my hand the printed statement of a gentleman who is probably as conversant with this subject as any other man. He came to the committee with the emphatic recommendation of Professor Baird, who has employed him specially with regard to this part of the fishery question; and whatever information Professor Baird may have has been derived largely from this gentleman, who says there is no doubt that there would be a great improvement in the quality of the fish if we should adopt this measure; and then he comments upon the question of cheap food very much as I have done.

One other consideration. Why is it that our people, having complete possession of this fishery, wish it to be closed as proposed in this bill? I have given you some of the reasons; and I will give you another. It is, at present a fishery of so poor a character that it does not pay; yet nevertheless we are forced into it, and why? From the same peculiarity of human nature that sustains the Louisiana Lottery. Out of one hundred and eighty-four vessels engaged in this fishery three or four make large hauls and find the business profitable; the others expect that they may do the same; and if one goes into it all go into it. Now, all should be stopped.

I think I have stated reasons why this bill should be passed. Let me recapitulate them. The bill is a trial proposition for five years. It is a proposition to close this fishery during the spawning season, from March until the 1st of June. Its purpose is to increase the character and value of the fish which will be distributed to the people of the United States. If I have made these points as clear to the House as they stand in my own mind I can not doubt the result. Allow me to add that this is a matter of serious import to my people. They are deeply concerned in this question; and I know of no opposition to this measure that has not its origin in the fishmongers' association of one place or another. We propose to stop the catching of these fish during the period named by stopping the importation and sale; and the United States being the only place where they can be sold, if we stop their sale here the fish will not be caught.

There is another class of fishermen represented by my friend from New Jersey [Mr. Buchanan], a class with which I confess I have sympathy; and I hope, when I perfectly understand his amendment, to be able to assent to it; if not, I shall have to submit to the vote of the House on that question. He states that the people on the New Jersey coast are interested in fishing carried on in rowboats; and that this measure, without the amendment he suggests, will cut them off from some degree of sustenance during the period to which the prohibition will apply. I sympathize with the gentleman's position, for the consideration he presents is of similar character to that I present in behalf of my people. It may be, however, that we can not arrange a close season without injuring somebody. But I trust I have shown the counterbalancing advantages to be so great that this House will not hesitate to give the fishermen of this country what they all demand.

Mr. HEWITT. Mr. Speaker, I suppose the House would like to know how it happens that a bill of this importance comes before the House with a report in its favor and no minority report, and yet a member of the Committee on Ways and Means takes the floor in opposition to the bill. The reason



is that the bill was ordered to be reported in total ignorance of the facts of this particular fishery. I take it my friend from Arkansas [Mr. Breckinridge], who made the report, will admit that if all the facts now known had been presented to the committee and discussed in committee, as they were not, there would have been at least a very considerable difference of opinion as to the propriety of this measure.

Mr. BRECKINRIDGE, of Arkansas. I hope the gentleman from New York will not attempt to express what other gentlemen think. I have expressed no such opinion as that, and I assent to no such opinion. If other gentlemen of the committee agree with my friend from New York I hope they will so announce, but until they have done so I trust he will not claim them as concurring with him.

Mr. HEWITT. I have claimed nobody. I only repeat what I said: That there was no discussion in the committee which could possibly have led to the presentation of any minority report. The facts I am about to bring to the attention of the House were offered to the attention of the committee, but it was after the bill and report had been submitted to the House and were placed upon the Calendar.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from New York is aware the committee is well able to take care of itself. If the gentleman has a great deal of information he deserves credit for it, but I do not think he is the sole gatherer of information, or that other gentlemen are as ignorant as he seeks to represent them.

Mr. HEWITT. Before I am through with the matter it will be discovered when and why at the time the report was made.

Mr. Speaker, if this bill should be enacted into a law it will certainly produce three results:

First, it will deprive a large number of the people of this country of a cheap and nutritious food.

Secondly, it will deprive of employment a very large number of fishermen, more than two thousand in number, who find occupation in this business between the months of April and June in mackerel catching, which it is now proposed to prohibit.

And, lastly, it will confine the mackerel fishing to the States of Massachusetts and Maine, because mackerel arrive on this coast about the end of March. They come chiefly off the mouth of Chesapeake Bay, and proceed thence slowly northward and reach Massachusetts and Maine in the month of June, when this bill, if enacted, would cease to operate. While fishermen along the coast below were prohibited from fishing, the whole mackerel schools, whatever they amount to, would be open for the fishermen of the States of Maine and Massachusetts.

Now, as to the quantity of this food. There are about one hundred and eighty vessels which are engaged in catching mackerel from the 1st of April to the 1st of June. The quantity caught is somewhat fabulous.

The gentleman from Maine [Mr. Reed] referred to the testimony of Mr. Blackford, that on one occasion last year 15,000,000 of mackerel were brought into the city of New York, and the inability to handle them—of the market to take them—was so great they were finally given away by basketfuls to the poor. This year the mackerel have been somewhat late in coming on the coast, probably due to the cold weather. I happened to see the first vessel which came into Fulton Market. It contained 30,000 mackerel. Two weeks later, in a single day, 8,000,000 of mackerel were brought into the port of New York and distributed, not as the gentleman from Maine said, in the immediate vicinity of that port, but under the modern system of refrigerating cars were sent over the entire United States.

The fact is, transportation has come in to distribute this food to every point east of the Rocky Mountains, making this a question of importance to the whole country. This prolific catch of mackerel has gone on so that last night I received from Mr. Blackford, who, perhaps, is the best practical expert in matters of fish in this country, this telegram:

Since last Monday [that is, four days] four thousand five hundred and ten barrels of fresh mackerel landed and sold in Fulton Market; all large, fine fish.

I quote that now as an answer to the assertion of the gentleman from Maine that this spring's fishing produced only fish of an inferior grade.

There is authority for saying many of these fish are not good for salting. That is true. Spring mackerel are not so good an article for food as those caught later in the season; but for fresh food, which in the spring of the year every man, whether he be workman, lawyer, or statesman, craves, mackerel is one of the best food-fishes which is put upon the table.

Now, a proposition to destroy an industry employing over two thousand of these very fishermen for whom the gentleman from Maine seems to be so interested, and they are his people—by whose aid this fishing is done in the main—a proposition to take away from them an employment which is so advantageous to them and so useful to the whole community ought to rest on very clear authority.

That it is a damage to the mackerel fishing is beyond question. My friend from Arkansas [Mr. Breckinridge], when interrupted yesterday as to whether he had consulted the Fish Commission on this subject, replied, as stated in the Record, that he had been talked with, but had not been consulted by the Commission.

My friend's memory must have been rather short on that occasion, for I hold in my hand a letter addressed to him from Professor Baird—

Mr. BRECKINRIDGE, of Arkansas. If the gentleman will read my remarks in the Record he will find that they are entirely in harmony with the statement that I had made no specific inquiry as to the pending bill. I refer the gentleman to the Record.

Mr. HEWITT. I understand what the gentleman said; it appears in the Record; and if you will give me the Record I will quote the exact language so that there can be no question as to the accuracy of it.

I hold in my hand a letter addressed to the gentleman from Arkansas as a member of the Committee on Ways and Means, signed by Spencer F. Baird, Commissioner, being an official answer to the inquiry addressed to him; but first I read from the Record the remarks of the gentleman in answer to the inquiry as to whether the Fish Commission had been consulted with reference to this bill or not:

Mr. LORE. Let me ask the gentleman from Arkansas whether the Fish Commission of the United States have favored this bill?

Mr. BRECKINRIDGE, of Arkansas. I will state in response to the gentleman from Delaware that the Fish Commission of the United States has not been asked specifically about the bill; though I have talked fully with the Commissioner and others of the service, and had some correspondence with them about the propositions involved; and I have here in my hand a very interesting letter from the specialist employed by Professor Baird to study and observe the habits, etc., of the mackerel, Captain Collins, a gentleman whom I am assured by Professor Baird is the best living authority on the subject, and his statements of facts strongly sustain this bill.

In which it will be seen that the gentleman has omitted altogether every reference to the letter of Professor Baird himself. Now I will read to the House that letter, and I suppose it will not be questioned that Professor Baird is recognized throughout not only the whole of this country but the habitable globe as second only to one man whose authority I shall also produce, Professor Huxley, in regard to the effect of fishing in any form or shape upon the catch of deep-sea fish. He says:

UNITED STATES COMMISSION OF FISH AND FISHERIES,  
Washington, D. C., February 15, 1886.

DEAR SIR: I have received your letter asking for an opinion as to whether "the preventing of mackerel fishing during the spring months is necessary for the maintenance of an abundant supply of that fish upon our shores."

I have never been convinced that the abundance of mackerel has been in any way affected through the agency of man. The catch in 1884 and 1885 was far above the average for the past fifty years. It is not impossible, however, that the continuance of the use of the great purse-seines may in time have an appreciable effect in decreasing their numbers. The statistics of the next few years will doubtless enable us to form a definite opinion upon this question.

Naturalists are obliged to admit their ignorance in regard to many portions of the life-history of the mackerel and other fishes of similar roving habits. We do not yet know definitely where they go in winter, nor by what routes they approach our shores in spring. We are equally ignorant of their habits during the breeding season. So important has the study of these matters been considered that I asked some years ago for a schooner especially adapted for their investigation. Congress at its last session acceded to this request, and the vessel has been built and is now nearly ready for service. I hope that in the near future the habits of the mackerel, the menhaden, and the bluefish will be as thoroughly understood as are now those of the trout and the cod.

The bill before you would appear to aim at the prohibition of mackerel fishing prior to and during the spawning season. In reality, however, the time of spawning, especially on the coast of New England, extends considerably beyond the 1st of June.

So that the bill would not effect the object, for the only spawning of value which takes place is in and after the months of June and July.

The probable effect of the passage of this bill upon the extensive pound and weir fisheries of southern New England is worthy of your consideration, since the pound fishermen can not exclude mackerel when they admit the other species which are swimming in company with them.

So that if this were adopted the pound fishing would have to be stopped; and I leave that to my Massachusetts friends to determine its value.

In conclusion, I regret to say that in the present state of knowledge of the life-history of the mackerel I am unable to express a positive opinion as to whether or not the passage of the bill under consideration would have a beneficial effect.

Very respectfully,

Hon. C. R. BRECKINRIDGE,  
Committee of Ways and Means, House of Representatives.

SPENCER F. BAIRD, Commissioner.

Now, Mr. Speaker, there is the judgment of a thoroughly disinterested man in the presence of a proposition to deprive the people of this country of an almost unlimited supply of food for a period of three months, and a great number of fishermen who are entitled, as the gentlemen from Maine has well said, to great consideration at the hands of this House in view of their difficulties with Canada; there is his opinion that this bill could not be said to have any beneficent effect whatever, that he does not know and is not able to state what the effect would be. That is the opinion expressed here.

Now he has an assistant, Professor Brown Goode, who was sent out in charge of the American exhibits to the London Fisheries Exposition and received a medal. I presume it will scarcely be questioned that Professor Goode and Professor Baird are two among the greatest experts of the world in this line. I wrote him a letter myself later upon this subject, for I was ignorant of the effect of it, and asked his opinion. In his response he says:

UNITED STATES NATIONAL MUSEUM, *Washington, April 12, 1886.*

DEAR SIR: I have never been convinced that the abundance of mackerel along our eastern coast has been, in past years, diminished through the agency of man. I am not, therefore, prepared to say that I believe that the prosecution of the spring mackerel fishery will lead to its own destruction. In a report upon the history of the mackerel, published in 1883 by the Commissioner of Fisheries, I reviewed the evidence at that time in existence, and I have not yet seen any reason for changing the views therein expressed. I mail you herewith a copy of this report.

Believe me, yours, very respectfully,

G. BROWN GOODE.

HON. ABRAM S. HEWITT.

In this report, which I have here on my desk, giving the facts and conclusions which are the results of careful research, discussing as it does all of the phases of the mackerel question, and in this public document, which is at the disposal of any gentleman, all of these facts will be found fully set forth and sustained.

Now, the gentleman from Maine says it is necessary to have a close period for mackerel. That is what he wants. That is a very plausible idea, Mr. Speaker, and I was originally taken in by it myself. Every man who has ever approached the subject has thought that there ought to be a close period for animals to breed in. But when you examine the facts you will find that there are two classes of ocean fishes. Those which come into our rivers and seek the fresh water for spawning purposes need a close period, because if all were taken, as the salmon have been taken at the mouth of the river when running in to spawn, there could never be a return current of young fishes after the spawning season.

Hence we have wisely provided for close periods for the ocean fishes that seek the fresh water to spawn. But there is another class of ocean fishes, such as mackerel, herring, the cod, the bluefish, and the menhaden, that never spawn in fresh water, that never come to the rivers or coast to spawn. And in regard to the mackerel there is this remarkable fact: They spawn upon the surface, upon the open ocean, upon the broad surface of the ocean. Their spawn is at the mercy of the winds and the waves; no doubt wisely so. No doubt in the order of Providence that is the method which He has taken for the production of certain kinds of fish which the energy of man has never yet been able to destroy. The herring fisheries of to-day are more productive than they have ever been in any previous period of man's history since we have had any record. The mackerel fishery of to-day is more productive than it ever has been in any previous period. When you remember the spawn of a single mackerel produces 500,000 eggs you will understand how small a quantity is necessary to produce the number of mackerel we take in a single season; it is safe to say less than 500,000 mackerel would produce the entire catch of 25,000,000 of mackerel supposed to be taken in a single season.

So you see that man can not, by any contrivance whatever, destroy these fish which come in large schools. Do gentlemen here know the magnitude and size of these schools which are sent upon our coasts for the express purpose of giving us cheap food? One fisherman I saw told me he had met this year a school of mackerel 7 miles long and 2 miles broad, and packed so densely that it seemed to him as if the water could find no place among them; and yet this is the kind of animal life which the gentleman from Arkansas and the gentleman from Maine say is worried by the attempts of the fishermen to catch a few of them, and is driven off the coast in consequence of it. There is no possibility of worrying them. When taken by one of these purse-net seines, they are scooped in, as many as the net can hold, put on the vessel, and brought into port, and the rest go no one knows where. Even the gentleman from Maine [Mr. Reed] admits that when they spawn on his coast, the mackerel disappear for a time. He did not tell us whether they disappeared before or after they spawn. But the mackerel disappear. Where have they gone? Into Fulton Market?

Mr. REED, of Maine. As the gentleman from New York is quoting me, I will read the exact language I quoted from someone else:

At this time in June the fish appear to sink out of sight for two or three weeks; this occurring a few seasons a little earlier or later than at other times, owing probably to the varying temperature of the water. It is said they have gone down to spawn.

That is the testimony of Captain Collins.

Mr. HEWITT. I thank the gentleman for giving that testimony. Captain Collins is a great expert, but he does not know what they go down for; nor do I, nor does the gentleman from Maine. I do not know what they go down for; but this is certain, notwithstanding the fact that this work of destruction has been going on for the last fifteen years when the purse-seine contrivance was first adopted, and for ten years and with the same energy that it is now prosecuted and with the same results, the catch of mackerel has gone on, with slight variations, steadily increasing. It is true that we do not get the same quantity of No. 1 mackerel that we formerly caught, but those statistics are the statistics when the mackerel were caught by the hook and line; and that was the point of my question to the gentleman from New Jersey, whether when his Jersey constituents go out to catch mackerel with hook and line, they do not get as good fish as ever.

And that reminds me that all this talk about taking mackerel in the spawning season is simply ridiculous in view of the facts. In the first place, it turns out as a curious fact in natural history that three-fourths of the fish caught in the spring fishing are male fish, and only one-fourth are female fish. Will some one undertake to explain by what provision of Divine Providence the female fish are preserved out of sight, not within the range of these nets, while the male fish are principally taken? And let me mention another thing as to the shad. A shad is not regarded as fit to eat except when it is in the spawning season, and what is true of the shad is true of the mackerel. The mackerel that have been brought in to New York this year, as certified by Mr. Blackford, turn out to be a very large, better, and a finer class of fish than have come there for the last few years. If I, like the gentleman from Maine, were to reason *post hoc propter hoc*, I would say the seine-fishing is steadily increasing and improving the value of the fish; they get better all the time, every year a little better than they were the year before. But I confess frankly I do not know anything about it. I only know the fact that we get mackerel, that we get them in increasing quantity, and that they are a fish essential to the support not merely of my people, but of the people whom all of you represent on this floor. Now this testimony which I have cited agrees with the testimony of everybody who has carefully considered this subject.

Mr. Blackford is one of the fish commissioners of the State of New York, and is also the assistant fish commissioner of the United States in charge of the oyster beds. He is a fish-dealer, a most remarkable fish-dealer, an honor to his State and to his country; a man who devotes the profit of his great business (and he is the greatest fish-dealer in the world) to the propagation of food-fishes and the investigation of the laws which govern their growth and their perpetuity. Mr. Blackford testified on the subject before the Senate committee, and in his testimony he said that he had begun (as all of us have begun) with the idea that the mackerel fishery and all the ocean fisheries would be injured unless provision was made for a close season. He says:

Not being much of a writer or speaker, it was a matter of considerable labor for me, and I went to work to get together my facts from my own diaries that I keep of the daily supplies of the markets, and of the prices and notes that I take of the large catches, in order to prepare this paper to be read; but when I got my material all together, I found the facts were entirely opposite to the views which I had entertained, and the more I looked into the subject the more I became impressed that there was no necessity for legislation for the protection of any of the free-swimming open-sea fishes.

There is the conclusion of the most intelligent practical man on this subject in this country, who went into the investigation with his mind made up that protection was necessary in order to preserve these fisheries from damage, but who came out of it satisfied that his former view was wrong, and testified before the Senate committee that in his judgment it was impossible for man to do any injury to the ocean fisheries.

This same question has been up time and again in Great Britain. It has been the subject of royal commissions. The last commission that sat upon it was headed by Professor Huxley. I hold in my hand a paper by that eminent scientific man in which he sums up the matter, and which is so interesting that I shall read it at a greater length than I otherwise would. It was published in the Popular Science Monthly for August, 1881. In this paper Professor Huxley is speaking of the herring; but the habits of the herring and of the mackerel are almost identical. There is, however, a slight difference in their mode of spawning.

Professor Huxley says:

Suppose that every mature female herring lays 10,000 eggs, that the fish are not interfered with by man, and that their numbers remain approximately the same year after year, it follows that 9,998 of the progeny of every female must be destroyed before they reach maturity. For, if more than two out of the 10,000 escape destruction, the number of herrings will be proportionately increased. Or, in other words, if the average strength of the shoals which visit a given locality is to remain the same year by year, many thousand times the number contained in those shoals must be annually destroyed. And how this enormous amount of destruction is effected will be obvious to any one who considers the operations of the fin-whales, the porpoises, the gannets, the gulls, the codfish, and the dogfish, which accompany the shoals and perennially feast upon them; to say nothing of the flatfish, which prey upon the newly deposited spawn, or of the mackerel, and the innumerable smaller enemies which devour the fry in all stages of their development. It is no uncommon thing to find five or six—nay, even ten or twelve—herrings in the stomach of a codfish, and in 1863 we calculated that the whole take of the great Scotch herring fisheries is less than the number of herrings which would in all probability have been consumed by the codfish captured in the same waters if they had been left in the sea.

Man, in fact, is but one of a vast cooperative society of herring-catchers, and the larger the share he takes, the less there is for the rest of the company. If man took none, the other shareholders would have a larger dividend, and would thrive and multiply in proportion; but it would come to pretty much the same thing to the herrings.

And the fact is the same in regard to the mackerel. Finally, Professor Huxley says in conclusion:

I do not think that any one who looks carefully into the subject will arrive at any other conclusion than that reached by my colleagues and myself; namely, that the best thing for governments to do in relation to the herring fisheries is to let them alone, except in so far as the police of the sea is concerned. With this proviso, let people fish how they like, as they like, and when they like. At present I must repeat the conviction we expressed so many years ago, that there is not a particle of evidence that anything man does has an appreciable influence on the stock of herrings. It will be time to muddle when any satisfactory evidence that mischief is being done is produced.

Now, I think I have shown that there is a "plentiful lack" of knowledge on this subject; and in the presence of this lack of knowledge we are asked to pass a bill which it is admitted, if passed now, is too late to have any effect this year, either good or bad. We are asked to pass now a measure which can not take effect until next year, though by referring the whole subject to the Fish Commission we can get their deliberate opinion in time for action in December next. That is the wise and sensible thing to do. I think the Fish Commission will probably know something more on this question than they do now, but I do not expect they will ever get any knowledge which will serve to show that the fisheries can by any possibility be affected by any quantity of fish that man, with all his contrivances, can take out of the ocean in any period of two or three months; for after all this fishing is over, these vast schools of mackerel are found passing up the coasts of Massachusetts and Maine to Canada; so all that we do not take go to Canada for her protected fishermen because our people, as the law now stands, can not go there and take any of those fish. If then this bill passes, it will have but one effect. It will entirely prevent mackerel fishing below the coast of Massachusetts; it will confine it for a brief period to Massachusetts and Maine; and these fish will then pass to Canada, out of the reach of our fishermen.

In the face of these facts, which can not be controverted, the gentleman from Maine says, "If you will pass this bill, we shall be able to supply you with big mackerel." That is not what my constituents or the people of this country want, for the big mackerel fetch a big price per pound. Twenty-five cents per pound is often charged for large mackerel, while little mackerel sell for 1 cent a pound. The only effect of the bill advocated by the gentleman from Maine will be to take away mackerel as the cheap food of the common people and give it as a luxury to the tables of the rich.

Mr. Speaker, the catch of mackerel in one year, according to the figures cited by the gentleman from Maine, was about 14,000 barrels, of which 66 per cent, he said, were large mackerel, which would be 8,000 or 9,000 barrels. Sir, in four days in the city of New York half that number—4,500 barrels—were sold and distributed as cheap food to our people. So that if you pass this bill you merely prevent a great industry from being carried on in order that you may have a few barrels of very fine fish.

The gentleman also said that all the fishermen are in favor of this measure. Well, sir, I went upon a fishing boat, the captain being a Gloucester man, having a crew of eight fishermen. When I asked him whether he wanted this fishery stopped he said he did not; that it gave them employment at a time when they had no other. "But," said he, "we will settle this business." So he sent me down a series of petitions, which are signed by these rude fishermen.

These petitioners say:

The undersigned, mackerel fishermen, being aggrieved at the introduction in the House of Representatives of the bill (H. R. 3538) entitled "A bill relating to the importing and landing of mackerel caught during the spawning season," and whereby the catching and landing of mackerel from March to June 1, inclusive, are prohibited, hereby protest against the same.

First. It is an experimental and unnecessary bill.

Second. During the months mentioned very few mackerel spawn.

Now, these fishermen know something about this matter.

June and July are the principal spawning months.

Third. Mackerel are increasing and not diminishing in quantity.

Fourth. The passage of the bill would turn out of employment during the prohibited season over two thousand of our fishermen, who are dependent thereon for the support of themselves and their families.

And we earnestly ask that the passage of the said bill be defeated.

Now, this petition is a genuine article—not the kind made to order. Here are the signatures of hard-working, honest, diligent fishermen, who only ask to be let alone, to be undisturbed in the pursuit of an honest livelihood. They are the gentleman's constituents, not mine, for whom I appeal to this House. They sell to my constituents what my constituents want to buy; but they want to be let alone in their honest industry. Yet, in ignorance of the facts of the case, and in the presence of the scientific testimony, so far as it goes, that no good can come from this measure, this House is asked to pass it when there is every reason why, out of regard to the food of the poor, the occupations of the industrious, and the general good of the whole country, we should not only go slowly, but if necessary vote the measure down. I have no desire to subject these gentlemen of the committee to the humiliation of having the enacting clause of this bill struck out. I prefer that it shall be recommitted. I want them to study this subject a little more thoroughly than they have studied it, although they seem to be satisfied with the knowledge they have thus far obtained. I am not satisfied with what I have been able to get within this short time; but I say, so far as the facts appear, there is abundant reason to apprehend that this proposed legislation is not only unnecessary, but dangerous and destructive to interests which are entitled to the consideration of the House.

Mr. HAMMOND. This seems to be the application of game laws to food-fishes. I wish to ask the gentleman whether such a thing has ever been done before by the United States.

Mr. HEWITT. There has never been any such measure as to open-sea fishery. There has been the application of the close season to those fishes that seek the fresh waters to spawn; and even there the Government of the United States has had to keep its hands off, because the State jurisdiction in almost every case comes in. The Fish Commission has sought for the cooperation of the States wherever it could be obtained, and has in most cases been able to get it.

Mr. REAGAN. As the attention of the gentleman from New York has been directed to this question, I wish to inquire whether the Government of the United States has ever heretofore undertaken to regulate fishing upon the high seas outside of the marine league, and whether Congress has authority to regulate fisheries on the borders of States within the marine league.

Mr. HEWITT. I have not given my personal attention to that matter. It is a legal question; and such questions I always prefer not to discuss. But I think in this House, so largely composed of lawyers, that question can be readily answered. I know of no power on the part of the United States to control fishing within the jurisdiction suggested by the gentleman; but I do recognize the fact that in licensing fishing boats, the Government of the United States might put in the licenses a provision limiting the operations of such boats. I suppose that might be done.

Mr. MCADOO. As the gentleman from New York has given this subject some investigation, I will ask him whether it is not the fact that the menhaden fishing is doing more harm than any other class of fishing on our coast?

Mr. BUTTERWORTH. I understand the point in this case to be that the supposed danger against which this bill is directed does not exist.

Mr. HEWITT. It does not exist according to the testimony of every intelligent man who has examined the subject.

Mr. MILLIKEN. Mr. Chairman, I desire to say, if the gentleman from New York [Mr. Hewitt] has at last got through, that I do not purpose to discuss the constitutional objection which is raised against this measure, as it is raised against every measure which is called up for consideration in this House and which certain gentlemen wish to defeat. Indeed, I do not purpose to discuss the question at length in any of its aspects; but it seems to me to be a question whether we will legislate to save the source of supply of a valuable article of food, the source of a great industry, or allow people for immediate gain to kill the goose that lays the golden egg.

And in this controversy the same old question arises, and it arises between the same parties as when I first heard it discussed; that is, between the fishermen and the fishmongers. I know how it was in my own State. We had all these arguments against the protection of the menhaden. They told us menhaden could never be lessened on the coast of Maine by the hand of man. I have gone down to the shore and have seen at one time thirteen steamers fishing for menhaden, a single steamer taking 800 barrels of these fish at one haul.

Our people wanted menhaden protected by law from this wholesale slaughter in order that our fishermen might have them to use for bait in catching cod and other large fish. And by the way, sir, if this had been done sufficiently early the trouble between us and Canada would never have occurred, because we would have had an abundance of bait upon our own coast to supply all our fishermen.

When, however, it was proposed to protect the menhaden by legislation the same reasons and excuses were urged against it that we have listened to to-day. The fishmongers and the great corporations interested in the product of these fisheries defeated for a time the efforts made for the preservation of the menhaden. At last these fish left our shores, and during the last eight or nine years there has not been enough menhaden caught on the coast of Maine to supply bait for our fishermen.

The gentleman from New York [Mr. Hewitt] says that out of ten thousand eggs deposited by the female fish not more than two escape destruction before the young fish are hatched, and he by allowing the fish to be taken in spawning time would destroy these two. My colleague has referred to the effort made in Maine to protect by legislation the lobster from annihilation. These efforts finally succeeded in procuring the enactment of a law providing for a close time, and that lobsters less than a certain length should not be exposed for sale.

But this law, while it has arrested the destruction, and I hope may prevent the extermination, of the lobster, came too late to save it from being so seriously diminished, both in numbers and size, that this fish once so plentiful and cheap is now comparatively rare and dear, and will average less than one-half its size of twenty years ago. Still, we had the same experience in obtaining legislation to preserve the lobster that we had in trying to save the menhaden, the same we have here to-day in our efforts to prevent the extermination of the mackerel. Our opponents quoted from scientific gentlemen, produced the testimony of theoretical experts, and talked of the enormous number of eggs which the fish deposited, but what the practical fisherman said proved to be correct and what they petitioned for was shown, as I am sure it will be in this case, to be wise.

My friend from New York says we are selfish in this thing; that we want this bill to pass so these fish will be caught on the coasts of Maine and Massachusetts. He, however, recognizes the fact that they are all Maine and Massachusetts fishermen who catch these mackerel. What does it matter to him whether they catch them in one part of the ocean or another? Does he think they are any better caught off the coast of New York than when they are caught off the coasts of Maine and Massachusetts?

What has been said in favor of the bill I know to be true by experience, because I have seen mackerel caught ever since my boyhood.

If mackerel are caught before the 1st day of June and put on the market for sale, very few people who know what good wholesome mackerel are will want them. Why? Because they are then a poor article of food. Indeed this involves the question of good or poor food for the people. Mackerel when spawning time is over, and they have had an opportunity to fatten, are, as the gentleman has said, the finest fish in the world. But before that time, when caught off the coast here, I am bound to say from experience they are the meanest fish that swim—too mean to be eaten by anybody, rich or poor.

Now, Mr. Speaker, I did not intend, as I said when I rose, to make any lengthy remarks upon this subject, but I do not see why the people of this country are not as much interested in having a close time for fishing for mackerel as they are in having the fisheries protected in our several States by legal enactment. I do not see why the people of the whole country who consume fish, as well as the fishermen themselves on the coast who earn their livelihood by fishing, should not be as much interested in the protection of this great article of food and this important industry as they are in the protection of game, which in many of our States is so zealously guarded.

We are everywhere establishing fish-breeding places in order to cultivate the supply of food-fishes, and I am glad to be able to say that the salmon on the coast of Maine, which had been growing scarce, have sensibly increased since fish-breeding was established at Bucksport. And while we are taking so much pains to propagate our valuable fishes, does not a wise economy demand that we should prevent as far as possible their wanton destruction?

Mr. BUTTERWORTH. I wish to ask the gentleman from Maine, with his permission, a question in connection with one remark of the gentleman from New York. He says the testimony of gentlemen who are interested in the success of this industry points to the fact that the spawning season is early in June and July, and not largely in March and April. What are the facts and what is the testimony which the gentleman has on that particular point?

Mr. MILLIKEN. Mr. Speaker, I desire to say, in answer to my friend from Ohio, that if I should attempt to reply to the immense amount of misinformation which the gentleman from New York has this morning given to the House on the subject of fish and fisheries of different kinds, I think I would

require much more time than I would care to consume in this House and much more I am sure than anybody would like to occupy in listening to me. But the testimony to the contrary of the statement of the gentleman from New York is abundant and overwhelming.

The gentleman from New York has quoted Professor Baird and others, and what does it all amount to? When he gets through, it amounts to the fact that he admits that he knows nothing about the habits of these fish, and notwithstanding this he has talked to the House almost an hour, and has succeeded in giving us such lack of information as we should have a right to expect from one making such an admission.

Sir, I say in conclusion that the question is whether we shall allow men for immediate gain—men who do not regard the future of this great industry, nor the necessities of our people so largely benefited by this article of food—to impair its supply, as has been done in the case of the menhaden and lobster, or shall we, by administering a timely and effective remedy, preserve it?

The importance of both cheap and wholesome food for the people demands that the mackerel, which is almost universally used, should be allowed to perpetuate itself and should be taken only when in good condition, and I believe that the provisions of this bill, designed to secure these objects, will meet with the approval of this House and the country.

Mr. LORR. Mr. Speaker, with all due respect to my friend from Maine, I may be permitted to state that since the days of wooden nutmegs and Waterbury clocks I have not seen such an ingenious piece of mechanism as the construction of this bill. I am not abusing my New England friends, only suggesting a historical fact. I have always admired Yankee ingenuity and skill in devising such mechanism.

But, Mr. Speaker, let us examine this bill section by section and analyze its provisions and effect. This first section provides that no mackerel, other than Spanish mackerel, caught between the 1st day of March and the 1st of June of each year shall be permitted to be imported or landed on our shores. The next section provides that the license to be granted by the United States shall be made to conform to that condition of facts, and shall not authorize the person holding the same to violate the first section.

The third section provides for the forfeiture of the vessel if it violates the provisions of the act, if it be an American vessel, and if not, then it provides for the forfeiture of the mackerel or the fish that are landed.

You will observe that the bill as it stands is an absolute prohibition against catching mackerel from the 1st of March to the 1st of June of each year all along our coast from Cape Hatteras to New England. Let us consider it. This mackerel question is an exceedingly interesting one. The mackerel is in a great degree the most mysterious fish in its habits and haunts. They first approach our shores in March off Cape Hatteras in North Carolina in immense shoals, and pass northward until they strike the coast of Maine, which they reach about the month of June. Now, I am not responsible for the truth of what a very intelligent gentleman said last night, but will give it in passing. He said that the ingenuity of my friends from Maine and Massachusetts is so great that they secure the kind of food the mackerel are accustomed to, watch their coming, spread it bountifully on the way, toll them all along the coast from Cape Hatteras until they get them up to Maine, and when they get them up there they feed it out in such abundance as to keep them from going farther, to the fishermen of Nova Scotia and Newfoundland.

I presume this is a myth, but is illustrative of the popular opinion of the skill and foolhardiness of our New England friends. But, judging from the mechanism of this bill, it would not strike one as an impossibility.

These fish, as they pass along the coast from Hatteras up to Maine, are caught by the dwellers on the coast in every direction. They are caught by men who go out in boats and bateaus, and as the bill now stands it would prevent a person in North Carolina, Virginia, Maryland, Delaware, New Jersey, or New York from going out in a canoe or a boat and catching and landing fish for his own use.

That I understand they propose to correct by an amendment. If the bill is so amended, that objection would be removed. But there is a broader objection than that. As the bill now stands it would be open and vulnerable to that attack. But if amended, it is vulnerable in other points. But first let me consider the reasons urged for this bill, and which were presented by my friend from Maine, Mr. Reed, in his usually vigorous, terse, and exceedingly forcible style. The first one is that it benefits the fisherman. Now I say to the gentleman in all frankness that there are other fishermen than those on the coasts of Maine and Massachusetts. The mackerel run from Hatteras up to Maine. They get up to the coasts of Massachusetts and Maine in June; so if you prevent the catching of mackerel up to



the 1st day of June all dwellers on the coast up to Massachusetts and Maine are prevented from catching mackerel, for this time covers the exact period of their passage from Hatteras to New England.

Mr. REED, of Maine. Will the gentleman allow me?

Mr. LORE. Yes, sir.

Mr. REED, of Maine. There are none that go out to catch these schools of mackerel. There are only fishermen that go out within 10 miles of the shore, and those we propose to provide for. The only ones that are interfered with by this bill after the amendment is made are people from Maine and Massachusetts.

Mr. LORE. Then this is an attempt to prevent your Maine and Massachusetts men from taking the fish at that time?

Mr. REED, of Maine. It is an attempt to stop that kind of fishery during the spawning season.

Mr. LORE. I do not know that that alters very materially the point I make as to whether or not the bill benefits the fisherman. If the amendment to the bill corrects the first defect of which I spoke and deprives the Maine and Massachusetts men of the power to catch and bring the fish into New York, it deprives them of just such profits as they may make during that season; and I do not see that it would be a material advantage even to them.

Now take the other ground, which the gentleman from Maine presented with considerable force and which strikes me as the one upon which he rests his argument mainly for the passage of this bill: that fishing during these months diminishes the catch; that it diminishes the supply of mackerel.

Let us examine this position? I know my friend from Maine says that the Maine and Massachusetts fishermen, by almost unanimous consent, say as a matter of fact it does. The gentleman from New York [Mr. Hewitt] presented and read petitions of these very men, largely signed, maintaining the opposite view. Congress has at considerable expense established a Fish Commission. The head of that commission is Prof. Spencer F. Baird, who has devoted much of his life to this work. So has Professor Goode, associated with Professor Baird as Assistant Fish Commissioner. Captain Collins, Professor Baird, Professor Goode, Professor Huxley of England, all say that they are not satisfied that the catch of mackerel during this time of the alleged spawning, from the 1st of March to the 1st of June, does diminish the supply. They say they do not know, and in effect that it is not known.

Mr. BOUTELLE. Professor Baird, as I understood the reading of his opinion, states that he is not satisfied the use of the purse seine will not materially diminish the propagation of mackerel.

As I understood the reading, what he said was he was not satisfied that the intervention of man would materially diminish the supply of sea fish. But further on he said he did not feel sure that the use of the purse seine, which is a modern contrivance, might not very materially affect it, and that it might require some years to determine that. So that we have the scientists in doubt about the matter, while the practical fishermen, who have been engaged in this business for years and whose whole avocation depends on the plenteousness of the fish, unanimously, or with practical unanimity, declare the catching by the seine in this close time is materially affecting the supply.

Mr. LORE. I think my friend will agree, and I am sure the reading of Professor Baird's letter will satisfy any member of this House, that he does not believe that the catching of the mackerel during that time does interfere with the supply. Professors Goode and Huxley are quite clear on this point, and the petitions of fishermen presented by the gentleman from New York [Mr. Hewitt] show the fishermen do not agree.

Now, Mr. Chairman, in order to show that the committee itself had evidence before it tending to contradict that proposition, I read from their report where they say:

That the mackerel continued to abound, and the industry of catching them to increase, is to be accounted for rather by the fact that it is not an anadromous fish, and by reason of the primitive devices of the day, than because of the laws of the period. In 1831 the catch reached its maximum, being 449,950 barrels. It then steadily fell off each year, until in 1838 it was only a little over 138,000 barrels. With varying fortune it fell in 1877 to nearly 127,000 barrels. Each period of decline in the catch, and consequently of comparative exemption from molestation of this fish, has apparently led to the hatching and maturity of sufficient numbers to fully restock our waters. Thus, in 1881 the catch rose again to over 391,000 barrels.

In 1882, 1883, and 1884 the catch has been increasing, and yet during this time not only have the fishermen been catching the mackerel between the 1st of March and the 1st of June, but they have been catching them with the purse net. We have, therefore, right here in the report of the committee, evidence that instead of the amount of the supply decreasing it has actually increased.

Mr. BOUTELLE. Is it not possible that this gentleman mistakes an increased catch for an increased supply? Is an increased catch necessarily an indication of an increased supply of these fish? May not the increased catch be the result of the employment of a larger number of vessels and the use of improved appliances?

Mr. LORE. That may be so, sir, and yet I take it that the number of fish we take out of the sea is the best indication we have of the number of fish in the sea. Certainly it is a better means of gauging the supply than a mere speculation based upon no facts whatever. That the supply of these fish will not be diminished in this way it seems to me has been most clearly demonstrated by the gentleman from New York [Mr. Hewitt].

I remember that a few years ago the old method of catching oysters in Chesapeake Bay by the fishermen of Maryland and Virginia was "tonging." Then the dredge system was introduced, and the fishermen raked the oyster beds from one end of the Chesapeake to the other wherever they could find them. There was a terrific outcry on the part of the tongers that this would destroy the supply; but the result simply was that instead of having oyster beds scattered here and there at special points on the bottom of the bay, the dredges dragged them all over it and made the bottom of Chesapeake Bay almost one continuous oyster bed, and the oysters were multiplied by the thousand. This grew out of the fecundity of the oyster spawn, rivaling to some extent the mackerel in this respect. I know that the analogy between the two cases is not complete at all points, but I mention this to show that the alarm which arises as to the results of new methods is frequently without foundation or any just cause.

Mr. BOUTELLE. Do I understand the gentleman to say that the supply of oysters has not been disadvantageously affected by the use of the dredge? My impression was very decidedly to the contrary.

Mr. LORE. Well, I speak of what I know. I have it from the tongers, as well as from the dredgers, that the effect has simply been to spread the oyster beds over the bottom of the bay and make it almost one continuous oyster bed. As I have said, however, I mention this merely to show that the fears of men in such cases are not always warranted by the facts.

Mr. Chairman, when men speak of the diminution of the fish supply from cause stated it is a mere conjecture. The report of the committee itself shows that the catch, instead of diminishing, has increased; and I say that when it is shown as a matter of fact that more fish have been taken out of the water in a given time it is a fair inference that more have been taken because the supply in the water was larger.

Mr. BOUTELLE. Suppose that the Congress of the United States should address itself to the work of decreasing or rendering extinct the mackerel on our coast (if they should deem that to be a public necessity), can the gentleman conceive of any more efficient manner of starting the experiment than by fitting out a fleet of vessels to use the purse net to take these fish at the spawning season? Is not that exactly what Congress would do if it were going to invest Professor Baird with power to experiment as to the best means of rendering the mackerel extinct?

Mr. LORE. I will answer my friend, although I think he has been already completely answered by the gentleman from New York [Mr. Hewitt]. The answer is this: These fish are preyed upon not only by man, but by a great number of the denizens of the sea, and the share that man takes in their destruction is but as a drop in the ocean; the number that are taken and consumed by man is trifling compared with the multitudes that swarm along our coasts and are consumed in other ways. Therefore, I say you may adopt any device you please, you can not destroy the supply. When you remember that a single female mackerel scatters in the spawning season from 500,000 to 1,000,000 eggs, you can see that the supply must be practically unlimited, and that it will not be seriously affected whatever devices you may employ.

Mr. BOUTELLE. But the gentleman overlooks this fact. When the spawn is thrown out upon the sea and becomes subject to the ravages of those destructive enemies to which the gentleman refers, there is yet a percentage of a chance of its fecundation; but when the fishermen go out with their purse nets and scoop in the fish containing the spawn before it is shed at all, then all possible chance of reproduction from that source is utterly lost.

Mr. LORE. I concede that; but take all you possibly can, the catch is so insignificant in quantity that there is still left enough to people the seas with these fish in inexhaustible supply. No fact has been produced to the contrary. So far as anything is demonstrated in the case, it is that the catch has not decreased; and, as I have said, it is fair to infer from that that the supply is at least as great as it was before.

Mr. BOUTELLE. Fishermen who petition here urge that the quantity has largely decreased; and, as I understand, Professor Baird states distinctly he is not sure this fishing during the spawning season will not have the direct effect of decreasing the supply.

Mr. LORE. Well, he does not know what may occur in the future. But the past and present are our teachers. The gentleman from New York [Mr. Hewitt] has just put in my hands a statement

exhibiting the catch of these fish for the last fifty years; and it shows that there has grown up quite a regular and systematic increase in quantity of catch.

Mr. BOUTELLE. I suggest that if the gentleman from New York will now collect and put alongside of that statistics showing the increase in the amount of beef consumed by the people of the United States, year by year, during the last seventy-five years, it will be equally interesting and equally pertinent.

Mr. REED, of Maine. In other words, it would not show that the mackerel catch has not diminished, as alleged.

Mr. LORE. Let me ask my friend from Maine what evidence he has to-day that the supply of mackerel in the ocean has been diminished at all by the use of these nets—I mean the supply for all practical purposes?

Mr. BOUTELLE. We have the evidence of men engaged in the pursuit of those fish as to the relative difficulty of obtaining a certain quantity. That is the only evidence that can be had.

Mr. LORE. Certainly no evidence of that kind is before the House.

Mr. BOUTELLE. If the fishermen were unable to catch any mackerel at all on the coast, it would not prove there were not mackerel somewhere in the sea, but it would be pretty good evidence to that effect. The difficulty of obtaining the fish is certainly competent evidence to show their increasing scarcity.

Mr. LORE. But, measured by that which is before our eyes, it is fair to assume that the supply is still there, for it not only meets all the demand, but the quantity is so abundant that to-day mackerel are a drug on the market.

Mr. REED, of Maine. How about the quality?

Mr. LORE. I will come to the question of the quality presently. I have been speaking of the quantity; and on that point I think I have said all I care to say. I think I have shown that the quantity is not diminished.

Now as to the quality of the food. I am free to say—and I have no other wish than that all the facts in this case should appear—that not merely from the 1st of March till the 1st of June, but from the 1st of March till the 1st of August, embracing at least the entire month of June and part of July, even while these fish on the shores of Maine and Massachusetts are spawning, the quality is not so good as later in the season, after they become fat; still they are wholesome and palatable food.

I have in my hand a very interesting work upon the fisheries of Massachusetts published in 1833, the author being Dr. Jerome B. C. Smith. In this work the habits of these fish are largely discussed. It has always been a mystery where they came from. Indeed, we might say in biblical language that they are like the wind which "bloweth where it listeth; thou canst not tell whence it cometh and whither it goeth." We know that these fish appear in the northern waters about March and disappear about November. From whence they come to our shores in March, and where they go when they leave the New England coast in November each year, is a profound mystery and a curious study for our scientists. Some say they hibernate in the mud on cold northern shores; others, that they spend the winter under the icebergs in Arctic regions, but in this book one writer states that in the month of November he found immense schools of these mackerel taking their way back apparently to the southern climes. And this writer seems to have satisfied himself and others that these fish passing between the Gulf Stream and the coast go to the deep water south to repursue in another season their migrations northward.

It is urged that the fish caught between the 1st of March and the 1st of August are inferior in quality. I concede that they are not so good as those caught after the spawning season is over; but they are perfectly palatable, wholesome food, though a little poor, that is all. The authorities which have been produced do not show that fish caught during the spawning season are unwholesome food. The very authority cited by the gentleman from Maine, Mr. Collins—who, by the way, was born in Maine—was appointed from Massachusetts; was a mackerel fisherman himself for twenty-five years, and who frankly says he feels an interest in the whole matter, I might say a strong bias in favor of the old calling, and is the only one of the scientists who gives countenance to the theory of the bill. What does he say about these mackerel caught during the spawning season? He does not say that they are unpalatable or unwholesome, but simply that they are of inferior quality. But the point of the matter appears a little later. It conclusively appears that when these fish come into the New York market, though of comparatively poor quality, men living all along the coast buy them with avidity and eat them with gusto. The catching of the fish and the packing of the fish then caught interferes to a great extent with the sale of fish caught and packed on the coast of Maine and

Massachusetts. The reason, then, is clear if you can prevent the catching of mackerel while they are on the coast of the Middle States, and suffer them only to be caught while they can be found on the New England shores, you deplete the market and make a demand for the large stock of mackerel now on the hands of the eastern fishermen and dealers which is now a drug in the market.

I will say, Mr. Speaker, in reference to the quality of these fish, that the fish caught and placed in the New York market during this week have been of the finest quality. I hold in my hand a message from a man who is an expert in the business, who telegraphs from Fulton Market that since last Monday there came into that market 4,510 barrels of fresh mackerel; that that quantity of fresh mackerel was landed in Fulton, and that they were all large, fine fish, readily sold to and eagerly bought by the people seeking fresh fish at this opportune season of the year.

But, sir, I do not put it on that ground only; I have no doubt these fish are somewhat inferior in quality when caught early in the season. I am equally satisfied they are healthy food; cheap and desirable.

I was amazed at what my friend from Maine presented to you. He stated the quantity of No. 1 mackerel compared to the whole catch years ago with the quantity of No. 1 mackerel compared to the whole catch at the present time, and left us to infer this grew out of this spring catch. Did he fairly and frankly give us the true reason for that difference? Did he tell us that the difference was because these large No. 1 fish were caught at that time by hook and line? But the Maine and Massachusetts men were not satisfied with the hook and line; it was too slow; and now they use the purse-net, which has already been graphically described to the House. With that net they surrounded a whole school of fish and scooped them all in, big and little. The difference in quantity was very great because they scooped them in and put them on the market without regard to size.

Mr. BOUTELLE. We want to try and stop Maine and Massachusetts from doing that of which you complain.

Mr. LORE. You can do that in your own State; but you do not propose to do so from June to November while they are on your own shores, but only from March to June while they are on our coast.

The catch may be a little inferior; but let me say to the gentlemen of this House that the man who labors six days in the week, who has house rent to pay, a wife and five or six little ones to feed, can not afford to buy high-price mackerel at 25 cents a pound.

Mr. REED, of Maine. There is where your interesting fishmongers' association comes in, because the man who sells mackerel does not get more than 3 cents a pound, and if the fishmongers put on enough to run it up to 25 cents a pound they are a nice set of people indeed.

Mr. LORE. Suppose this bill should be passed and no mackerel should be allowed to be caught in the months of March and April on the Middle States coast, and that your fisherman in Maine and Massachusetts should only be permitted to catch them after June, what then will be the price to which they will run it up? Will my friend from Maine answer?

Mr. REED, of Maine. We are talking of a time when No. 1 mackerel are not caught.

Mr. LORE. Take away the mackerel coming into New York and Philadelphia from this summer catch cut off by this bill and let your New England fishermen and dealers only supply the mackerel to Philadelphia and New York, and what would be the price of No. 1 then? That is a problem I will leave to my friend from Maine to solve.

Mr. BOUTELLE. We can not when the mackerel are down on the coast of Delaware.

Mr. LORE. Precisely; that is what you should not do. You take good care not to ask to do so while the mackerel are on the coast of Maine and Massachusetts. When gentlemen bring in a bill to prohibit Maine and Massachusetts fishermen from using purse-nets to scoop in whole schools of mackerel, big and little, without regard to size, that will be a different proposition, and it is one for which I hope this House will vote. But there is no such proposition as that before the House. I have considered the question of the quantity and quality of mackerel which have been caught and sold for food. The alleged diminished supply I have already dealt with. The reason for it I have tried to present. Even if the questions were not embarrassed with doubt this House, it seems to me, Mr. Speaker, ought to act with great caution and hesitate to interfere with an industry as large as this is and involving such grave interests. There may be other objections to the passage of this bill, but those which have already been given, to my mind, ought to convince you it should not pass. It seems to me they are unanswerable.

What does the distinguished gentleman from Arkansas [Mr. Breckinridge] himself say as to this? At the very outstart, at the very threshold of this question you are met by the gravest questions as to the right to touch it at all. In the report of the committee they say they are not entirely certain

of their jurisdiction, but as the question was referred to them by the House and the question of jurisdiction seems to be a matter of doubt, they assumed, without arrogating the functions of others, to report the bill. Why, my friend from Arkansas, who has evidently looked into this with some degree of care, doubts, as it must be apparent here, the right of this House, the right of this Congress to pass such a bill.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is mistaken in that.

Mr. LORE. Am I? In what respect?

Mr. BRECKINRIDGE, of Arkansas. I was referring to that as a parliamentary question, not as a legal question. I did not know whether or not it should have been referred to some other committee under the division of labor required by the rules of the House; and it was purely a parliamentary question. The gentleman is going a long way to get at his argument.

Mr. LORE. I beg the gentleman's pardon; I see upon a closer scrutiny of the language of the report that it bears that construction.

Mr. BRECKINRIDGE, of Arkansas. That is exactly the construction it was intended to bear.

Mr. LORE. And you did not consider the question of the right of Congress to deal with the subject?

Mr. BRECKINRIDGE, of Kentucky. We had no doubt of the right of Congress to deal with the subject.

Mr. LORE. Then let me ask the gentleman how far will Congress go beyond the line? I confess, sir, that I have some very grave doubt upon that point. I have some doubt as to whether the right of Congress exists to go beyond three marine leagues, in addition to the questions raised by the gentleman from Texas [Mr. Reagan] who throws grave doubts upon some features of the bill.

I doubt very much the equity and justness and fairness of any bill you may bring in here the object of which is to lay an embargo upon a class of our people occupying three or four or five States, if they see proper to embark in this particular class of business, and that is practically what this bill does. And what is the argument of gentlemen? If it is so profitable, and you pass this bill, then they may not engage in the industry. The Middle States are not now engaged in mackerel fishing to any great extent; but, *non constat*, if it prove profitable, as it seems to be, may they not see proper to equip themselves and go out upon the ocean and engage in the business while the fish are on their coast, in the months from March to June?

Pass this bill, and you throw the entire mackerel catch into the States above the south line of Massachusetts. You lay an absolute prohibition upon all the States south of the southern line of Massachusetts. These are grave questions and ought to be considered in all of their phases. If the vessels are now exclusively owned in Maine and Massachusetts, if this business proves to be so profitable, or even if it be a lottery, men will be found willing to embark in the enterprise, and for five years you absolutely prohibit them from going upon the coast and catching the mackerel and landing them upon our shores. It will prohibit them from catching the mackerel at all; because after the 1st day of June there are no mackerel upon our eastern coast north of Cape Hatteras and south of Massachusetts. They are all north of that point, and you give the whole business to Maine and Massachusetts, a proposition so modest that it strikes one with amazement.

Mr. BOUTELLE. Does the gentleman from Delaware think that there is any reason or expectation that large interests will embark in this business?

Mr. LORE. I see no reason why they should not, or why any people should be excluded. But the main objection to the bill, so far as the small catch is concerned, will be remedied by the amendment which has been suggested.

Mr. BOUTELLE. Can not the constituents of the gentleman from Delaware, if they choose to go into this avocation, come down to Maine and Massachusetts and catch them as our people go from Maine down along your coast to catch them?

Mr. LORE. But that does not answer the objection I make. Of course they can do so; but I see no justice or propriety in saying to the New Jersey or Delaware or New York man who desires to engage in this fishery business that you shall not catch the fish when on your shores, but you must wait until the mackerel have passed by you and gotten up to the coast of Maine before you can be permitted to catch and land them.

Mr. REED, of Maine. But will not any man in Maine or Massachusetts be prohibited as well as your constituents? Is it not a prohibition which prohibits everybody alike?

Mr. LORE. Precisely; but you prohibit our people while the fish are passing our shores and compel them to wait until they get up in front of the door of your house. We can not catch them

until then. I submit, therefore, the argument I make against this bill is a perfectly legitimate one; and, as my friend from New York (Mr. Beach) suggests, you do not want us to have them fresh while passing in schools before our eyes, but want us to wait until you catch and salt them down and then get them from you. Now, I do not believe that you can salt down this House with that kind of mackerel supply. [Laughter.]

Mr. MILLIKEN. What we desire is to give you healthy mackerel in good condition; not permitting them to be taken when, as we believe, they are not suitable for food. We want to save the mackerel alive until it has spawned, in order to furnish a supply every year, and not exhaust them and destroy the possibility of a supply, as you wish to do. Now, we do not care whether they be caught on the coast of Maine, or Delaware, or Florida; all we ask is to protect them from destruction and to protect the mackerel during the spawning season. We do not use the mackerel until they are in a good, healthy condition.

Mr. LORE. There is another reason why this bill should not pass, and it is a strong one in my mind. The catch of mackerel from the 1st of March to the 1st of June along our coast does supply a cheap article of food that is perfectly palatable, food that is nourishing and that is fresh.

The mackerel we thus get from the 1st of March to the 1st of June is far superior to the salt mackerel, even No. 1, that we get from Maine and Massachusetts, and is much more palatable. Then why should we be deprived of the fresh fish that are passing by our doors, and wait until they get up to Maine and Massachusetts to be caught and salted and sent back to us in a salt state? It used to give the sailors the scurvy to eat salt fish. Now, in Delaware we want to have some fresh mackerel occasionally. And we do not want to be confined by a bill like this to Spanish mackerel. You are willing, in your generosity, we should have Spanish mackerel. I suppose that is because they are not caught by your fishermen in sufficient quantities to be profitable.

All we want is to have the privilege of catching a few of these fish as they pass us. Seriously this is a question of cheap food; and it is cheap food for the people who live along the Atlantic coast. There are at times 75,000, aye, 100,000, barrels of fresh mackerel caught off the coast and taken into the city of New York, into the city of Philadelphia, and other cities, which sell all the way up from 5 cents a bucket or basket full. The poor woman can take on her arm and carry to her home a large supply for her family at 1 or 2 or 3 cents a pound. By this bill you would take away that supply at this season when the people need just that kind of food; when they have come through the winter and have not got the vegetables of spring and summer. Just at that time nature has provided this bounteous inflow of food from the ocean. And yet we are told, "Do not lay your hand upon it; keep off and let it get up to Maine and Massachusetts."

As a question of cheap food, I hope this House will not be willing to prevent the people of the Middle States from getting these fish all along the coast by passing a bill of this kind. The whole question is clouded with doubt. The scientists who are engaged in the careful study of this question tell you there is doubt about it. They tell you there is doubt about its decreasing the supply. In fact, it is not decreasing the catch. They tell you there is doubt about every point which has been raised in support of this measure. On the other hand, in opposing these unjust restrictions which are sought to be imposed upon our people we present the fact that by this industry we obtain a cheap supply of food.

I will not weary the House with a further detailed presentation of this matter, but I desire to read just for a moment, on the question of cheaper food, what is stated by Capt. J. W. Collins, who is Assistant Fish Commissioner. He was questioned by the Committee on Ways and Means. Some eight or nine questions were addressed to him. In reply to one of those questions he said:

The "effect as relates to the cheapness of mackerel as measured by its real qualities as food" has been partially answered above. That the fish caught after June 1 will bring a higher price than those taken before that date goes without saying.

It goes without saying that fish are cheaper that are caught before the 1st than after the 1st day of June. He says further:

One of the largest dealers in mackerel in the United States has told me that in his opinion the demand for good mackerel could not be supplied if the "inferior trash" could be kept out of the market.

Pursue this plan, keep these fish out of the market, and this expert frankly tells you that the demand can not be supplied. Where would the price go to? Yet you talk of supplying and making abundant this article of food, which for years has been used all over the country.

Let me say, in conclusion, not only am I thoroughly satisfied that the reasons adduced for the passage of this bill are not warranted by the facts, but that the reasons against it are overwhelming.

And I do most heartily and earnestly support the proposition of the gentleman from New York [Mr. Hewitt] that this whole matter should go back to the Fish Commission. They tell you that they have a vessel equipped to go out upon the ocean to investigate the habits of these fish and find out if possible whence they come and where they go, and settle all these questions of supply and modes of fishing. Therefore, I say, send this subject back to the Commission, and when we get their report we shall have something intelligent to act upon, and we shall be enabled to pass laws that will be wise in their inception and just and equitable in their execution.

Mr. STONE, of Massachusetts. Mr. Chairman, I wish to say a few words upon this bill before the vote is taken. As has been said by the gentleman who has just taken his seat, this is a question of cheap food, and if I did not believe that the passage of this bill would improve the quality of this character of food and eventually cause the people of the country at large to have a better supply than they have now, I should not support it.

Professor Baird has been quoted in this debate as not being in favor of the bill, and a letter from him has been read by the gentleman from New York [Mr. Hewitt] which seemed to imply that he was not in favor of the bill, and that he had serious doubts as to its effect. Within a day or two I have seen Professor Baird and talked with him personally upon this very subject. I spent considerable time with him discussing the subject, for, Mr. Chairman, I represent the most important fishing town in the United States, and have been familiar with fishermen ever since I was a boy, and have known, so far as they are known, the habits of the mackerel and the modes in which they are caught. Professor Baird has told me within two days that while he did not feel clear in respect to the effect of this legislation upon the quantity of fish that might be taken hereafter, yet that upon the whole he thought it was wise to pass this bill, because it might have a favorable effect upon the mackerel upon our coast in the future, and that, at all events, he was in favor of trying the experiment.

That was Professor Baird's statement to me within two days. It has been said here, among other things, that there is no proof that the quantity of mackerel has diminished during the last few years by reason of purse-seine fishing. I do not claim, Mr. Chairman, that there is any satisfactory proof upon that point; but I wish the members of this House to take notice of one fact which bears directly upon the question. That fact is that the business of fishing as now prosecuted is conducted very differently from what it was twenty years ago. The fishermen now have the very best and most costly boats; they are all supplied with the best equipments; they are all, or nearly all, supplied with these purse nets. The purse net, so called, is 1,200 feet—nearly a quarter of a mile—long and twenty-odd fathoms deep, and when it is cast around a school of mackerel, embracing as it does an area of 1,200 feet one way and 120 feet the other, gentlemen can conceive of the immense quantity of mackerel it is possible to take at one haul. Now, observe, the fact that the supply for the last ten or twelve years has not decreased does not go to prove that the mackerel may not be diminished by this method of fishing, for the new method has been adopted because it is an improvement upon the old one and enables the men to make a greater catch.

A seine is worth from \$1,000 to \$1,200, and the fishermen now put into a single adventure \$10,000 or \$12,000 where they formerly put only \$3,000 or \$4,000 at the outside. Therefore, the business is now so conducted that the take is not diminished, but it is because these new methods are so effective, and therefore so destructive. Not only are more mackerel, by a great many thousand barrels, annually taken into the city of New York now than were taken there ten years ago, but thousands of barrels are wasted and destroyed because the men take so many fish at a time that they can not handle them all.

The quantity that goes into New York is really no indication of the total quantity taken, but it is clear that the amount taken now in the southern fishing grounds is very much greater than it was ten years ago. The effect is noticed particularly in relation to the quality of the fish. The gentleman from Maine [Mr. Reed] cited evidence as to the quality of the fish in one case, showing that it had very much deteriorated. However, a single instance of that kind is not entitled to much weight in determining the general question, because it may be exceptional. But I hold in my hand the annual report of the Fish Bureau of Boston, giving the quantity and quality of fish taken for more than fifty years, and also an annual statement of the quality of the fish from year to year. The report covers the period from 1809 to 1884. I have made an abstract of it. It appears that for the ten years ending 1885 the amount of No. 1 mackerel taken, as compared with the whole catch, was 225,253 barrels out of 1,880,767 barrels. For the ten years previous, from 1865 to 1875, the number of barrels of No. 1 mackerel was 103,630 out of 317,096 barrels. Thus it will be perceived that from 1865 to 1875 the amount of No. 1 mackerel was little short of 50 per cent, while from 1875 to 1885 it was from 14 to 16 per cent. This shows a very important change for the worse in the character of the fish.

Now, in respect to this very experiment, I desire to say that Professor Baird—to quote him again, because his is the best authority in this country upon the question—Professor Baird has said that he believes it is worth while to try the experiment of this legislation, and I submit, Mr. Chairman, that his testimony should receive the consideration of this House and should be regarded as almost decisive in its effect.

It is said that this movement is almost exclusively in the interest of the fishermen of Maine and Massachusetts. It can not be denied that it is in the interest of the fishermen of Maine and Massachusetts, but it is not urged here to-day because it is in their interest; it is urged because it is believed to be in the interest of the people of the whole country, and almost certain to result eventually in improving the character and the amount of the supply of this food. Gentlemen know very well that Professor Baird, who is a philanthropist as well as an accomplished man in his profession, would not encourage legislation of this kind if he did not believe that eventually it would have a good effect.

Mr. BUCHANAN. Mr. Speaker, the first section of this bill provides—

That for the period of five years from and after the passage of this act, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

The object of the bill is to prohibit the indiscriminate slaughter of mackerel during the spawning season by the use of purse nets. That, as I understand from the promoters of the bill, is its sole object. But the bill as drawn will go further than that in its practical operation. We have all along our New Jersey shore hardy fishermen who in the morning put out to sea in their open boats, and anchoring from 1 to 10 miles from shore, spend the day in fishing for mackerel with hook and line. They thus obtain a livelihood for their families and they supply, among other places, those numerous seaside hotels which are dotting our shores. I understand that the promoters of the bill do not desire to interfere with this fishery. The number of mackerel caught by the men I have indicated constitutes but a very small proportion of the total catch—is in fact not even a “drop in the bucket,” but only one of the atoms that make up the drop. To save the rights of these men I proposed an amendment which has been read. Upon conferring with the friends of the bill I have consented to modify that amendment, and I ask that the Clerk now read it as modified.

The Clerk read as follows:

Add to the end of the first section the following:

*Provided, however,* That nothing in this act shall be held to apply to mackerel caught offshore with hook and line from open rowboats of less than 20 feet keel and landed in said boats.

Mr. BUCHANAN. I will say that the terms of this amendment are stricter than I like; but they are such as meet the approval of friends of the bill. I earnestly hope the amendment will be adopted. Those who favor the bill have no objection to the amendment, and those who oppose the bill will vote against it whether it be amended or not.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I wish to call attention to a few of the authorities who, as my distinguished friend from New York [Mr. Hewitt] said, have expressed themselves upon the policy indicated by this bill. They are not, however, as the gentleman believes. Mr. Goode, of whom the gentleman justly spoke in very high terms, made the following statement before the international fisheries exhibition in London some years ago:

The importance of the distinction between the extermination of a species, even in a restricted locality, and the destruction of a fishery, should be noted. The former is somewhat unusual and seemingly impossible in the case of oceanic species; but the latter, especially for limited regions, is almost of yearly occurrence.

Now, the gentleman from New York spoke of what this bill proposes to do as a new proposition sprung upon this House and not properly considered. In this same address, delivered years ago, the same distinguished authority to whom I have just referred used the following language:

There could be no doubt that the extensive fisheries prosecuted by menhaden steamers in the Gulf of Maine were prejudicial to the shore fishermen by driving the fish they formerly caught for bait out to sea and beyond the reach of their nets.

Speaking of the schools being depredated upon before they came in to our shores, he said:

There is also reason to believe that our great purse-seine fisheries for menhaden and mackerel, though perhaps not causing a decrease in the numbers of the fish, have kept them farther from shore. There is a decided disposition on the part of the intelligent men engaged in these fisheries to press the passage of a law which should prevent the use of the purse seine before the 1st of June.

This is the language of Mr. Goode himself, used years ago in his address before that international assemblage at London.



Then Professor Huxley, speaking in the highest terms of commendation of this address, used language which I will read, going to show that some measures of this character are deemed by the most eminent authorities advisable; and certainly no measure could be more moderate than the one proposed, and even this is limited in its duration to five years. This very conservative measure is the response which the House is requested to give at this time to the intelligent demands of the older fishermen. Mr. Huxley said:

The great moral of the United States' contribution to this exhibition, especially of the contribution which Mr. Browne Goode has just made to the conferences, was that if this country, or any society which could be formed of sufficient extent to take up the question, was going to deal seriously with the fisheries and not let them take care of themselves, as they had been doing for the last thousand years or so, they had a very considerable job before them; and unless they put into that organization of fisheries the energy, the ingenuity, the scientific knowledge, and the practical skill which characterized his friend Professor Baird and his assistants, their efforts were not likely to come to very much good.

Now, the gentleman from New York [Mr. Hewitt] was very kind, and I think also very adroit, in intimating the immaturity of those who do not agree with him and a few fishmongers of his city. I stated to the gentleman from Delaware [Mr. Lore], when interrogated by him yesterday as to whether or not this bill had been submitted to our Fish Commission, that I had not submitted this specific bill, but that I had submitted the proposition in the bill; that I had held correspondence with the distinguished Commissioners and others, and I had had also protracted personal conversation with them. And I alluded at that time to the letter which I hold in my hand, and to which I will now make more specific allusion.

When I saw Professor Baird he told me the best authority in the world on this subject was the gentleman who wrote me this letter. Not willing to trust to memory as to the results of a verbal interview, I addressed to this gentleman, Captain Collins, who is the selected expert of Professor Baird and of our Government in charge of this branch of our fisheries, a letter containing inquiries which I thought analyzed the subject, and his letter in response to mine was printed and put at the disposition of the members of the committee and of the House.

I will go over some of these points:

(3) In reply to the question of "what is the effect of unrestricted fishing upon the total weight of catch?" I have to say that this can only be conjectured. With the catch totally unrestricted the amount of mackerel taken between March and June may vary from one-eighth to about one-fourth of the season's catch.

That is the measure of a prodigious industry, which the gentleman from New York and others speak of. The very men who prosecute it thought some sort of a system ought to be established by the only power that claims or possesses the power to establish such system out on the high seas. Laboring men and other consumers of the great bulk of this product are interested in there being a reasonable effort at some sort of regulation.

Captain Collins proceeds:

It is, however, known that about 75,000 barrels of fresh mackerel were landed, and it is claimed that more than that amount were thrown away for lack of a market or because they were unfit for food.

He is speaking of mackerel which are caught out of season—caught during the season when we seek to impose a wholesome restriction, although the business may still be carried on from the 1st of July to the 1st of November, at which period the fish disappear, and with the exception of the limited period of restriction, from March to June, all the ships of the country may go out upon the assembled schools of fish when every fish is in condition to be eaten by man.

Captain Collins proceeds.

Probably 25,000 barrels were salted in the same period. But it is claimed by those best qualified to know, or at least who have followed the mackerel fishery for many years, that if the spring fishery is restricted there will be a heavier catch of mackerel later in the season, when the fish are in much finer condition for food.

Mr. Speaker, that is what this distinguished authority says as to the annual quantity of the catch, that if this restriction be made there will be a heavier catch, and there will not be only this increased supply, but the increased supply will be in a fit condition for food. The bill, therefore, is in the interest of cheap and more abundant food. The fish will be permitted to assemble upon their feeding ground. They will be caught at less expense per barrel, and they will be fit to eat after they are caught. The selling price of good mackerel will be less. But the catch will be so much heavier and the expense of catching so much less, if the fish are permitted to approach our shores unmolested, that the cost of production, if I may so speak, will diminish in a greater ratio than the selling price. Hence, consumer and producer will both be benefited. This bill, therefore, is in the interest of cheap

food to my people and to all the people of the country and yet good for the fisherman, whose recompense is a part of the proceeds of each catch. The advantage is the difference between system and no system. If it were not so, I should oppose the bill. If it sought to restrict anybody's occupation in order to enhance anybody's income, I would oppose it as a piece of class legislation.

It is asserted, apparently with good reason—

Says this same authority, whom Professor Baird says is second in practical knowledge to no one in the world—

that the expensive operations carried on with purse seines in the spring, when the mackerel are migrating north, has a tendency to divert them from their intended course—

The same idea which was advanced by Professor Goode in the London address—

they are driven off shore, and frequently fail to reach their natural feeding and spawning grounds in the Gulf of Maine.

They are dispersed at the very inception of their rising from the depths of the sea. They are not permitted either to fatten or to assemble upon their feeding grounds. How can you net fish or birds if they are dispersed before they get to the trap? Captain Collins further says:

This is believed to be especially the case with the larger mackerel, which, as the season advances, grow fat and become the best qualities known to our market. Where these fish go is not clearly understood, and this is one of the problems which the Fish Commission hope to solve in the schooner now being built with the appropriation made by Congress last winter.

The practical effect of the present system is that the fish are driven away from our people and beyond a point where they can be economically caught by our fishermen. Then further:

The effect upon the quality of the catch, should a restriction be put upon the spring fishing—

Says this same gentleman, who is the best authority, according to Professor Baird, in the world—

the effect would be to improve it very materially. This is well known to everyone who has any knowledge of the species.

The improvement in quality would be due to two causes: First, fish taken before June are poor and thin, but after that date they fatten rapidly and soon reach their maximum of fineness as an article of food; second, if the fish are undisturbed in the spring and allowed to deposit their spawn during the most critical period of their existence, it is believed that the size of the fish will improve very materially and that No. 1 mackerel of full size and best quality may again become fairly abundant in our markets—

Our people being deprived of them now—

May again become fairly abundant in our markets and an article of food for any person of ordinary means.

That is what they are not now, and that is exactly what this bill seeks to make them to the public and to the laboring poor of this country. I should not expect that four or a half dozen fishmongers in the city of New York would see their necessities or show that they sympathized with them in that respect; but it is my belief, on the statement of the best authority, although the gentleman from New York says there is no authority in favor of such a course as this, that such would be the result.

It will be accessible for any person of ordinary means, instead of being so rare that they have become a luxury and attainable only by the wealthy, if attainable at all.

That is the present condition, just the reverse of what is stated by the gentleman from New York:

One thing is certain, whereas mackerel now taken before June 1, as above stated, are always poor and generally small or medium size, those taken after that date are mostly fat fish, and very much more valuable for food, containing a far larger amount of nutritive qualities in proportion to the actual weight of the fish when taken from the water.

He goes on to answer another of my questions:

You ask [said he] will this make mackerel no higher to consumers, but more suitable for eating, hence insuring consumption and the popularity of the fish, followed by the unlimited supply of good fish?

That was one of the questions that I asked and to which I sought an answer, because anything that tends to make food cheaper to our people commends itself to me, and that was the object I had in view in framing this bill.

I have already said something of the price. It should be understood that the price, in accordance with the laws of trade, will be governed largely by the supply and demand.

It is claimed by many, both dealers and fishermen, that a direct result of putting a better average quality of fish on the market would be to increase the popularity of the mackerel with our people, a popularity it once enjoyed in a preeminent degree, and as a consequence the consumption of this species would be much larger than now.

And I will state here that this country now, with all the improved and unlimited appliances to catch fish, with its 120,000 miles of railroads for distributing them into the interior of the country, with its 60,000,000 of fish-loving people, does not consume, taking the per cent as represented by the population, 30 per cent of what it did in 1831. We do not consume as many mackerel now as we did in 1830. We consumed then over 400,000 barrels, and we ought to be able now to give at least 1,000,000 barrels of good mackerel to our people.

And yet this food is to-day higher by nearly 100 per cent than it was in those days.

A balance wheel or regulator—

Says this eminent authority—

A balance wheel or regulator, it may be called, which would prevent the price ever reaching a too high figure under ordinary conditions is this: As soon as the demand improves and anything like reasonably paying prices can be obtained, the immediate result will be a very material increase in the number of men and vessels employed;

Implying that there is no limitation upon that.

And considering the rapid growth of the United States, the accumulating millions to be fed and the greatly increased facilities for transportation, there seems little reason to doubt that, notwithstanding the improved methods for the capture of mackerel, if its former popularity can be restored, the pursuit of this species may in future years, as in the past, employ a fleet of upward of eight hundred sail of vessels instead of less than four hundred, which are at present engaged. This may seem strong ground to take, but when we consider that a catch of upward of 400,000 barrels of mackerel found a market in 1831, with the population of our country infinitely smaller than it is now, the statement will not, I trust, appear to be an exaggerated one.

And this gentleman further states:

The cry of the age is "cheap food!"

Gentlemen will see that I, for my part, am pushing after cheap food, and I was asking my questions of this expert in order to develop the fact as to this being the way to get cheap food. This authority says further:

The average person who goes to market to buy fish for his table can not be expected to be conversant with the different grades of mackerel; at least not enough so to make a good selection. A mackerel is a mackerel to him, and if he chances to get a good one he will return for another; but if the first trial results in disappointment, it can scarcely be expected that the experiment will be repeated. So, although the fish may be cheap, it falls into disuse with a large number of consumers simply because it fails to gratify the needs and expectations of the purchaser, who thereafter prefers to put his money elsewhere.

It is cheap, because worthless. I want it to mature and abound, and then to be cheap because abundant.

I am informed that the dealers and fishermen along the coast of Maine—

Says this authority about men whose petitions have come in great volume to our committee room, men about whom the gentleman from New York seems to know nothing, and whom he does not represent, yet about whom, in the face of their own protests and in the face of the protests of those here who do represent them, he seems to be so solicitous—about these men, says this authority who for twenty-five years was one of them—

I am informed that the dealers and fishermen along the coast of Maine—

And, mark you, every vessel in the Union engaged in the trade that is affected by this bill is a vessel of Maine or of Massachusetts—

are unanimously in favor of restriction.

That is the information which this gentleman supplies. I do not know who got up the petition the gentleman from New York [Mr. Hewitt] has had imposed upon him. It is got up in letter-type style, very unlike what we would expect as coming from the rugged men of the sea, the genuine men of the sea whom we had before our committee and whose petitions we have, men who are very unanimously in favor of restriction; and Capt. Jesse Freeman, formerly manager of the fishing company at Wellfleet, Mass., very positively asserts that all the people on Cape Cod are similarly inclined.

That, Mr. Speaker, is perhaps as much as it is worth my while to say to the House; and I trust the House will give due weight to these opinions I have adduced of Professor Huxley and Professor Goode and of this gentleman to whom I was referred by Professor Baird as the man from whom to get information; nay, he was detained in the city by Professor Baird to give me this information, and he was brought on here ahead of the time he would otherwise have come because we expected early

action, and Professor Baird considered he was better qualified to give the information sought than he was himself. I trust I have read enough from this eminent authority to show the House that many of the statements made by gentlemen are not warranted by the facts; that they are mistakes, and that the bill which is offered here is in the interests of cheap food and better food and more of it, and is a conservative and reasonable bill for us to pass.

The bill passed the House May 21 by a vote of 119 to 88 (119 not voting), with the following amendments: In the first section, the words "passage of this act" were stricken out and "1st day of March, 1887" were substituted; at the end of the first section the following was added:

*Provided, however,* That nothing in this act shall be held to apply to mackerel caught offshore with hook and line from open boats of less than 20 feet keel.

The fourth section relating to treaties was stricken out.

In the Senate, the bill, as passed by the House, was reported from the Committee on Fisheries by Mr. Palmer, on July 29, 1886, with an amendment striking out the reference to "open rowboats of less than 20 feet keel" and inserting simply "boats." The committee also made a report as follows:

This bill is designed to prevent the taking of mackerel by seines and purse nets between the first days of March and June of the five years succeeding its enactment. It is urged with practical unanimity by the vessel owners and fishermen engaged in this industry, and is opposed only by commission dealers in fresh fish.

The testimony taken by the committee, which has been printed, and is submitted as a part of this report, shows an alarming decrease in the better grades of mackerel suitable for salting as food. The average yearly catch in amount for the years from 1809 to 1872, inclusive, was 166,184 barrels. The average yearly catch from 1872, the time purse nets came into general use, to 1885, inclusive, was 201,204 barrels. It will be seen that the average annual amount caught for the last thirteen years is only about 20 per cent greater than for the sixty-four years from 1809 to 1872, notwithstanding the improved appliances which should have insured a vast increase in the catch, stimulated, as the business has been, by a greatly increased demand from a rapidly increasing population and improved methods of distribution.

Far more to be deprecated than the deficient catch has been the deterioration in quality, as shown by the decrease in percentage of No. 1s. In 1865 No. 1 mackerel was 59 per cent of the whole catch; in 1866 it was 64 per cent; in 1867 it was 58 per cent; in 1868 it was 51 per cent; in 1869 it was 31 per cent; in 1870 it was 21 per cent; in 1871 it was 40 per cent; in 1872 it was 40 per cent; in 1873, the year that seines became generally used, it was 45 per cent; in 1874 it was 44 per cent; in 1875 it ran down to 25 per cent; in 1876 it was only 14 per cent; in 1877 it was 17 per cent; in 1878 it was 9 per cent; in 1879 it was 6 per cent; in 1880 it was 8 per cent; in 1881 it was 6 per cent; in 1882 it was 15 per cent; in 1883 it was 14 per cent; in 1884 it was 8 per cent; and, finally, in 1885, it was 7 per cent.

The fish taken in the time included in the bill, both male and female, are poor, unfit for packing, and not very acceptable for the table. The schools appear on our coast, off Cape Hatteras, in March, and thence proceed northward, and spawn on the coasts of Massachusetts and Maine. On their first appearance the mackerel fleet meets them and they are harried and harassed from that time until winter.

Although it is contended by some scientists that all that man can do will have no appreciable effect in depleting the ocean of fish, it is believed by many that the unrelenting pursuit mentioned above has a tendency to deflect them from their course or to prevent many from returning in subsequent years. This latter fact may account for the diminished percentage of No. 1 mackerel.

The whole mackerel fleet is owned in Massachusetts and Maine, consists of nearly 400 sails, employs about 5,000 men, and is now engaged in seining mackerel from March to November. During April and May of last year the catch was so great that it glutted the avenues of distribution, and many thousand barrels were thrown away. There is some conflict of testimony as to the amount of this waste, but it was probably between 60,000 and 75,000 barrels.

Your committee have amended the bill to allow fuller latitude to the taking of mackerel by hook and line, and recommend that the amendment be concurred in, and that the bill when so amended do pass.

The consideration of the bill was not reached in the Senate until February 8, 1887, when it led to a longer and even more interesting discussion than occurred in the House. The debate extended over parts of two days, and was participated in by a number of Senators whose constituencies were affected by the bill. The following abstract of the principal remarks is given to complete the history of this important legislation. The amendment reported by the committee being agreed to, and another amendment substituting 1888 for 1887 in the first clause of the bill being under discussion, Mr. Palmer, of Michigan, chairman of the Committee on Fisheries, who had charge of the bill, spoke as follows:

Mr. PALMER. I hope the amendment will not be agreed to for this reason: The committee have made the concession which has been offered and accepted because they thought otherwise a hardship would be inflicted upon those who had made preparation for this year.

In answer to the Senator from New York as to whether I think it proper that these men should have notice so that their property can be protected, I will say that the bill was drawn and is being urged by all the mackerel fleet, as far as the Committee on Fisheries know, engaged in the spring catch of mackerel. Their vessels and their equipments have run down in valuation from 25 to 50 cents on the dollar, and it is to save them from commercial destruction, and also to see if the fisheries can not be regulated so that the mackerel will not be driven entirely from our coast and our people deprived of the chief food on which they rely, and upon which they lay very great stress, that this bill is being pushed.

Mr. MCPHERSON. If the Senator from Michigan will permit me, I wish to ask him a question. I see the bill proposes that during a certain season of the year, which I presume is the spawning season, there shall be no catch of mackerel, and this restriction is to continue for a period of five years. Let me ask the Senator if the testimony before the committee, of which I understand him to be chairman, was not to the effect that it was impossible under any condition of circumstances to deplete the sea fisheries? Certain years you have a run of fish of a certain kind and character. For instance, along the Atlantic coast one year we have a great run of bluefish. Again, for a year or two there will be scarcely any bluefish. In certain years we have a great run of the menhaden; and then for a year or two we shall see very many less of them. In my opinion—and my opinion is very largely sustained by experts in fishery matters—there is no amount of catch of fish which can be taken from the water by any process, whether it be by seines or otherwise, that can in any sense or form affect the supply of fish. I think that is a reasonable view to take of the question.

I wish to know why in certain seasons of the year, when there are in some years extraordinary runs of mackerel at the particular season to which the bill relates, it is necessary to prevent the people of the country from having cheap fish food, as they now have in the absence of any law governing and controlling the matter, when it does not and can not in the least particular affect the supply of fish?

I suppose it is very well established that not one in a hundred of the germs ever becomes a living fish.

Will the Senator answer the question I have asked him and inform me whether it was not stated before the committee that it was impossible to deplete the sea fisheries? If he will answer that question, I think he will simply state what ought to be the fate of the bill. Therefore, I will await the Senator's answer.

Mr. PALMER. We know that the first question scientifically, so far as the fish supply is concerned, is not thoroughly understood, and unless scientists are perfectly sure and can demonstrate a fact so that it can not be disproved they are not going to assent to a proposition. The whole theory of the impossibility of the spoliation of the sea has arisen from Professor Huxley's report on the herring fisheries of Great Britain. He spent five years in his investigations, but he did not make a report that is applicable here. He said that nothing that man could do would tend to deplete the sea of fish; but that is not the question here.

We do not contend that there will not be just as many mackerel without this proposed legislation, but we contend that the mackerel will be reduced in quality; that they will be driven off to other feeding grounds.

It is a well-known fact that the anadromous fishes, those fishes that go into the mouths of rivers to spawn, are protected by State laws. The large schools of fish that come upon our coast every year

and feed upon the food that they get near the shore are not protected. The result is that the old and the wise fish that are subjected from year to year to this persecution, which commences at Hatteras and which extends clear to the Bay of Fundy, become wiser, and they are deflected from the ordinary route; they go outside; and the fishermen are catching an unprofitable fish, a fish that is not anything like the mackerel that was caught fifty years ago.

Right here I should like to refer to a table which was prepared by the Boston Fish Bureau, and which more than anything else, it seems to me, establishes the fact that the fish are being degraded by the persecution to which they are subjected upon the coast before they reach Nova Scotia. I shall show that it is fairly deducible from the facts I am about to state. According to the report of the Boston Fish Bureau, in 1819 the catch with the hook and line was 19 per cent of No. 1 mackerel; in 1829 it was 25 per cent of No. 1 mackerel; in 1839 it was 30 per cent; in 1859 it was 61 per cent; in 1869 it was 31 per cent; in 1879 it was 6 per cent. I will state right here in parentheses that the use of the purse-seines commenced in 1873, and from 1875 down to the present time the degradation of the quality of the mackerel on the coast has been so marked as to call for legislative action. From 17 per cent in 1877 it has gone down to 9 per cent one year, to 6 per cent the next year, then to 8 per cent, then to 6 per cent, to 15 per cent, to 14 per cent, to 8 per cent, and to 7 per cent in 1885, showing a remarkable decrease in a very few years.

I think it is fairly deducible from this table that from some cause or other the larger fish are driven from the coast, and unless some remedy is found the fish eventually will not be worth the catching for anything except for fertilizers; they will be nothing but "spikes," as they are called in the market.

There is no doubt in my mind that these fish, by the way they are harassed (and I will bring evidence to bear on that point), are being driven off from the coast. The men who have come and asked for this legislation are unanimous upon the subject with the exception of one man. They ask protection from each other. They ask the enactment of a law that shall prevent one from getting the start of the others. If they were perfectly sure of each other's good faith they would all stay at home; but if nine-tenths of the fleet remain at home one-tenth may go south and get in a very large mackerel catch and carry it into New York and get an advantage over their brethren.

There is no restriction to be placed on the catching of mackerel by hook and line. No one is to be damaged at all except the very men who ask for this legislation. They are the men who supply our navies with our sailors. We are now agitated in an attempt to protect them in their rights; and it seems to me that their voice should be heeded in legislation which tends to their prosperity and the prosperity of the fisheries. Unless something of this kind is done, I am perfectly certain that there will be no mackerel fisheries with purse seines—possibly that would be a blessing—in less than ten years.

I should like to read from some of the testimony presented to the committee. These letters are from men who have pursued fishing or have been connected with it in one way or another all their lives. Here is a note from W. A. Wilcox, manager of the American Fish Bureau. I read an extract from his letter of June 15, 1886:

From personal conversation with a number of the most reliable masters of vessels engaged, I find they estimate the aggregate amount thrown away by all vessels engaged at from 75,000 to 100,000 barrels.

That is, from 75,000 to 100,000 barrels a year. It shows how the catch has deteriorated. The fish could not be marketed. They are thrown over at sea, the most of them, and that is another crying evil.

Mr. MILLER. Will the Senator allow me to ask him a question? How does this bill prevent the catching of mackerel by purse seines? How does it enable the fishermen to catch only the good fish and to leave out the poor ones?

Mr. PALMER. If the Senator from New York can tell me why they should catch fish when they can not sell them, then I can tell him how it would prevent it. The bill proposes to enact "That for the period of five years from and after the 1st day of July, 1887, no mackerel other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores—"

Mr. MILLER. But if the bill said that no mackerel caught in purse seines or in any other way except by hook and line should be imported into the United States, I could then understand how the bill would enable the fishermen, or would compel them, to bring in full-sized fish; but it does not undertake to regulate the methods of fishing at all.

Mr. PALMER. If the Senator from New York had allowed me to read a little further he would not have made that remark.

Mr. MILLER. Certainly I should have made the remark.

Mr. PALMER. "Provided, however, That nothing in this act shall be held to apply to mackerel caught with hook and line, from boats, and landed in said boats, or in traps and weirs connected with the shore."

Mr. MILLER. We understand what that means. That means fishing within the limit of 3 miles from the shore.

Mr. PALMER. I think the Senator is mistaken; it is not offshore, it is outside of the 3-mile limit. But it does not refer to anything in particular that the committee or the persons who are urging the bill desired to accomplish; they are perfectly willing to let them fish offshore, inshore, up the creeks, anywhere they please, as long as they fish with hook and line.

Mr. MILLER. So long as they do not catch any fish before the 1st day of June. After the 1st day of June they can fish anywhere, with purse nets, and take any sized fish, as they have been doing for years. Is it not true that that can be done under the bill?

Mr. PALMER. If the Senator will allow me, I will explain why the limit was put at the 1st day of June. There were many who wished to have it put at the 1st of July, but they said they were fearful they could not get it through if that limitation was made, and therefore it was fixed at the 1st of June; but practically it amounts to the same thing, for when the mackerel spawn, between the 1st of June and the 1st of July, they sink out of sight, they do not appear at all; so that practically it is a close season for the females and their progeny up to the 1st of July.

Mr. MILLER. I am very glad to have the Senator make that admission. Then this proposition is that there shall be no fishing for mackerel except during the spawning season, and you may then catch all you like. That is a new way of regulating fishing. In the internal waters of the United States, by the laws of nearly all the States, fishing for the various kinds of fish like trout, bass, and others is prevented during the spawning season. Now, the Senator tells us the spawning season for mackerel is between the 1st of June and the 1st of July, and that is the time persons are to be allowed to catch them, under the bill.

Mr. PALMER. The Senator is a little too technical. I shall have to go into the history of the mackerel from the time he comes on to our shore at Cape Hatteras, and follow him up through New Jersey, up by Block Island, until you land him in the Bay of Fundy. When the mackerel comes on to our shores from the Gulf Stream, or from the open sea, or wherever he may come from, which is not already established, he is poor; both the male and female are poor. The reproductive process has commenced and they are poor up to the 1st of July, when the spawn has been distributed and when they commence to feed upon the red food along the coast in Massachusetts and Maine. Then they soon become fat and a good marketable article. I do not see that the inference which the Senator from New York draws can be fairly deduced from anything in the bill.

Mr. MILLER. If the spawning season begins on the 1st of June and extends until the 1st of July or August, in order to make it safe, why does not the committee provide in the bill that there shall be no fish landed upon our shores from the 1st day of August of each year up to and including certain other months, December or January?

Mr. PALMER. The committee did not provide for it because it was not asked for.

Mr. MILLER. The committee certainly ought to provide for what is just and right without any regard to what the salt-mackerel men may ask.

Mr. MCPHERSON. If the Senator will yield to me a moment, he has described the habits of the mackerel striking the coast on the south about Cape Hatteras. The Senator well knows that from Cape Hatteras to the northern coast of Maine, on almost every rod of territory, there are constructed, as a sort of permanent investment by the fishermen, weirs and ponds and places of that kind for the convenience and the profit of the fishermen.

Mr. PALMER. If the Senator will permit me, that is provided for in the amendment.

Mr. MCPHERSON. At certain seasons of the year there is a run of mackerel, at certain seasons there is a run of bass, at a certain other period there is a run of bluefish, and so on. The operation of the bill will be to destroy absolutely the occupation of the fishermen during the months of the year in which the bill provides that no mackerel shall be caught.

Mr. PALMER. If the Secretary will read the amendment which relates to traps and weirs the Senator from New Jersey will see that it will cure the evil of which he speaks. The weirs and nets

are specially exempted from the operations of the bill. All the men along the coast of New Jersey, Delaware, and Massachusetts who have weirs or nets connected with the shore are particularly exempted from its operations and will derive increased benefits from this legislation.

Mr. McPHERSON. In that respect the bill is bettered by the amendment. There is one other question which I should like to suggest. I have somewhere read a statement made by a certain professor in Scotland who has made quite a study of the fish question, and particularly of the question of the herring upon the coast of Scotland. It is well known that there is not to be found elsewhere on the face of the earth, in any water anywhere, such a great fishery enterprise as the herring fishery on the coast of Scotland. Some years there is a less run of herring than others. This professor goes on to say that as to the amount of herring caught from the water by all the processes which fishermen can employ, whether it be by nets, by seines, by weirs, by hook and line, or what not (and we know something of the quantity caught), the amount of fish taken on the coast of Scotland was as one to a million compared with the amount of herring consumed by other fishes.

I should like to ask the Senator from Michigan what is the necessity of preventing cheap food-fish being obtained for the people, even during the period proposed in the bill, if it be true that for every fish taken from the water at any season (and it is well known that the herring fishery is prosecuted with more vigor and with more profit during the spawning season than any other) a million are consumed by other voracious fishes? We know that one class of fish lives upon another. Then why, upon the seacoast, with an ocean 3,000 miles wide, is it necessary by any sort of system whatever to prevent the free occupation of the fisherman during any months of the year?

Look at the menhaden fishery. Within a year or two we find that the menhaden have very greatly reduced in numbers, so that in some years it is almost impossible for the men employed in the industry of catching the fish for the oil and the fat, which I understand is made into fertilizers, to find enough menhaden to profitably occupy them. In other years, again, the menhaden come in immense quantities. I think it safe to say that although legislation has been attempted here and elsewhere to prevent fishing for the menhaden along the coast, for every fish taken from the water by the menhaden industries there are a million of them consumed by other fish. If it be best to prevent fishing near the shore in order that the fish may go back into deeper water and be caught there by bigger fish, then there is some justification for this legislation; if not, there is no justification for it.

The PRESIDING OFFICER. The Secretary will report the pending amendment proposed by the Senator from Massachusetts [Mr. Hoar].

The Chief Clerk. In section 1, line 4, it is proposed to strike out "1887" and insert "1888," so as to read:

That for the period of five years from and after the 1st day of July, 1888, no mackerel other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

Mr. FRYE. I ask the Senator from Michigan in charge of the bill to move to reconsider the vote by which the bill was amended by striking out the word "March" and inserting the word "July," in line 4, and then to accept the amendment offered by the Senator from Massachusetts.

Mr. PALMER. In deference to the wishes of the Senator from Maine, who has a greater interest in this bill possibly than I have, I will move that the vote by which the amendment was agreed to, changing "March" to "July," in line 4, be reconsidered.

The PRESIDING OFFICER. That can be done by unanimous consent. There being no objection, it is so ordered.

Mr. PALMER. Now, I withdraw the amendment.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Massachusetts [Mr. Hoar]; which will be read.

Mr. SAULSBURY. Mr. President, during the examination of the fishery question last fall we took considerable testimony before a committee, of which I was a member, on this very subject. I found that the men who own the boats as a general rule were in favor of a close time, as they call it, but they stated that their men employed in doing the fishing generally urged that they should send out their boats to the spring fishing. Not willing to lose the time, they urged the owners of vessels to send their vessels down the southern coast in order that they might have employment.

My understanding is that there is a very considerable amount of fresh mackerel consumed in the eastern cities caught between the months of March and July, which furnish cheap food to a class of people who are not very well able to buy the higher-priced fish. If the bill proposes to restrict that



it seems to me that it is wrong. As to whether it affects the mackerel fishery subsequently, the fall fishing for mackerel, I am unable to say.

There are different theories in reference to the mackerel. Some fishermen whose testimony was taken by the committee had an idea that these fish come up from the Gulf along the shore, striking in about Hatteras and going all the way up. There were other persons who had the idea—and I think Professor Baird has that idea—that they come directly into the shore from the sea. If the latter theory is true, then all the argument in reference to diverting the fish is erroneous. If, on the other hand, it is true that the schools of fish come up from toward the Gulf and hug the shore clear up our coast and to Canada, then perhaps the spring fishing does divert to a certain extent the fish from our coast. Which of these theories is correct I am not able to say, but at any rate, if the poor people of the cities are to be deprived of a cheap article of food it seems to me that this proposed legislation is not wise.

As to its effect upon the ultimate catch of the fish I am at a loss to determine, because that depends also upon the theories which are entertained in reference to the habits of these fish. If they make into shore from the sea, striking at Hatteras, striking along the Jersey coast, striking along the coast of Massachusetts and Maine from the sea, then there is no diverting the fish, if that theory be true, simply by fishing down about Hatteras in the spring of the year.

My information is that there are about a hundred vessels that go down from Gloucester and from other points on the New England coast and engage in southern fishing; and that they do not go because the owners of the boats desire that they shall go, but because the men engaged in fishing, the hands who do the catching, do not wish to be lying around Gloucester all the spring waiting for the fall catch, but they desire to be employed. The bill operates to the prejudice of that class of men who are dependent upon their labor in this industry. If it is their wish to go down and fish, and if the poor people of the cities are to be deprived of a cheap food, the bill is contrary, in my judgment, to what is right. The poor we shall always have with us, and we ought not to legislate against their interests.

I had a good deal of doubt about the justice of this proposed legislation when on the committee last fall, after hearing the testimony of the owners of the boats, for it was the testimony of the owners of boats that we took as a general rule, and not of the men engaged in actual catching, except the captains of the boats. I do not now remember that I heard any expression of opinion from the captains of boats on this subject, but we did hear some opinions adverse to the spring catch by the owners of the boats, and I think very generally the owners of the boats were opposed to that kind of fishing; but I understood distinctly from the owners themselves that they were compelled to engage in spring fishing because their fishermen were not willing to wait, and they had to send them out to gratify the men actually engaged in the fishing.

If the statement of the Senator from New Jersey [Mr. McPherson] is correct, that it is utterly impossible to diminish by any catch the fish, then all the arguments in favor of a close time comes to naught. We have an abundance of fish during certain seasons, it is true, of certain kinds of fish, and at certain other seasons there is not so much. I know that in Delaware Bay, along which I live, in some seasons of the year we have the sea trout, which comes in there in great abundance, and perhaps the next year there will be but few of them, so that it alternates, sometimes a full season of fishing and sometimes a scarcity. It is so, I believe, with shad, and it is so with herring, and I suppose with every other class of fish.

On the whole, I think I shall vote against the bill.

Mr. MILLER. Mr. President, this is a very ingenious bill. It could have had its birth nowhere except in the fertile mind of a down-cast Yankee, and if it is passed into a law it will undoubtedly succeed in accomplishing what it was intended to accomplish, for it is very neatly drawn for that purpose.

The object of the bill is to reduce the catch of mackerel from one-third to one-half of all the mackerel that shall be brought into our American ports during each year. The fishing season begins late in March or early in April and continues uninterruptedly up to the 1st of June, and through June, July, August, September, October, and November, even to December, as the Senator from Michigan says; but during the month of June and a portion of July the fish disappear and the catch is small. Heretofore the principal catch of mackerel has been made off our coast during the months of March, April, and May.

Mackerel fishing has been a very important industry. It has given employment to a very large number of hardy seamen. There are engaged in the business, I think, nearly two hundred vessels,

owned largely in Massachusetts and New York, some in New Jersey and other States. The bill takes off three months of the annual fishing, and three months of the best fishing.

The chairman of the committee, who has made a scientific study of this matter, tells us that the fish first appear off our coast off the capes—Cape Hatteras, or even farther south, opposite Georgia and South Carolina—late in March or early in April, and that from that time on up to the 1st of June they are found going farther north, until finally in June they are off Massachusetts and Maine; in other words, that this is a bill to prevent fishing for mackerel save off the coast of Massachusetts and Maine, chiefly off the coast of Maine, for after the 1st of July the fish are as far north as Maine, and many of them have gone still farther north.

Whether the chairman of the committee took kindly to this measure or not I do not know. It may be that there is some New England blood in his veins, and therefore he took kindly to this proposition of his fatherland. As the State of Michigan does not border upon the Atlantic, he has no mackerel fishing off his shores, and he may have been kindly disposed toward New England and been willing to rule out of the fishing business all the Southern States and the States of New Jersey and New York. I will not say as to that, but certainly I was greatly surprised to find that the Senator from Michigan, who usually takes so liberal a view of all these questions, and who desires to legislate in the interests of the people of this country, should have given his sanction to a bill which is simply for the purpose of creating a monopoly in the mackerel fishing off our shores.

This bill is simply in the interest of the men in Massachusetts and Maine who are engaged in the salting of mackerel, and is intended to cut short the fishing which takes place along our shores, and which produces during the months I have spoken of one of the principal food-fishes of this country, being brought into all our ports in enormous quantities, and now by our railroad system distributed all along our coast, even as far west as the Mississippi Valley.

What reason can be given for this bill I do not know. I have waited anxiously for the Senator from Michigan to give us some reason for the bill. He seems to defer those reasons until the opposition to the bill shall be put in, and then I suppose some overpowering and conclusive argument may be produced here which will convince us that we have all been wrong. Certainly, if such reasons are produced by the members of the committee or by any other Senator, and my judgment is convinced, I shall gladly acknowledge my fault and support the bill.

It has been intimated that the fish were not good during the months included in the bill, but the Senator tells us that the spawning season does not begin until June, and he proposes to curtail and stop absolutely the fishing for mackerel until the spawning season begins. I submit to him as an old fisherman and one skilled in the art, and as one knowing the science of the fishes, that it is certainly a very curious provision that he should bring in a bill here regulating fishing which should prevent fish from being caught at any other season of the year save during the spawning season. I shall leave him to explain why he has done this.

Mr. President, this legislation is certainly anomalous. As I said a moment ago, it is in the interest of monopoly. It tends directly to create a monopoly. It proposes to put a fence around the Atlantic Ocean for three months in the year, and say to the poor and hardy fishermen of our coast, "You shall not go out in your boats to catch any mackerel, or if you do catch them you shall not be permitted to land them upon our shores."

Evidently the amendment which the Senator has proposed this morning, allowing these fish to be taken in weirs, nets, and pounds along the shore, has been intended to catch the support of the Senators from New Jersey, off which coast much of that kind of fishing is carried on. But if the fishing is injurious; if, as he tells us, the mackerel are harassed and troubled by the fishermen until at last they are driven away from our coast and we have only the small mackerel of which he complains left, how does he better it by allowing fishing off the shore in weirs and pounds and nets? Will not all the fish be taken, of whatever size they may be? Certainly everything that comes to the net will be taken in, it matters not whether the net is on the shore or off the shore or whether out in the deep sea.

We have allowed American citizens to go out upon our great plains and to fence in the public domain and to drive off and keep off citizens of the United States from settling upon it. We have allowed great corporations to seize upon the public domain, and to-day there remains but little of the public domain which is desirable for settlement and which can be taken under the laws of our Government. We are rapidly making a monopoly of whatever of public land there is left in this country; and now these few men in the States of Maine and Massachusetts, who desire to control absolutely the

mackerel market of this country and to raise the price of mackerel in our market from 50 to 100 or 200 per cent, as this bill will do if it passes, come here and ask us to put a fence around the Atlantic Ocean and to say to our people, "You shall not fish during March, April, and May."

It seems to me that it ought only to be necessary to read the bill and to call the attention of the Senate to it in order to have it unanimously rejected, for I can not believe that the Senators from any State, representing their constituents, can for a moment consent to stand here and indorse and advocate a measure which is to make not only mackerel dear in our markets, but which is to make all salt-water fish dear also; for you will find, if you go to the great fish markets in New York and other seaports, that the price of bluefish, the price of sea-bass, and in fact the prices of nearly all salt-water fish are largely controlled by the amount of fresh mackerel brought into our ports. Mackerel is the principal fish, and if it comes in in greater abundance the price goes down, and that carries with it, of course, the price of all other salt-water fish. If the number that is brought in is decreased, necessarily the price of mackerel advances and the price of other salt-water fish advances.

It so happened that about two years ago, I think, a great catch of mackerel was made off our coast. Mr. Blackford, who is one of the fish commissioners of New York, a man who knows as much about the commerce in fish as perhaps any man in the United States, for he has been engaged in it for many years, tells us something about the results which happened upon the price of fish when the great catch was made only a short time ago. Let me read from his testimony, which was taken by this committee. Mr. Blackford said:

As I said when I was before your committee formerly, last year was an exceptional year there being an enormous catch. The mackerel made their appearance about the 1st of April, and in the sixty days between the 1st of April and the 1st day of June there were some 60,000 barrels landed and distributed, not in New York City alone, but all over the country; that is, within forty-eight hours of New York City by express.

Mr. President, if you will look at the statistics of the mackerel catch of this country you will find that the 60,000 barrels were one-quarter of all the mackerel taken in that entire year. If this bill had been a law those 60,000 barrels of mackerel would not have been taken at all, and they would have been lost to the people, and the result would have been a largely increased price for fish.

Mr. Blackford goes on to say:

They were sent in large numbers to Chicago, to Cleveland, St. Louis, and as far south as into Virginia and North Carolina, and I do not know but that a larger quantity were shipped to the State of Massachusetts than any other State; the demand for fresh mackerel there is greater. Those 60,000 barrels do not represent all that were taken in the earlier part of the season. The whole fleet of one hundred and seventy vessels happened to strike the mackerel all at the same time, and New York was the great market. The whole fleet came to New York, with the exception, probably, of half a dozen vessels that went into Philadelphia or other ports. It glutted all the usual avenues of distribution. They came in such enormous numbers there that they could not be distributed through the usual channels in time to avail ourselves of them before they spoiled. The fact is probably familiar to you that men, women, and children flocked to the docks with their baskets, and it was not a question of price. If they had 5 cents they could fill a basket. If a peddler came here with a wagon he could get his wagon loaded for 25 cents, and in the distribution by rail and express the dealers simply barreled them up and marked the names of reliable dealers in this city and that, and shipped them off for the dealer to take and pay whatever he saw fit. I speak of this in order to show you that during these two months mackerel formed a very important factor as a cheap food supply of good quality.

The Senator from Michigan tells us that this is destroying the catch of No. 1 mackerel. Perhaps that may be true, but 90 per cent of the people of this country do not eat No. 1 mackerel; they do not ask for it in the grocery stores; they can not afford to pay the price for it. The people of this country want cheap food, and under the present system of fishing they are getting it, not only all along our Atlantic coast, but, as I have shown, as far into the interior as the Mis-issippi Valley itself.

How does this large catch of fish affect the price even of No. 1 mackerel? I might go on and read a long time to show how it reduced the price of a barrel of salt mackerel at that time nearly 50 per cent.

It is not necessary that I should say here that the price of mackerel, like the price of other commodities, depends upon the supply and demand. The bill proposes to cut off one-half the supply and thereby raise the price of the other half to at least double the present price.

While the catch of mackerel has decreased since purse-seining has been introduced, it does not follow that it should be given up, nor does the bill provide that it shall be given up. If the bill had provided that at no time should any mackerel be landed upon our shores save those taken by hook and line, we could then have understood that the committee and the Senator from Michigan had brought the bill here for the purpose of preserving the species of mackerel and providing that only the large fish should be taken and that the small fish should be left. But it does not do anything of the kind.

Mr. PALMER. Will the Senator from New York permit me to interrupt him? Is not that essentially the effect of the bill? The Senator seems to be confused on that point. If the Senator will read the proviso at the end of the first section I think he will be enlightened.

Mr. MILLER. I have read it two or three times, and we all understand it. That permits fishing with hook and line during the three months specified, but after that time is up, for the other nine months in the year, purse fishing goes on uninterruptedly off the coast of Massachusetts and Maine; but it can not take place off the coast of any other of the United States because the fish are not there except during those three months. That is the meat in this little bill. I say if the committee had come in here with a bill providing that no mackerel should be landed upon our coast save mackerel taken by hook and line, it does seem to me that the Senator might have stood upon some scientific ground, upon some just ground, and said to the Senate that he was afraid the entire species of mackerel would be blotted out and withdrawn from the sea, and he was doing this to preserve the species. But that is not the case at all. Mackerel can be taken by purse seine any time after the 1st of June, any time after the fish have gone as high up as Massachusetts and Maine, but not before.

The catch of fish is not falling off at all. The Senator says there have not been as many No. 1 mackerel taken recently as heretofore. Quite likely that is true, but, as I have said, the masses of our people are not buying No. 1 mackerel; they want cheap mackerel and cheap food of all kinds. I do not know that the entire catch of mackerel is given here. I suppose not, but it is the amount inspected in Massachusetts only that is stated in the report. In 1876 it was 225,000 barrels. The next year it fell to 105,000 barrels. Evidently that was a bad year for mackerel. The next year it went up to 144,000 barrels, and the next year 155,000 barrels. In 1880 it got up again to 243,000 barrels. The next year it was 256,000 barrels, and in the next 258,000 barrels. The next year—another bad year—in 1883, it was 154,000 barrels. The next year it went up to almost its largest point. In 1884 it was 283,000 barrels, and the next year it fell to 215,000 barrels.

There is not anything to show in the statistics of the country (for there are no such statistics) that we are depleting the seas or that we can in any way destroy or perceptibly affect the supply of food-fish in the sea. What are caught by all the human race constitute a mere nothing in comparison to the vast multitudes that inhabit the sea.

Here is a food suitable to all our people. It costs no man anything to cultivate or raise. It roams at its will through the sea. It costs us nothing and never has cost us anything. We have been appropriating a few thousand dollars from year to year to enable our scientific men to study the habits of sea fish and to see if they can do anything to bring them closer to our shores and to make our fisheries more effective. In the increase of our food-fish in our interior waters they have undoubtedly been very successful, and are doing much to resupply the streams and lakes which were giving out. But thus far they have produced no results whatever upon sea fish. They have been enabled to make some studies which are useful and I hope will lead to beneficial results, but in regard to mackerel they have not been able to arrive at any conclusion about their habits. They do not know where they go to nor where they come from. They simply know that during certain months they are off a certain portion of our coast and that we can then catch them, and that is all they know about them. Let me read from a letter written by Professor Baird on this subject:

UNITED STATES COMMISSION OF FISH AND FISHERIES,  
Washington, D. C., February 15, 1886.

DEAR SIR: I have received your letter asking for an opinion as to whether "the preventing of mackerel fishing during the spring months is necessary for the maintenance of an abundant supply of that fish upon our shores." I have never been convinced that the abundance of mackerel has been in any way affected through the agency of man.

Here comes this committee, and it proposes to say that for three months in the year no mackerel whatever shall be landed upon our coast. There can be no possible excuse or demand for such legislation unless it be upon the ground that it is necessary to preserve the fish and to prevent them from being obliterated.

Mr. PALMER. Will the Senator permit me to make a statement?

The Senator seems to have gotten up a fog bank, and thinks it is a positive clay bank, and he is pelting that. There is no charge that there has been a diminution in the quantity of mackerel. That is not the charge, although I believe that will follow the purse-seine fishing if kept up for many years, but the charge is in the degradation of the quality.

Mr. MILLER. May I ask the Senator what is the reason for this bill? Why is it brought in here?

Mr. PALMER. In answer I will state that it was brought here at the instance of men who are engaged in the mackerel fishery, who represent 400 vessels and 5,000 seamen, who say that by reason

of purse-seine fishing, as they believe, the mackerel fishery has become unprofitable, and that they will sell out at from 25 to 50 cents on the dollar their vessels and all their equipments. They say it is a matter of vital interest to them, and that without some legislation the mackerel fishery of the Northeast will be destroyed entirely, and they will have to go back to the old hook-and-line methods.

The Senator says that what he wants is cheap food for the people. He will have high food for the people without some such enactment, because this matter of purse-seine fishing will cure itself sooner or later. The best thing for him to do is to accept the inevitable. Let these poor and miserable and cheap, and I would say if I ever used the word, nasty fishes of the spring go, and rely upon the hook and line to supply his constituents, and in the fall get fish that are worthy to eat at a cheaper price than he can get them if the present system is permitted to go on.

Mr. MILLER. The Senator has answered my question as I expected he would. It turns out that this bill is in the interest of the owners of a few fishing vessels, not in the interest of the seamen who go upon them, as the Senator from Delaware [Mr. Saulsbury] told us was disclosed in the investigation which was had before a committee of which he was a member.

I undertake to say, and I do not think it can be gainsaid or disproved, that this bill is desired simply by a few men who stay upon the land in various towns in Maine and Massachusetts and salt down mackerel. They are men of capital, men of means. It is not asked for by the poor fisherman himself. He does not desire to be deprived of three months of his work in each year. It is not asked for by the ten million or the fifty million people who consume this food.

As to the quality of the fish, I do not care to go into that, but I think when every Senator here can get a good fresh mackerel between the 1st of April and the 1st of June he does not hesitate to eat it. I know I do not. I have no doubt but that the Senator from Michigan, although I know he is very particular in regard to his food, eats fine mackerel between the 1st of April and the 1st of June.

But, as I said a moment ago, even if the object of this bill be what the Senator says it is, it effects that object only for three months. It does not stop purse seining during nine months in the year. Why not? If it were true or if there were any fair probability that by the continuation of purse-seining all the mackerel would be driven off our coast and the whole fishery disappear and our people leave this food fishery entirely, it might be wise for us to pass a law providing that no mackerel should be landed upon our coast at any time save those taken by hook and line; but this bill does not provide anything of the kind. The Senator from Michigan wants to preserve, to take care of the little fish, the weak fish, and the poor fish during three months in the year, and then he turns them loose to the mercy of those men whom he is representing here, the fishermen of Maine and Massachusetts, and allows them to go out with their purse-seines and surround the whole sea and bring them in, and they bring in large and small then, just as much in the months of June and July as they do in the months of April and May, do they not? I ask the chairman of the committee if that is not true? There can be no question about it. This bill, then, is not consistent with itself. It does not undertake to accomplish what the Senator says it is intended for.

Mr. PALMER. The Senator asked me a question. I shall be very glad to answer it.

They do not bring the fish in in the same shape in July and August; they are not brought in salted. It is a fact that the fish caught in July are not fit for salting.

Mr. DAWES. I should like to ask the Senator from New York if he has not overlooked the fact that the fish, when they first come upon our shores in March, April, and May, are poor, small fish; that they become larger and fatter after that time and more fit for the market; and that the object is to preserve the fish until they become fit for the market and not bring them in, as he has described, 60,000 barrels at one time, and allow them to be dumped into the docks and thrown away, more than half of them, because it was impossible to consume them at any price or give them away before they were destroyed. Is not that the object of this bill?

Mr. MILLER. I am trying to get at the object of the bill, and we shall be able to fish it out after a while, even if we have to do it with a hook and line. I have been throwing out a purse seine and got nothing. The reasons were so small that they slipped through the mesh.

Mr. DAWES. I suppose that a man who recognized the fitness of the game law in his own State and in every other State of the Union that prohibits the taking of game during certain months in the year in order to preserve the game, so that it may be fit for market in other months of the year, would be able to guess, without the benefit of a hook and line, what was the purpose of this bill.

Mr. MILLER. If there was anything of that kind in this bill I might perhaps have guessed at it; but there is not. There is nothing in the bill that will accomplish anything which the Senator from Massachusetts has just stated to be the object of the bill. It will not accomplish it at all.

Mr. DAWES. The Senator will allow me to interrupt him again.

I stated to him that during those months the fish were young and poor fish; that they came up better fish in the after months; and the Senator's attempt to show that this is for the benefit of the men who own shipping craft in Maine and Massachusetts shows that he understands that part of it just as little as he does the game laws of his own State. It does not make a particle of difference with the men in Maine and Massachusetts whether they fish down in New Jersey and off Hatteras, or fish in Massachusetts or Maine. They do not go home at nights; they are out on the ocean; and it does not make one particle of difference where they go for the fish. The effect is upon the fish and the fish market in the long run, not upon a man whose business it is to get 60,000 barrels at one haul, and make a lot of money by dumping them around in the different express offices of the country. That is the difference between the Senator and this bill.

Mr. MILLER. If I did not answer all the questions and all the objections of the Senator from Massachusetts, it was because the questions were so long that I forgot most of them before he finished.

I do not suppose the Senator from Massachusetts or the chairman of the Committee on Fisheries will undertake to say that the mackerel grow from a little fish to big fish between the first day of April and the first day of June. That is absurd. It takes several years to grow a No. 1 mackerel, the kind that the Senator from Michigan uses upon his table. They are not grown in ninety days.

Undoubtedly it is true that the mackerel in the months of April and May are not quite as fat, not quite as oily, as they are in September and October, but it is also true that the mackerel during the three months I have mentioned—March, April, and May—are perfectly good food, and are eaten by the greatest epicures in this country, with all due deference to the chairman of this committee and to the Senator from Massachusetts.

If by purse seining they get too many of the small fish, this bill does not prevent it, except for three months in the year. As I have said before, it leaves the other nine months unrestricted. Now, if these fish are unfit for food during March, April, and May, why, I ask in the interest of the health of our people, does the Senator from Michigan come in here and permit you to eat those which are taken by the hook and line or are taken in a pound net, or in a weir off the coast of New Jersey during these three months? Are those fish which come a little closer to shore any better in March, April, and May than the fish taken out in the open sea? I think not. The fact remains simply that the fish in those three months are not as good as they are during the rest of the year, but they are perfectly good food and are eaten by all our people who can get them at a reasonable price.

The Senator from Massachusetts referred to the game laws of my State and of other States. Sir, we do not have any game law in the State of New York which forbids fishing for trout and bass except during the spawning months. We have not got any such law as that, and that is what this bill is. This bill says you shall not begin fishing for mackerel in the high seas until the spawning season begins, and then you may fish all you like. Who ever heard of such a game-preserving law as that is? It is absurd on the face of it; and I say when a law is made with that absurd provision you must go and look at the selfish interests of the men who brought the bill here and who have advocated it before the committee and who have appeared there and made their arguments. The thousands of poor fishermen who go out in these months and partake in this industry have not been here asking for the passage of this bill, but only the capitalists; and they have found that we are catching so many fish under the present system, that we are so reducing the price even of No. 1 mackerel, that they with their capital may no longer find it profitable; but I have no fears in regard to that. This great industry will not be allowed to die and pass away because of its enormous proportions. It does not cost us, as I said a moment ago, anything to grow these fish. Providence takes care of them, or they do themselves, and all we have to do is to catch them and distribute them among our people.

One other point mentioned by the Senator from Massachusetts I desire to refer to, and that is the enormous catch that took place two years ago, of 60,000 barrels taken by a fleet of 170 vessels, nearly the whole of which was brought into the port of New York, and from there distributed, as I have shown, all over the country east of the Mississippi River. The Senator dealt, I think, in a little exaggeration, not intentionally, in stating that one-half of them were dumped off the wharves and allowed to go to waste.

Mr. DAWES. I did not say they were dumped off the wharves. They were taken to express offices.

Mr. MILLER. I said one-half. I did not say the whole.

Mr. DAWES. I say the Senator was mistaken when he said I stated that one-half had been dumped off the wharves. I said one-half of them were disposed of in some way; that is, dumped off the wharves, sent to express offices, and thence away off at a distance in such large quantities that they became useless and could not be eaten at all.

Mr. MILLER. The statement of Mr. Blackford does not bear out that statement of the Senator.

Mr. DAWES. The whole statement in the book the gentlemen has before him on that subject bears out what I said.

Mr. MILLER. Perhaps it may; I will not undertake to say in regard to that; but I say the statement of Mr. Blackford, who has more information about it than any other man in this country, does not bear out the statement of the Senator; and even if it did it would be no argument at all in favor of this bill, for there is nothing in this bill that will prevent the 170 or the 400 vessels, as I think the Senator from Maine said, engaged in this business from catching, after the 1st day of June, all the mackerel that go to their seines, it may be 120 barrels in one haul. There is not anything in the bill to prevent that.

It so happened that two years ago this fishing fleet went south, and off our coast it struck the mackerel as they were coming in to our shores, and, like wise fishermen, they filled their nets and filled their ships, and brought them into port, and they brought in 60,000 barrels and they were distributed over the country, and the estimate of Mr. Blackford is that perhaps 6,000 barrels out of them all were wasted because they were spoiled before they could be properly distributed, but that is a thing that never happened before and may never happen again, and there is nothing in this bill to prevent its happening every year.

I was attempting to show that it was impossible for man, in any way, to control the fishes of the sea and their supply, or that we had any exact information regarding them, and therefore that it was worse than folly, that it was criminal on our part to attempt to curtail the supply of food to our people by fencing in the Atlantic Ocean for three months and preventing our fishermen from fishing. I was reading a letter from Professor Baird when I was interrupted. I will go back in the letter.

I have never been convinced that the abundance of mackerel has been in any way affected through the agency of man. The catch in 1884 and 1885 was far above the average for the past fifty years.

The Senator from Michigan told us that purse-seine fishing began in 1873. Twelve years after it the catch was the largest that had been made within fifty years. Certainly this purse-seine fishing has not diminished the supply of mackerel very much in the high seas during the thirteen or fourteen years it has been in operation. But that does not prove anything positively. The Senator may be right in his prophecy that if purse-seine fishing goes on uninterruptedly for a term of years it will entirely destroy mackerel fishing. My only answer to that is that if it is true he should have brought in another kind of bill, a bill forbidding purse-seine fishing at all. That he has not done.

Professor Baird says further:

It is not impossible, however, that the continuance of the use of the great purse seines may in time have an appreciable effect in decreasing their numbers. The statistics of the next few years will doubtless enable us to form a definite opinion upon this question.

Would it not be wise to postpone the operations of this bill, not for one year, but for five or ten years, in order that we may get some statistics to show whether it is decreasing it or not? Only three years ago, perhaps four years ago—the Senator from New Jersey will know—the persons engaged in menhaden fishing, a fish which is taken only for oil and fertilizing purposes, came here and demanded an investigation by this body, and asked that we pass laws curtailing menhaden fishing, if not to entirely suspend it for a term of years, upon the ground that the menhaden were entirely disappearing from our coast, and that a great industry was being destroyed. While that investigation was going on, while this body was considering the proposition as to whether it would limit menhaden fishing or not, the menhaden fishing fleet, which was out looking after its freight, was struck by the greatest school of menhaden that had ever been known off our coast, made the largest catch it had ever made, and made the largest profits it had ever made. And then what? Those wise men, who had been demanding of Congress that it should stop that kind of fishing, came here and humbly prayed us that we would quit our investigation and not pass any legislation. That is what resulted that year.

Here I show you that in 1885 the largest catch of mackerel was made that had been made in fifty years, and still gentlemen come here demanding that we shall yard up the Atlantic Ocean and prevent mackerel fishing for three months of the year.

Mr. President, I might go on and read the rest of Professor Baird's letter, but I will not encumber the Record with it nor detain the Senate by taking the time to read it. I simply wanted to call attention to that one sentence in which Professor Baird says that he is satisfied the abundance of mackerel has never in any way been affected by man. I infer that it never can be, and I do not believe that it ever will be.

Now, Mr. President, as to the wisdom of Congress undertaking to control this matter by legislation, undertaking to say that our people shall not go out upon the high seas and bring in the treasures of the deep for the use of our citizens, it certainly is a very peculiar kind of legislation. Whether or not it is an infringement of the old doctrine of State rights, I do not know. Whether we can say to the people in the Carolinas that during March, April, and May they shall not go off their shores to catch any fish, or if they do they must eat them on the high seas, they shall not land them in any port, I leave for the constitutional lawyers from that portion of the country to decide. They can say whether that is an infringement of State rights or not. But, as I said at the beginning, it is an anomalous bill. I have been attempting to find out from the chairman of the committee and from other gentlemen who are behind this bill what are the bottom reasons that moved it and that have brought it here. We have had all sorts of reasons given, in my judgment, save the true reason.

Mr. PALMER. I think I gave the reason. I have given it two or three times. This bill is being pushed at the instance of the fishermen of the northeast coast of the United States, who find mackerel fishing unprofitable and find that their vessels and all their equipments have run down to 25 cents on the dollar. That is a sufficient reason.

Mr. MILLER. That may be sufficient for the Senator from Michigan, but that is not sufficient for me. It is no sufficient reason why I should support this bill. It is a pretty plain reason, and I think we are getting to it very closely now.

Mr. PALMER. It is a much better reason than we had for pushing the oleomargarine bill.

Mr. MILLER. All I can say about that is that the Senator from Michigan was my chief lieutenant in that fight, and made the second speech upon it; and he came into this Chamber, getting up off a sick bed to do it, because his people demanded it and because he believed it was right. Has he anything to retract from his action on that bill?

Mr. PALMER. Nothing at all. I merely want to ask the Senator from New York to regard and observe my consistency and go and do likewise.

Mr. MILLER. I am going and doing likewise, but I am not here to legislate, as I said a moment ago, to put a wall around the Atlantic Ocean and to prevent American citizens from going out into the briny deep and fishing and bringing to our shores their fish and selling them to us at any price they can get. If fish are scarce, the price is high. If 60,000 barrels come in, the price goes down to almost nothing, and our people are benefited by it.

No, Mr. President, I think the chairman has finally, perhaps, given us the chief reason why this bill is brought here. A few men engaged in the packing of salt mackerel in Massachusetts and Maine are finding that the catch is so enormous that the prices are going down, not only upon mackerel but upon all other sea fish, and it will not do; their profits will disappear, the people will get cheap food, and these men will not get so rich. If that is a good reason for passing the bill, let those who believe in it vote for it.

Mr. GRAY. Mr. President, I do not discover anything in this bill that is, in the language of the Senator from New York, at all anomalous; nor do I believe that the committee that reported the bill, of which I happen to be one, have laid themselves open at all, in their investigation of the subject and in their presentation of this bill with their approval, to the strictures of the Senator from New York that they have presented in its support "every reason except the true one"; or that by advocating this bill they are in favor of monopoly, or are advocating this bill in the interest of any particular class of the citizens of this country.

They may be mistaken, of course, as to the grounds upon which they urge the bill. They may have not got at exactly the truth in regard to the mysterious ways and habits of the fish that swarm the Atlantic Ocean. There was a great deal of testimony on that subject taken before the committee and very patiently listened to, and digested in this report; but whatever the results arrived at by the committee, I am very sure that the object aimed at was an honest one, and that object was to preserve, not for any particular class, not in the interests of any monopoly, but for the great mass of the people of this country, a cheap food product. Certainly it is worthy of the experiment that we should endeavor, in the light of the testimony that is presented in this report of the committee, to seek some way, some mode by which the diminution of the quantity and the degradation of the quality of this most important food product may be stopped.



It is with that view, and that view alone, notwithstanding the insinuation of the Senator from New York, that this bill is reported back from the committee with a recommendation that it pass with the amendments proposed.

Mr. MILLER. The Senator states that this bill is brought in here because of the great diminution of the quantity of mackerel. I fail to find any such proof in the testimony submitted by the committee. On the contrary, I have read here from Professor Baird a statement showing that the catch of 1885 was the largest of any year for fifty years back.

Mr. GRAY. The evidence taken by this committee and before us to-day shows, if it shows anything, that notwithstanding the improved methods by which fish are taken, notwithstanding the use of purse seines, by which whole schools of fish are taken at one time by a fleet, the catch of fish has not increased in anything like the proportion in which the means of catching them have been improved, but on the contrary there is—

Mr. MILLER. I ask for a reference to the statement showing that the number of fish or the amount of fish caught has decreased.

Mr. GRAY. If the Senator will read the report and if other Senators will read the report—I have not time to refer to it now—he will find and they will find that the proportion of the fish caught is in no wise equal to the improved method of catching them. That is what I mean to say. I do not mean to say that there is an enormous disparity between the actual catch now and the actual catch some twenty or twenty-five years ago; but there has been an enormous improvement in the method of catching these fish, by which, instead of the old hook-and-line methods, they take in a whole school of fish at once, and the degradation in the quality of the fish is established beyond all peradventure, so that the quantity of No. 1 mackerel taken by these fleets ran down from 20, 30, and as high as 35 per cent to 7 per cent, 8 per cent, and 9 per cent in the last three or four years.

But, Mr. President, is it not worth while, even if this be a doubtful question, even if there is a difference of opinion—and I admit that there is such a difference among those who are experts in this matter of fishing as to whether anything that man can do can diminish the supply of fish in the Atlantic Ocean—in the face of this difference of opinion, is it not worth while to make the experiment for five years as to whether a close season, during the period of spawning and up to the time in the summer when the fish drop their spawn, will not improve the quality and conserve for the great consuming masses of this country this most important food product of our Atlantic coast? For, after all, as I said before, that is the object which this committee have had in view all along in their investigation of this subject and in their approval of this House bill.

I said there was nothing anomalous in this sort of legislation. We are constantly upon the land endeavoring to conserve and protect from destruction the great food supply of the forests and the streams. Our State statute books are full of enactments that tend to restrict the natural liberty of man in the taking of fish and in the killing of game, in order that the supply may not be recklessly and wantonly destroyed; and it is upon that principle that I am in favor of this bill; and it is upon that principle, as I understand, that this committee have reported this bill favorably that they may, in the interests of all, endeavor, by the restriction of a few, to preserve a great food supply for the masses of our countrymen.

We heard very fully the constituents of the Senator from New York, who represents a very small portion of this country of ours after all. We heard very fully those gentlemen describe how their interests would be affected by this restriction—I mean the fishmongers of the city of New York. If there is any private interest being advocated upon this floor, as the Senator from New York seems to insinuate, it appears to me it is the interest of those fish merchants in the city of New York and the other large cities of the Atlantic coast that were being advocated by him when he opposed this bill.

Now, sir, special interests must give way. The honest industry of these fishmongers must be subordinated, I submit, to the interests of the great consuming masses of this country. And if this experiment should turn out to be a failure, I do not think that the price we have had to pay for it will be a very costly one. It is only for five years. I believe that the experiment will result advantageously. I believe that it will vindicate itself and that the restriction of fishing on the Atlantic coast will have the same effect that restrictions upon fishing in our streams in the States by the State legislatures have had in improving the quality and the quantity of the fish supply to the country at large. It is for this reason that I am willing to vote for this bill, and believe that it ought to pass.

Mr. MILLER. Mr. President, as I have shown conclusively from the evidence taken before this committee, the amount of mackerel in barrels, the catch has never been so great as it has been since purse-seine fishing began, and, as Professor Baird says in his letter, the catch in 1885 was greater than

that for any one of the fifty years previous. Quite likely the quantity of No. 1 mackerel taken may be less proportionately, because by purse seining all the fish are taken, large and small; but when these enormous percentages were given by the Senator from Massachusetts, showing that 50 or 60 per cent of the catch was No. 1, you will find if you go over the tables that in those days when there was no fishing except with hook and line the number of barrels taken was a mere bagatelle in comparison to the number taken at present.

In 1809 there were only 8,000 barrels taken. In 1814, when we were not permitted to go upon the high seas because a foreign power kept us off, we took 1,300 barrels; in 1819, only 4,300; in 1839, only 74,000 barrels; and so on down. But, as I have shown, in the year 1884 we took 283,000 barrels, or rather that amount was inspected in Massachusetts alone, and last year the amount was 215,000.

The Senator from Delaware [Mr. Gray] has been kind enough to suggest that I am opposing this bill in the interest of the fishmongers of New York City and other Atlantic coast cities. Well, Mr. President, I accept that designation. The Senator in his tone of voice and his manner undertakes to imply that fishmongering or selling fish to the people of this country to eat is not a very reputable business. I do not hesitate to stand here and represent those men, and represent all their customers, which means all the people of this country who eat fish and who can not afford to buy No. 1 mackerel. That is what I stand here for.

Then the Senator asks us to make an experiment for five years; to stop this fishing for three months in the year, for five years, for fear that something may happen. Why, the last day may come before that time, and this whole earth may be rolled away, for aught I know. Many of us have no interest in who shall eat fish five years from now.

I undertake to say that in this testimony and in the testimony of the highest scientific authorities in the world there is not a scintilla of proof to show that man, by all his appliances in modern fishing, has done anything whatever to diminish the supply of fish in the sea. Why, then, shut our people out from the seas? Here is this food, free to us all. Thousands, four, five, six, or ten thousand men are engaged in this industry, and they are bringing food to our people and supplying their wants. Because we find that the interest paid upon the investment in the ships and the interest paid to the fish houses in Massachusetts and Maine in packing salt mackerel was larger when the catch was only 50,000 barrels than it is when the catch is 280,000 barrels per year, are we to say to our people, "You shall not have 280,000 barrels of mackerel; you shall only have 50,000 barrels, and you shall not eat anything but No. 1 mackerel?" Are we here to legislate in that way?

Mr. President, there is no similarity between this proposed law and the game laws which we pass in our several States to control the taking of fish in our inland waters. We all know that in our interior small lakes and rivers it is possible for our large population, if not controlled by law, to take out all the fish that may be found in a certain stream, or pond, or lake; but here we have the testimony, as I said before, of the best scientific authority in the world, saying that up to the present time man has done nothing to diminish the number of fish in the sea.

But the Senator from Michigan and the Senator from Delaware, who are doubtless very fond of good fish upon their tables, have a fear that if we do not stop this purse-seine fishing for three months in the year all the good fish will disappear. Without any testimony, without any proof from any reputable source whatever that that will be the effect, we are asked to shut up the Atlantic Ocean, to say to our people that they shall not catch fish there, or if they do catch fish there that they shall not bring them to our shores.

Mr. President, I thank the Lord that I am not a constitutional lawyer. I am not disposed to go into the constitutional question and to consider whether we have the power to do this thing or not. I am surprised to find that any of our free-trade friends on the other side of the Chamber are willing to go beyond the men on this side in shutting up our ports to anything. You can catch all the mackerel you choose to catch offshore with a hook and line; that is a home industry; but if you go outside the shore, if you go out into the open sea, and take fish during three months in the year, you shall not land them here at all! Would not Senators be satisfied with a duty of 50 or 100 per cent on fish caught beyond the shore line during those three months? Would they go so far as to make protection absolute by making it prohibition?

Mr. PALMER. Does the Senator mean to convey the idea that fish caught with a hook and line outside of the three-mile limit can not, under this bill, be brought into the country? The Senator seems to be confused on that. I wish he would read the bill over in the next interval he has.

Mr. MILLER. I have read it so many times that I really do not want to do it again and take up the time of the Senate, but if that is what the Senator from Michigan means, if this is for the

protection of a home industry against a foreign article, if he puts it on that basis, perhaps I might support the bill. I am trying to find some proper ground on which we can support the measure. I am surprised that the Senator from Delaware should support a measure which will absolutely close our ports to one of the chief products of the world in the way of food.

Mr. GRAY. I am in favor of cheap food, whether it be fish from the sea or other food product, and I think I have made my position clear enough, perhaps, if my position is of any importance at all, that my advocacy of this bill and my reason for voting for it is that a cheap food product may be conserved for all the people of this country. I may be mistaken in the mode which I believe now will be efficient to that end, and the committee may be mistaken; but the committee has presented to the Senate this House bill with the evidence which has been taken in support of it, and asked the Senate to read that evidence and to take that bill, and for a period of five years to make the experiment whether we can not, in the interest of the mass of the people of this country, preserve for them a food product which we have reason to think is rapidly diminishing in quantity and being degraded in quality.

Mr. GEORGE. Has there been any proof in the case that there is a sensible decline in the supply of mackerel?

Mr. GRAY. I think so. I think the evidence taken before the committee tended to show most unmistakably that there was a very serious decline in the quantity of mackerel taken when you consider the improved appliances now used for catching the fish and, what was more important, and has already been insisted on by the chairman of the committee, I think with great force, that the degradation in quality has been more serious still, and though the number of fish taken may not be so very much less now than it was some years ago, yet if you take them pound for pound instead of per capita the diminution in quantity will prove very great.

I do not wish to occupy the attention of the Senate again, except to say, what perhaps is plain enough, that, so far as the fishmongers of New York or of any other part of the country are concerned, I think their employment is quite as respectable as that of the Senator from New York or of myself. Anything that I said had nothing to do with the respectability of that calling. I merely contrasted the smallness of their interest in this question with the magnitude of the interest of the great consuming masses of the country, and that was all that I intended to say, and all that I think I did say.

I wish to say one other thing, because it interests the people of my own State, and I think interests the people of the States from Carolina up to the southern line of Massachusetts. The interests or prejudices, or whatever you may choose to call them, of the Senators from those States have been appealed to because the close season that is proposed by this bill is about the time that the fish are found upon the coast from Carolina up to the southern line of Massachusetts. That is about true, but it should be recollected that the boats and the men who take those fish are, after all, the same "Yankee fishermen" that the Senator from New York speaks about. Those great fleets from Gloucester and from Maine sail down the coast in the beginning of the spring to meet these fish off the coast of North Carolina, and follow them all the way up to Massachusetts. So that the fishermen who are principally interested are these same "Yankee fishermen," and it is they whom this bill will principally restrain, because there is an amendment in this bill, as brought from the committee, which provides that its restrictions shall not apply to mackerel taken by hook and line in boats of any size in the old-fashioned way.

Mr. GEORGE. I desire to ask the Senator another question. Is the Senator to be understood as admitting that this practically prohibits fishing at any time in any waters for mackerel?

Mr. GRAY. I am not able to say, in answer to the question of the Senator from Mississippi, whether it entirely prohibits it or not, or whether at any other time in the year those fish are on that coast. I am inclined to think that is true, so far as mackerel are concerned. But what I do mean to say is that the mackerel catch is made in those months when they are on these southern coasts by the very same fishermen that make them in the other seasons of the year. I mean fishermen from Maine and Massachusetts.

So, Mr. President, the people and the fishermen who are particularly affected by this bill are those who live in New England and not those who live upon what we may call our southern coast, for they are fairly protected, as I said, by the amendment of the committee which allows the catching of mackerel by hook and line in boats of any size.

I therefore think that all appeals made by the Senator from New York to the interests, the supposed selfish interests, of the States of North Carolina, Virginia, Maryland, Delaware, and New Jersey fall to the ground as utterly without foundation.

Mr. MILLER. I have made no appeal to the selfish interests of the people of Virginia or the Carolinas. There is nothing in my remarks that warrants the Senator from Delaware in making any such statement here. I do not propose to let that statement go unchallenged.

Mr. HALE. Mr. President, I can see that when a bill of this kind is presented, which apparently interferes with what has been a recognized liberty for years, fishing in the broad Atlantic, Senators may hesitate in giving it their support unless clear and indisputable reasons are submitted for the passage of the bill.

It is not right that it should be presented to the Senate as a bill in the interest of a monopoly and that the opposition to the bill is in the interest of the great public. Precisely the reverse is true. This bill seeks to perpetuate for the people of the United States a great food supply, not for two or three months, but for the entire year. For years the supply of mackerel to the people of the United States, consumed upon their tables throughout the land, has been a considerable part of the everyday consumption of the people. It does not rest with the consumption in March and April and May, but it is a product that is found upon the tables of the people all through the year, and the greater part of the product and the desirable part is the great catch late in the year.

The Senator from New York says that this is a New England measure; that it is simply to help a few Yankee fishermen. Why, sir, the bill was reported in the other House from the Committee on Ways and Means that has but a single member from New England upon it. It was championed there and explained by a member from the State of Arkansas, a member of the illustrious Breckinridge family of Kentucky, who went over the whole provisions of the bill, showing clearly that it was a measure so much in the interest of the people that the House passed it overwhelmingly. It is reported here in this body from a committee that has but one member from New England upon it, the chairman living in Michigan, having no interest whatever in these fisheries.

And, Mr. President, this bill is not opposed by, and the Senator from New York in his opposition does not represent, a fisherman in the United States. There is not a fisherman on the coast of North Carolina, or New Jersey, or Virginia, or Maryland, or New York, or Delaware who opposes this bill. The bill has scrupulously guarded the interests of every fisherman everywhere. There is not a man who goes out from the coasts of the Southern States fishing for these fish, as he has done for years in his boats, or with traps, or with seines, that is not allowed to go on and do as he has done in the past. There is not a man along the coast of the Middle States that is touched; but his rights are, on the contrary, preserved; nor is there a man in New York or anywhere else affected. The only men—and that has not appeared in the discussion yet except as alluded to by the Senator from Delaware—the only men who are restricted in this case are the New England fishermen who go from Massachusetts and Maine.

Why, sir, every one of these fish that are caught in the months of March, April, and early May and landed, dumped in quantities that can not be consumed into the markets of New York, is caught by these same New England fishermen. The same vessels that are engaged and the same men that catch these fish, taken when they are good to supply the great markets of the country, are the vessels and the men that catch these fish in March and April and May and land them in New York. It is only a restriction upon these men that this bill imposes, and that restriction is imposed upon them because it has been found that their manner of fishing in these months destroys the great good of the mackerel fishery, which is in August, September, October, and November.

Scientific men (as Huxley has discovered, as Professor Baird has discovered, as Professor Collins, who Professor Baird says is the most expert man in all these subjects, has discovered) may discuss as to what the habits of the mackerel may be and their migration, and what effect the coming upon them in spawning time may have, and they may disagree; but one patent fact is that with the immense demand for mackerel, ten times as great as it was fifteen years ago, with the appliances for catching by purse-seines, so that they can catch a thousand where they formerly caught ten, still there is not an increase commensurate with these facilities and with this demand; and all we have been able to do is to barely keep up the supply, or in some abnormal year perhaps increase it. But one fact is plain, and that is, where you take these schools of fish at a time just before the spawning season and you let this fleet of New England fishermen drive into them, as they do, with their purse-seines, landing them by thousands and tens of thousands, whether you diminish the quantity perceptibly or not, you do disturb the migration of the fish; you drive them into the outer waters; you drive them, as Professor Collins (who is indorsed by Professor Baird as the most expert man on all these subjects) says, undoubtedly into other feeding-grounds, and the result is that when you come to the good part of the mackerel fishery in which the people of the United States are interested, not the Maine and

Massachusetts fishermen alone, then you have got no such product from the fishery as you had years ago, and therefore the fishermen themselves ought to be restricted.

Mr. President, there is only one interest that is opposing this bill. I say again that not a fisherman opposes it, not one upon any coast; they are all cared for. But in March and in April, when this great fleet drives into the schools of fish and lands 60,000 barrels in New York, which can not take care of 30,000, it may be a part of which are consumed, then the fishmonger, who is at the bottom of the opposition to this bill, comes in and buys. I have statistics here, which if necessary I will put in before the debate closes. He buys the fish at a cent and a half per pound. The men who are engaged in fishing, who work on these vessels that catch them, do not average \$6 a month for their pay; but the fishmongers in New York—three or four there hold control of the market—buy these fish at a nominal rate and retail them out, poor as they are, at 8, 10, 12, and 15 cents per pound, and make that enormous profit, and they form the whole opposition to this bill. I know how it was before the committee. The whole voice that was expressed against it there was expressed by the fishmongers and the men they sent down from New York. It is an attempt to stand in the way of legislation which Congress has adopted for years, which every State has adopted, of having a close time in order to protect the food products.

There never was a time when you attempted in a State to fence round, as the Senator from New York says (using that phrase to prejudice this bill), there never was a time in a State when it was attempted to fence round a lake, or the water of a river, or any water under the jurisdiction of a State, that it was not said that it was interfering with the liberty of the citizen, and undoubtedly that raises prejudice; and unless it be shown that it is for the good of the people afterwards in protecting the supply of food, the citizen ought not to be restrained in his liberty. If anything has been shown, that has been shown here.

I repeat that the opposition here comes right from the center of New York City, where these fishmongers are. Let anybody examine the document that the Committee on Fisheries has presented to this body, which the chairman holds in his hand, and which every member can get, and he will find that the inspiration of the opposition comes from there and there alone. I for one will not sit here and allow this wise measure to be prejudiced by being placed before the Senate in a wrong manner.

More than one Senator has asked me, "Does not this prohibit the catching of all these fish until they get up to the shore of Maine?" No, sir; not in the least. That is not the theory of it. The Maine fishermen, as I have said, catch these fish at all times, whether good or not, and every fisherman that comes out from the coast below New England is jealously guarded in the provisions of this bill. He will go out and fish and he will catch the larger fish, because in fishing by boat and seine he will get those fish and they will be brought into the market, and Philadelphia and Baltimore and Wilmington and New York and Hartford and the cities along the Sound will get them under these provisions.

Mr. MILLER. The Senator has said that this bill does not prohibit the catching of fish until they reach the coast of Maine or Massachusetts. What does the bill do? I would like to have the Senator tell us.

Mr. HALE. The bill leaves all the fishing that the local coasts are engaged in unmolested and protected and guarded. It then provides that at this period when the fish are poor, approaching the spawning season, then outside of our waters (not raising the question of what can be done in the State waters, but dealing with goods imported into the United States as we may deal with any imported product), for the months when the fish are in that condition they shall not be caught. The reasons for this I do not need to repeat, because by so catching them you destroy the great portion of the mackerel fishery, which is the portion that comes later in the year and in which the people of the United States are interested everywhere. The people of New York City and the little neighborhoods around there are interested in the fresh fish that are brought in in those months in great quantities, but the people of the United States are interested, Kansas is interested, Nebraska is interested, Michigan is interested, Iowa is interested in this great food product that is caught later, that is salted, and then finds its way to the table of everybody, and it is the interest of everybody that that should be kept up.

The Senator from New York says it is not everybody that eats No. 1 mackerel. No, sir; but when you destroy the catch of fish that are now produced and that make the supply of No. 1 mackerel small, you bring back the old price at which No. 1 mackerel was put on the table of the inhabitant of Michigan years ago; you apply that same price to No. 1 mackerel which is now paid for No. 3 by

the people of the center, the interior, of this country, who are eating fish as they always will when they can as a relief to their internal products. They are paying the prices they ought to pay for No. 1 mackerel, under that well-guarded system of fish preservation, for No. 2 and No. 3.

The fish that are brought into New York, that the Senator says so much about, are a cheap product; they are a poor fish. I know how poor they are, and everybody who has had any comparison knows how poor the fish is that is put on your table at the Brunswick or the Fifth Avenue Hotel, or any other hotel there in the months of March and April, not fit to be eaten compared with the fish that is caught at another time after the spawning season has passed, and when it has become fat. No man who has partaken of the one will buy the other, notwithstanding the enormous rates and notwithstanding the enormous profit that the New York fishmonger gets.

I did not mean, for one, that the debate should close without the true attitude of this matter being presented to the Senate. It is a thing in which everybody is interested, Mr. President. It is a restriction upon New England fishermen. It cuts off the work of Massachusetts and Maine fishermen, and is a restriction upon them to which they submit because, as I have said, great gain will come in the increased value of the fish product later in the year.

Mr. SEWELL. Mr. President, to remove the impression created by the chairman of the committee as to this being a unanimous report of the committee, I beg to say that as a member of the committee I dissented from this report entirely.

Mr. PALMER. I will say in explanation that all the members who were present agreed to it, and I supposed that we had a full meeting. The gentleman did not put in an appearance, I think, at the time of the investigation.

Mr. SEWELL. Perhaps not; but I find my name mentioned in the report of the committee on almost every page as having questioned the witnesses.

Mr. PALMER. That must have been the fault of the stenographer, and not of the chairman.

Mr. SEWELL. I tried for several years to stop what is occurring to-day, the destruction of food-fishes within the three-mile limits on the shores of the Atlantic by what is known as menhaden fishing. I was met in the committee and by the gentlemen engaged in this fishing—who have their capital invested with over one hundred steamers that occupy the entire coast line of New Jersey during the summer time—with the statement, backed up by the evidence of Professor Baird and Professor Huxley, that man has never been able, up to this time, to decrease the product of fish on the broad seas.

The menhaden come along our coast the same as the mackerel do, only closer inshore, and they are taken, converted into oil and fertilizers, and they damage the food-fishes in that sense that dragging a purse-net so close in to shore, almost at the mouth of our inlets where the ordinary bluefish go to spawn, destroys the beds for the feeding of the bluefish. But the majority of the committee became satisfied that nothing man could do would decrease the product of fish, and no action was taken.

The mackerel strike Hatteras about the time that the menhaden do, and they follow the shores to the northward, arriving at the northern part of Massachusetts and Maine about the 15th of May or the 1st of June.

The object of this bill is to give time for the mackerel to fatten. The great fishing fleets owned in Massachusetts and in Maine have found it unprofitable to carry on what they have been doing for years since the invention of the purse-seine and its substitution for the hook and line, going to the southward and meeting the mackerel off Hatteras; and the whole intent, or if not the intent the absolute result, of the bill if passed will be to fatten up all the mackerel of the Atlantic Ocean, following the line from Hatteras northward until it arrives at the coast of Maine, where the Maine fleet will be ready to take advantage and catch them all. It is legislating for a monopoly of the very worst kind to the exclusion of the natural rights of the people of the Carolinas, Virginia, Maryland, New Jersey, and New York, prohibiting us from taking advantage of the passage of that school of fish during three months of the year.

Mr. HALE. Let me ask the Senator if he knows of a single craft of the State of New Jersey or of either of the Carolinas or Maryland that is equipped for catching this early catch of fish with modern appliances?

Mr. SEWELL. I merely state from the testimony in the report of the committee that there were seventy-five vessels engaged in bringing mackerel, during the three months in which you endeavor to prohibit it, into the port of New York. It is not a question with me where they come from.

Mr. HALE. Does the Senator know of a single vessel in his own State that is engaged in it?

Mr. SEWELL. I do not.

Mr. HALE. Does he not know of hundreds and thousands of coast fishermen who catch these fish in boats and take them into a market who are beneficially affected by this bill, and who will catch the big fish that ought to be taken into market because they catch with seines and get the big fish.

Mr. SEWELL. It is a time of the year when fish are scarce practically, when fish command a good price. It is a time of the year when people ought not to be prohibited from their natural right simply because you want to gobble the whole catch.

Mr. President, as I said, the result will be that our friends in Massachusetts and Maine, with their usual foresight, will be enabled to take the fish in the best condition, I grant, but will take all of them to the exclusion of the inhabitants of the United States south of that line. It is a monopoly and a monopoly of the worst kind, one that legislation of the United States has never gone into up to this time, to exclude any part of its citizens from the natural right to fish on the high seas.

Mr. PALMER. There seem to be some very queer and diverse views entertained in regard to this bill. One gets up and claims that it is a monopoly. The fact is that the men who are claimed to be seeking possession of a monopoly have it now, and I should call it a bill as much for the protection of the fishermen of New Jersey and Delaware as for the protection of the fishermen of the New England coast. This whole mackerel fleet that uses purse seines is owned upon the New England coast. The bill is a guarantee that each member of their fraternity will observe the obligation that they all profess to be willing to enter into—to not destroy the fish by harassing the schools as they come to this coast.

We have not claimed, in the pushing of this bill, that the catch of mackerel was decreasing, but taking this table from the mackerel chart, showing the Massachusetts catch for the past seventy-five years, you will find that it has positively decreased, notwithstanding the immense advantages by the purse seine and the immensely increased demand by the methods of distribution through the railroads and steamboats and the refrigerator cars throughout the country.

Mr. MILLER. I know the Senator does not wish to convey a false impression in regard to this matter. He is altogether too fair to do that. The table he is reading from says this is the "total number of barrels of each quality of pickled mackerel inspected in Massachusetts from 1809 to 1885 and the total value of each year's inspection from 1830 to 1885."

Those gentlemen who are telling the Senate that, notwithstanding the wonderfully improved methods of fishing, the catch has not increased, certainly are making a misleading statement, because this table has nothing whatever to do with the mackerel that is brought into the port of New York or into any of the Atlantic ports which are consumed as fresh fish. In fact nearly the entire catch of the three months of March, April, and May are thus consumed. They are not salted. Some of the testimony given here in this book undertakes to show that the catch in these three months is not salted at all; that it is all distributed over the country as fresh fish. Certainly the Senator will not undertake to base his statement upon that table, because it leaves out all the catch of the three months which is distributed over the country as fresh fish. For instance, in the year 1885, when 60,000 barrels were brought into New York in one day, that table shows nothing of it at all!

Mr. PALMER. If the Senator will permit me, I will state that the only means we have of coming to a conclusion as to the relative catch of mackerel is by this table prepared by the Boston Fish Bureau, and there it is shown that in 1831, with the hook and line, 383,000 barrels of fish were caught; but at no time since then has any such quantity been caught by the fishermen of Massachusetts.

Mr. MILLER. That does not answer my question at all.

Mr. PALMER. I was going to qualify my remark. As a matter of course this does not take into account the amount that has been marketed in New York fresh, nor does it take into account the 100,000 barrels that are thrown overboard to infect the waters and to frighten the schools of mackerel as they come along the shore. And right here I should like to show what is said on that point. Here is a letter from Capt. Joseph Smith, of the schooner *Lizzie M. Center*. He says:

For the first four or five years the number of vessels engaged early was small.

That is, engaged in purse-seine fishing.

They did not appear to make much impression on the school, as they were very numerous and large and the vessels did not start before May, but the last eight or nine years the fleet has increased so very much, and starting, say, in March, meeting the mackerel off the coast of Virginia, and at times farther south, while they are moving north to their spawning grounds, harass and annoy them by their seines and by sailing through the schools frighten the fish, breaking them up and turning the fish offshore in deep water, on the very edge of soundings, and the result, they shun our bays and small banks, where they formerly resorted to deposit their spawn, and pass along to the south of George's Banks, and striking the southern coast of Nova Scotia, deposit their spawn among its numerous islands and bays, where they have not been molested to any extent in the early part of the season.

I could go on and read much more of that, but I will not take the time of the Senate.  
Now from the same letter:

Also, to give you an idea how sensitive large mackerel are and how easily frightened and driven from their grounds, I have often seen large bodies of mackerel, when first coming upon them, anywhere from one to fifty schools at one time may be seen from the masthead, the fleet would in a few hours break up and drive from sight the whole body of fish. They would not be seen on that ground for days after, and probably not again during the season. Again, vessels sailing along leave a narrow strip of boiling and foaming water after them for many minutes. We sailors call it the wake.

He claims that wake in itself, being made through the schools of mackerel, frightens them off.  
This is from Mr. H. S. Fisher, of New York:

The mackerel caught south early in the season are the poorest fish known to the trade, as you and all other dealers know. They are sold fresh, mostly in this market, and controlled by three or four fresh-fish dealers. When the market is overstocked, if the fish are sound, they are split and salted. The largest receipts of fresh mackerel ever known here was in the month of April, 1885, and a large part of them were in very poor condition. The good—that is, the sound ones—brought fair prices, but the poor—soft and broken—were sold for any price they could get, even as low as 25 cents a cart load.

They are called cheap food for the people. I think all such food should be condemned. They lay there by millions on the docks and were carried away in that promiscuous manner.

Here is a letter from J. C. Young, agent of Commercial Wharf Company, Wellfleet, Mass.:

But now, since the vessels go out so early, say the middle of March, they find the mackerel, break up the schools, drive them from their old spawning grounds, and when caught, put on the market a poor and sickly quality of fish, that is ruinous both to the consumer and producer, and is ruining the whole business, as you well know.

Mr. MILLER. This wonderful witness seems to have found mackerel on the spawning ground.

This particular one seems to have found them on the spawning ground in the middle of March. What becomes of the theory that they go up the coast of Maine, and perhaps to the Bay of Fundy, and do not spawn till June or July? The witness and the committee disagree on this question. Here the man finds the spawning ground away down south in the middle of March, and says they are frightened away.

Mr. PALMER. I do not know how many explanations I shall have to make to the Senator from New York to give him a clear insight into this mackerel migration. I will say now, and I hope it will be for the last time, that they appear in March off Cape Hatteras; they keep up along the shore harassed and annoyed by those sail vessels till the first of July, when they commence to deposit their spawn. The gentleman seems to be a little confused as to what the spawning season is. He thinks it is the last climax of that effort of nature. It is the whole gestative period from the first of March to the first or last of July, and if he will take into consideration that that time includes about four months, it will save me or other gentlemen a great deal of confusion hereafter in answering any objection.

Mr. MILLER. The Senator could have saved himself and myself a great deal of trouble if he had drawn this bill so as to cover that period of four or five months.

Mr. PALMER. Is that clear?

Mr. MILLER. Not yet. The first question I asked was, If this wonderful witness found these fish on the spawning beds, as he tells us, on the first of March, and if the Senator tells us they do not spawn until July, must they carry the spawning bed with them? I think so.

Mr. PALMER. I think I have made it clear that the spawning season is from the first of March to the last of July. What was the other question the Senator asked?

Mr. MILLER. I hope the reporter will get this scientific discussion carefully down, because if the spawning period of mackerel is extended from the first of March to the middle of July the scientific world will be surprised, and they will want to have this discussion very carefully reported.

Mr. PALMER. It is getting late and I hope the gentleman will not interrupt any further except as to some point that he has not been informed on. We have here any number of letters and any amount of testimony in regard to the numbers of mackerel thrown away every year. None make it less than 75,000 barrels.

The Senator from New Jersey [Mr. McPherson] spoke of some professor on the coast of Scotland who had given his time and efforts to the herring fishery, to determine whether anything man could do could deplete the ocean. I will say that Professor Huxley, if he is the gentleman to whom the Senator refers, does say that nothing man can do in the way of the spoliation of the sea of fish will amount to anything, but Professor Huxley had never seen a purse seine.

In the testimony before the committee I asked Mr. Blackford, a very intelligent gentleman, the fish commissioner of New York, if the methods were as destructive in the herring fishery, and he said



he thought they were. I asked if they had purse seines. He said he thought not. I do not believe that the purse seine is used on the British coast; but I think it is fairly deducible from the tables and from the percentages, as shown by the Boston Fish Bureau, that the tendency of the use of these purse seines is to break up the schools, frighten the older and wiser fish, the No. 1 mackerel, outside of their ordinary routes, and drive them off onto the banks of Nova Scotia. It is fair to infer that fish have intelligence. The Senator from New York [Mr. Miller] is too good a sportsman to contend that they have not. They have sufficient, enough to protect themselves, of that instinct of self-preservation.

And right here, it appears in the evidence that codfish on the Banks will go off at the fall of a single barrel on the deck, will sometimes disappear and be gone for a whole day, that the fishermen on the Banks take the offal 40 or 50 miles out to sea and throw it overboard, rather than to throw it overboard amid the schools of fish. Here are a hundred thousand barrels of dead fish thrown over to frighten these schools away from their ordinary route.

Now these men come to Congress and ask for this act. I think that they are entitled to consideration. It has always been the policy of the Government to lend a willing ear to any of the complaints of the men who have manned our Navy, of the men who fought with Perry on Lake Erie, with McDonough on Lake Champlain, and with old Commodore Hull on the *Constitution* and on the *United States*, and in all those naval battles that have given our country its prestige upon the ocean.

I ask that this bill with the amendments made by the committee may pass and that this trial may be made. Its operation is being deferred a year or two. If it is going to work any hardship, it can be repealed after there may be a further expression upon the subject.

Mr. FRYE. Mr. President, there is one thing which has been stated here that I wish the Senate to distinctly understand, and that is that there is not one single mackerel-fishing vessel with a seine west and south of Massachusetts—not one. There is not one in New Jersey, or New York, or Pennsylvania, and there is not a fisherman outside of Massachusetts and Maine that has the slightest earthly interest in this bill except as it is intended to preserve the fish. That is a queer monopoly that the Senator from New Jersey and the Senator from New York talk about. Here is a fleet of 200 vessels, every one of them belonging to Massachusetts and Maine, every one of them proposing to make money in the spring fishing, every one of them fitting out to go down to the fishery off Hatteras and go to fishing, and yet, amazing to say, they unite to a man in asking you to pass a bill which shall absolutely prevent them from going down on the coast to fish. Why do they do that? To create a monopoly in their interest; or is it in the interest of the people of the country? Talk about monopoly! There has not been one single man before the Committee on Fisheries, there was not a man before our Committee on Foreign Relations—and we investigated this to a certain extent—who said one single word against the close time of mackerel, except one or two fish-market men; and the fish-market men of New York have had one fish-market man here nearly this whole session of Congress busy to fill the minds of Senators with the idea that this was a monopoly in the interest of Maine and Massachusetts—the Yankees, as the distinguished Senator from New York with good taste said.

Mr. President, what is the fact? The fact is that these mackerel when they come to the coast are as poor as they can be. The fact is that with the mackerel it is just the same as it is with salmon, and trout, and every known fish with known habits—that they eat very little indeed while they are bearing spawn. I hope the Senator from New York has finally got it through his head that spawning time is not the time when they deposit their spawn. These mackerel are bearing spawn from the time they approach the coast in the middle of March up to June, and through June when they deposit their spawn no man can take them with a purse seine, because they are out of sight, they are deep down in the water, and the purse seine only takes them when they are coming up in shoals on top.

It is another fact which I know myself—for I am something of a fisherman—that twenty years ago, before the purse-seines were invented, you could start down on the coast of North Carolina and you could follow these fish away up to the coast of Maine; and there would be dozens and dozens of little boats of 10, 15, 20, and 25 feet keel catching mackerel for market with hook and line. It is a fact to-day that these things are unknown, that these boats have stopped undertaking to fish with hook and line. It is a fact that twenty years ago I have taken mackerel by the score and score right from the wharf with a hook and line, and the whole bay full of them, and now the mackerel in those bays are almost absolutely unknown. It is a fact that all along the bays on this coast used to be full of mackerel and that to-day it is an exceptional thing to take a dozen mackerel in a day's fishing with a boat. What has done it? There is where you were hurting the poor men who want to fish. What has done it? The purse seine.

I say it is a fact, Mr. President, that these poor men are deprived to-day of the rights which used to exist. And why? Because two or three hundred Maine and Massachusetts fishermen, in

vessels from 75 to 150 tons each, armed with two great purse seines that can gather in half an acre of mackerel seen on the top of the water, go down in the middle of March off Cape Hatteras; they put a man at the masthead, and day and night, without any cessation, they pursue these schools of mackerel from the time they come to the shore until they go down into the deep water and drop their spawn.

The mackerel is the most timid fish that swims in the sea—more timid than the trout, even, or the salmon—and this process of taking these fish with the great purse seines by a hundred or two hundred fishermen has not depleted them. Nobody on earth knows whether they are depleted. Professor Baird does not undertake to say whether they are depleted or not; he does not undertake to say whether man can deplete them or not; but they are driven away from the shores and from the fishermen accustomed to fish in boats on the shores. So the evidence before our committee was that the large majority of the mackerel taken were taken from 15 to 20 miles from the shore, where the small boats could not venture and do not venture.

The men interested in the mackerel business believe that if you will put a close time on mackerel, run it up to the 1st of June, when they begin to spawn and go to the bottom and out of the way of the purse seines, your catch of mackerel will come back to its usual haunts and that the people from North Carolina up to the State of Maine can go back to the old way of fishing, where they can go out in their little boats and catch from 100 to 500 mackerel in a day and take them ashore and get their pay and have them in the market all up and down.

What is the operation now? These great fleets of vessels go down into the southern waters. They have an immense draft of fish, and they hie away as quickly as they can to the port of New York in order to land them before they spoil. Then they are landed in the great city of New York by millions, and, as the Senator from New York said, they are sold to the fish dealers for 1 cent apiece or 10 cents for twenty-five, and in one single year 35,000 barrels were thrown overboard into the sea as spoiled.

Mr. MILLER. The Senator puts words into my mouth that I did not use; and therefore I do not ask his courtesy to correct it at this time.

Mr. FRYE. I will put it into somebody's mouth. Somebody said it. It is the fact, notwithstanding, that the fishermen were compelled to sell their fish for a cent apiece to the fishmongers of New York City or twenty-five for 10 cents. Who was it said that they were sold at 10 cents for twenty-five? The Senator from New York, I think, said it.

Mr. PALMER. No; I said it.

Mr. MILLER. If the Senator will permit me, what I read was the testimony of what the Senator sees fit to call a fishmonger, Hon. Eugene Blackford, of New York, a distinguished citizen of the State of New York, one of our fish commissioners, as he has been for years.

Mr. FRYE. He sells fish, does he not?

Mr. HALE. I understand him to be the principal fish dealer in Fulton Market.

Mr. MILLER. In his own testimony before your committee, which I read here, he said the price at which they were sold was the price at which they were sold by the dealers, not by the fishermen themselves. They were handled by the dealers, the whole of them.

Mr. FRYE. And that same year 30,000 barrels of them were thrown away as absolutely useless. Every year, when sudden luck comes to these fishermen, and they are obliged to hasten to port to get rid of their drafts of mackerel, half of them sometimes are thrown away and wasted.

The trouble is that our fishermen are frightening the mackerel away from their haunts and that the fishermen on the shores can not get the chance to take one a day with hook and line.

Mr. GRAY. Their rights are saved in the bill by an amendment which has been adopted.

Mr. FRYE. The Senator from Delaware calls my attention to the fact that all the old-fashioned fishing is saved by an amendment to the bill.

There is another thing to which I wish to call attention. The Senator from New York says this is a very strange bill; that if the scientists and learned men in fish want to protect the mackerel, why do they allow nets and seines on the shore? It ought to be obvious to a man who knows anything about fishing what it is allowed for. The bill absolutely permits the landing of mackerel during the specified length of time all up and down this coast from seines and nets attached to the shore. What for? To take mackerel? Not at all. They are not placed there to take mackerel. They are placed there to take the other spring fish which come upon the shore, but there will be mackerel that will get into the nets and into the weirs, and we do not wish to compel those fishermen with nets and weirs to throw away mackerel and waste them and make them useless. We were protecting the rights of those poor men on shore, so that if a few mackerel did get into their nets and weirs they could sell

them and not be compelled to destroy them. There can be no objection to that. That was suggested by Professor Baird himself, the greatest scientist in fishing there is in this country.

Mr. President, it is an experiment worth trying to see whether, if you will prevent these fishermen from Maine and Massachusetts from pursuing these methods, the mackerel will not come back to our shores once more and enable the poor men up and down the coast to reap the harvest they used to reap years ago, before seine fishing was invented. It is an experiment, I admit, but we never shall learn anything or gain anything if we do not make experiments. There is one thing to be observed. Every owner of a fishing vessel who testified in relation to this matter testified that in his opinion the experiment ought to be tried. Every one so testified; there was not an exception.

The Senator from New York says that the poor fishermen will be themselves deprived of work. It is not so. They will not be deprived of work. So careful has the committee been to protect in the bill the rights of the poor men that there is a provision in it which protects the fishermen. What is that? It is a provision extending the time when the bill shall take effect up to 1888, as proposed by the Senator from Massachusetts [Mr. Hoar]. That provision protects the fishermen. I will admit that if the bill went into force to-day it would do harm to fishermen. I admit that all those craft to-day are ready for the ocean and for Hatteras. I admit that their captains and cooks and crews are engaged for a three months' trip to take mackerel, and if the bill took effect to-day they could not change from a mackerel to a cod fisherman in a month's time.

Mr. MILLER. Can they change by next year?

Mr. FRYE. Next year every one of them will have been changed into a cod fisherman during that time. They will then pursue the cod-fishing occupation.

Mr. MILLER. The codfish will all be destroyed.

Mr. FRYE. I will risk the codfish. I have here a bundle of letters from New York, from Boston, and from Maine touching the matter of close time on mackerel, and there is not a man from New York or anywhere else who says in his letter that you ought not to try the experiment, and every one of them, they being men who have fitted out their vessels for the South, simply asks Congress that it will so amend the bill as to have it take effect next year and not this. That is all they ask. What for? That is in order to give the fishermen time to transfer their vessels from mackerel fishermen to cod and halibut fishermen, and to give them time to fit them for that business. It requires a good deal of time. They want to have time to fit their craft for that business, and then these same fishermen will be pursuing that occupation, instead of murdering the mackerel as they are now doing on the coast from Hatteras up.

Mr. MILLER. Notwithstanding the kind reminder of the Senator from Maine that I had occupied nearly all the time of the Senate on this bill, I have not done it to the exclusion of any Senator who desires to speak, and therefore I will venture even at this late moment to say a few words more regarding it, unless the Senate want to adjourn.

The Senator from Maine [Mr. Hale] thought it very important to put the bill in a proper light before the Senate. He stated that it was necessary that he should put the bill in a proper light before the Senate in order that there might be no misapprehension of the objects of the bill and the persons it was intended to benefit. He stated that the bill was desired by all the people engaged in the industry of mackerel fishing, and that it was only opposed by the fishmongers of the city of New York. I am entirely willing to take the bill upon that basis.

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Mr. MILLER. Mr. President, it took several hours of discussion the other day to get at the purposes and objects of this bill, but I think the discussion finally brought out very clearly to the Senate the objects and merits of this measure.

The Senators from Maine told the Senate that there were none of the citizens of the United States interested in this measure save the few mackerel fishermen in the States of Massachusetts and Maine, and that therefore the Congress of the United States ought to hasten to pass this measure as a measure of relief to the fishermen who had petitioned for it.

It seems that there are about 400 vessels engaged in mackerel fishing, giving employment to several thousand men, just how many I do not know, perhaps four, five, or six thousand, all told—about six thousand the Senator from Maine [Mr. Hale] says.

From the arguments produced here in favor of this bill the Senate might be led to suppose that the bill had been brought here for the purpose of protecting mackerel fishing; that there was great danger of the species being entirely destroyed, and thus one of the chief fish-food products of the country being entirely obliterated; but neither the testimony taken by the committee nor any

testimony of any scientific man in the world has been produced here to show that there is the least danger or, in fact, the least probability of any such result ever being produced by the unlimited and unconditioned fishing going on, such as has been pursued for the last ten or fifteen years with purse seines. In short, the best scientific men in the world have agreed that thus far man has been able to produce no appreciable effect upon the fish which swim in the deep sea. Therefore we have no data upon which to base any proposition whatever that if this fishing shall continue unlimited in the future as it has been in the past, any such result whatever will be produced.

This being the fact, why is it that the owners of these 400 vessels, who have a large amount of capital invested in this business, come here and ask Congress to limit their action and to take out three months of the twelve and absolutely prevent or prohibit purse-seine fishing? They have a monopoly of the business now; it is so conceded by both the Senators from Maine, who have told us that there is not a single vessel owned in any other State of the United States engaged in this industry save in the States of Massachusetts and Maine, and that no one else has any interest in it whatever. Why come here, then, asking a prohibition on the part of Congress? One would suppose that they would be anxious to continue their business during the whole twelve months of every year, and make it as large as possible; and why not? Because they have found that by the improved methods of fishing which are now in use by these fishermen they have so increased the amount of fish brought into our markets that prices have been greatly reduced, and, therefore, the profits of the capital invested in this business have been somewhat decreased. Therefore they come here to ask Congress to legislate against themselves, or, in short, to protect themselves from their own industry. There are so many of them, doubtless, that it is impossible that they should form an association and agree by common consent to give up fishing for three months in the year. Undoubtedly a large number of them would be glad to do that, but no one fisherman and no one firm engaged in this business will consent to abstain from fishing for three months in the year unless all are compelled to do so.

Now, what is the object of a cessation of fishing for three months? It is all folly to come here and tell the people of the United States that the fishermen who control these vessels and who have their capital invested in the business are philanthropists, and that they are asking to be curtailed in their own operations simply for the purpose of preserving the mackerel species as a food product for the people of this country. I say it is all folly to come here with any such assumption as that.

We see frequently associations of different industries in this country, in which the capitalists interested in and the proprietors of great industries get together and agree to curtail the production of a particular industry—for what purpose? For the purpose of increasing the price by decreasing the supply. Have we not seen the Bessemer-steel manufacturers of this country get together in their associations and agree to close their works for three months or six months?

What for? For the good of humanity? For humanitarian purposes? Not at all; but simply that they might reduce the production of Bessemer-steel rails, and thereby increase the cost; and our friends on the other side of the Chamber have come here and taunted the protectionists of this body with this very charge that the Bessemer-steel manufacturers of this country had done this thing. It has been done by other manufacturing associations, but they have not come here and asked Congress to shut up all the Bessemer steel-rail factories for three months in the year lest there should be a surplus of Bessemer steel.

The cotton manufacturers, who sometimes close down their works for thirty days or six months, have not come here and asked Congress to pass a law that there shall be no manufacturing of cotton goods for three months or six months in the year in order that the amount produced may be reduced and thereby the price increased. But here comes an industry confined, as the Senators from Maine and Massachusetts show, to their own States, having an absolute monopoly, owning every vessel engaged in it, and having all the capital invested in it, and all the men who are employed upon their ships citizens of their own States, and it asks Congress to say that for three months in the year there shall be no fishing with purse seines by this industry.

Mr. President, as I said before, these fish swim free in the ocean. They cost us no labor and no pains in their growth. They are there free for all our people to take, and they furnish one of the great supplies of food for all our people. The fisheries of every country have been protected, and nations have gone into great and costly wars in order that they might protect their fisheries because they were a source of great profit to the people, but never before in the history of the world has a nation undertaken to say to its own citizens, "You shall not fish upon the high seas for three months in the year," or for any other time.

Now, let us see what the value of the catch of mackerel has been in this country for the past few years, and see how greatly it has been reduced in its price to all our people.

In 1863 the value of the mackerel catch, as it sold at the high price which then prevailed, was \$5,935,525; in 1869 the mackerel caught in that year sold for \$3,248,315; in 1871 the catch of mackerel inspected in Massachusetts amounted to \$2,233,055. The catch that year was 259,000 barrels. Of late the price of mackerel has been greatly reduced in all our markets. The numbers caught and brought to our shores have been so great that, following the ordinary law of political economy, the supply being large, the price has been reduced, and all our people have obtained fish food at very low rates.

In 1883 this large amount of mackerel sold for \$1,619,000; in 1884 the catch sold for \$1,853,000, and in 1885 for \$1,230,000 only.

These figures prove conclusively why this bill is brought here. A very large proportion of the year's catch is made in the months of March, April, and May, and this bill proposes that during those three months there shall be no fishing for mackerel with purse seines at all. If this bill becomes a law it will reduce the catch of mackerel probably 50 per cent for the next year, and what will be the result? The 50 per cent less of fish will sell in our markets for as much money as the large catch of last year did. In other words, the American people will be compelled to pay to the capitalists who control this business in those two States as much money for one-half of the amount of fish food as they paid for the larger amount last year. That is all there is of this. We are asked here to shut up and control the fish on the high seas for three months in the year in order that the price of fish food may be advanced from 50 to 100 per cent. That is all this bill is intended for, and it is precisely what the bill will accomplish if it is enacted into a law.

Mr. President, it has been charged here that there has been no opposition to this bill from any source except from the fishmongers of New York City and other Atlantic cities. I need not say to you or to the Senate that the poor people of this country, the laboring men and the farmers of this country scattered broadcast over the whole land, are not organized in such a way that they can come here to protest against the passage of this bill. Neither need I say to you, sir, that not one-tenth of 1 per cent of the people of the United States who consume fish as a portion of their daily food have any possible knowledge that any such bill as this is before the United States Senate. You will not be able to make any considerable portion of the people of this country believe for a moment that the Congress of the United States can be brought to the condition where it will say to its own people and to its own citizens that they shall not go on the high seas and fish for this food, which is free to all the world.

We may shut our own people out from these waters for three months, but we can not shut out from these waters the people of our neighboring countries. We can not shut out from them the Canadian fishermen. We may close our own ports to this food-fish and and say that our people for three months shall not have it, and that for the remaining nine months of the year they shall pay from 50 to 100 per cent more for the fish which they consume than they would if this bill should not pass.

It does not seem possible to me that the Congress of the United States should patiently consider such a proposition as this, for not only will this enhance the cost to all our people of mackerel, but it will undoubtedly to a large degree increase the cost of all salt-water fish, of codfish, of bluefish, and of the various varieties which come into our markets. Anyone familiar with this subject knows that during all the summer months fresh mackerel are brought into all our ports, and that they to a large extent, if not entirely, control the price of all the fish to be found in our markets. If mackerel are caught in large quantities, of course the price goes down to all the people, and it carries with it the price of other kinds of fish to a certain extent.

I can find nothing in this bill, I say, save the proposition to prohibit the fishing for three months in order that by doing so we may greatly decrease the catch of mackerel, and thereby increase the cost or the selling price of that which shall be caught during the other nine months, and that additional cost is to be paid by all the people of our country.

Mr. PALMER. Mr. President, the Senator from New York does credit to his classical education in one respect. If I remember aright, whenever in the Iliad any of the gods or goddesses wanted to do anything that would not bear watching they always surrounded themselves with a fog. That seems—and I do not say it offensively, for possibly the Senator from New York may be a victim of his own hallucination—to be the result of his efforts in this case. We get up and dispel the fog, and in less than fifteen minutes the Senator has got himself, if not the Senate, enveloped in as dense a fog as his side of the question can demand.

What he wants is to obscure the real issue, it seems to me, and that is that the Fisheries Committee and the men who are pushing this bill are philanthropists. No such claim has ever been made. There is no claim of philanthropy about us except on the part of the Fisheries Committee.

We have acted judicially in this matter. The men who are pushing this bill have come to Congress and said that their business was languishing; it was in danger of being destroyed unless some protective measure was thrown around it. They asked that the close season be established. They are reaching out in various directions to find some remedy for the evil under which they labor, and it seems to me they make a very good case against the purse-seine fishing and in favor of the close season.

So much for that charge of philanthropy. Now, the Senator gets up and he takes this table, and I know that if he had had time to read it over critically he would not have made such an exhibition as he did in reading these figures this morning.

The Senator gets up and says that in 1863 the price paid for mackerel was \$2,878,000, but he says that owing to the purse-seine fishing in 1883 the price had gone down \$1,619,000. If he had looked at the question critically, he would have seen that the price has been affected more by the degradation of the fish, by the quality running down, than by any other cause. For instance, in 1863 the percentage of No. 1 mackerel was 22 per cent, and in 1883 it was 14 per cent. He will find also that in 1885 215,000 barrels sold for \$1,230,000, whereas in 1883 154,000 barrels sold for \$1,619,000. There was a larger amount, 215,000 barrels, against 154,000, and the 215,000 brought \$1,230,000 and the 154,000 brought \$1,619,000; and what was the reason? The reason was that in 1883 the percentage of No. 1 mackerel was 14 per cent, and in 1885 it was 7 per cent. If there is anything in figures, it seems to me that that is very fully proven.

Mr. MILLER. I think the Senator has proved my proposition exactly. They want to reduce the amount of fish caught and therefore increase the price, and that is what they will do if the bill is passed.

Mr. PALMER. That is not the animus of the bill, nor is it fairly inferable, it seems to me, from any of the arguments used or any of the statements made before the committee. It is the running down of the quality that they complain of, and that causes the present state of their business and the present low prices that they receive for mackerel. It seems to me that they are right. The Committee on Fisheries have no interest in the matter, save to see that justice is done to a great and important interest.

Now, who are to be benefited by this bill? Primarily those men whom the Senator from New York calls monopolists. They have the monopoly of the business now. It makes no difference to them whether they take their fish down on the coast of New Jersey or up on the coast of Massachusetts if it is equally profitable; but it makes a great difference if it is not profitable, and if it is the cause of the decrease of the profits in their business. It also is a matter of interest to the people along the shore of Delaware and New Jersey that they shall be disturbed in their fisheries along the borders of their States with hook and line. This is merely a crusade against purse-seine fishing in the spawning season; and, taking all the statements from the different gentlemen who appeared before the committee, it seems to me that the Senate can not come to any other conclusion than that the proper thing to do is to pass the bill.

Mr. MILLER. The Senator seemed to make an entirely different statement in regard to the danger of the destruction of this fish as a fish called mackerel. I want to ask the chairman of the committee now, in all seriousness, whether there is a particle of scientific evidence anywhere in the world going to show that it is possible for man, with all the modern devices and means of fishing, to in any way perceptibly diminish the number of fish in the sea?

Mr. PALMER. I am coming right to it, and I can best illustrate it to the gentleman by a little figure of speech.

The conclusion arrived at by Professor Huxley, when he made that investigation in regard to the herring fishery, seems to be the bulk of the opposition. Now, Professor Baird has said, and the Senator read so on Tuesday, that it might be well to try the experiment; that it is possible that the purse-seine fishing might in time lessen the quantity of mackerel. Professor Goode, the next highest in authority, said that if it did not destroy the mackerel it might deflect them from their ordinary route and course. Captain Collins, possibly the best practical man in the Fish Commission, a man in whom Professor Baird has the highest confidence, believes that it does deflect them from their course. But I was going to answer the gentleman's question by another, or rather by a little illustration.

What difference would it make to him if a lot of Apache Indians came to his farm in Herkimer County, New York, and killed his cattle and carried off the beef, or whether they drove the cattle down into Mexico, and over the border; he loses his cattle in either case. In one case the country is not depleted of cattle; there are just as many cattle, but they are not where they are available to him.

This is a parallel case. They are driving the old and the wise and the mature mackerel off from our coast, and there is no other conclusion you can come to by looking at these tables. Have I answered the gentleman?

Mr. MILLER. To the satisfaction of the chairman of the committee, I have no doubt, but scarcely to the satisfaction of the Senator from New York.

I am not able to see the wisdom of cutting off fishing entirely for fear that in some future ages, it may be a geological period of a million years more or less, we can not tell when, if this thing be allowed to go on there may be some diminution in the number of fish, or, as the Senator says, we may frighten the wise and old fish away from our shores by the harassing methods of purse-seine fishing.

Mr. PALMER. Will not the Senator allow me to go on? It seems I have pierced his armor, and if he does concede that in course of time the fish in the sea may be affected by this wholesale purse-seine fishing—

Mr. MILLER. No; I do not admit that even in the course of time that may be so. It can not happen.

Mr. PALMER. If the Senator will confine his remarks to questions and not let them elongate into speeches, I shall be willing to answer anything that he propounds, if I can.

Mr. MILLER. I was trying to follow the example of the distinguished chairman of the committee in making my questions as long as he makes his answers to some questions that I have propounded; but I have not succeeded in doing that, and therefore I will come back to the more ordinary and straight Anglo-Saxon style. Why not then, as I have asked before, I now ask the chairman if he fears the driving away of these fish from our shores by frightening the old and wise ones by purse-seine fishing—why not prevent fishing entirely for the other nine months in the year; why allow it to take place only off the coast of Maine and Massachusetts?

Mr. PALMER. I will get the Senator on the general question if he will not go on and make another speech. I will tell you the reason. It is because purse-seine fishing is much more economical than fishing by hook and line; and the regard of the Fisheries Committee and of the fishermen of Massachusetts and Maine for the constituents of the Senator from New York to the extent that they may have cheap food and cheap fish, has merely asked for a three months' close season instead of a six months' close season. It is much more economical to take fish with the purse seine than with the hook and line. The cheaper fish is caught the cheaper it can be sold. That is the reason that it would be followed.

Another thing, the spawning season is past, and the timidity which we know affects all animals about the reproductive period has disappeared, and the raid made upon these immense schools does not have the same effect upon them that it does about the reproductive period. Is that satisfactory to the Senator from New York?

Mr. MILLER. No; it is not satisfactory at all. I am not able to understand why the Senator desires to stop purse-seine fishing when the fish are off the coast of the Carolinas and Virginia and New York, and he is willing to let it go on during the remainder of the year when the fish are off the coast of Massachusetts and Maine. I do not see why he wants to preserve the fish in every case and prevent their being frightened by these terrible fishermen, and is entirely willing they should carry on their nefarious methods off the coast of Maine and Massachusetts.

Mr. PALMER. If all the explanation I have made in regard to the damage to the fish during the months from the 1st of March to the 1st of July is not satisfactory to the Senator from New York, though one should rise from the dead he could not be affected. I think I have answered that question fifteen or twenty times. It is not because they appear off the coast of North Carolina, or off Hatteras or New Jersey, that the close season is established; it is not because the people of those States are to be discriminated against; but it is because the fish, in the first place, are comparatively good for nothing; and, in the second place, it is the spawning season and the schools are broken up and they are deflected from their proper route and from their feeding grounds.

The Senator from New York says that the object of this bill, the reason that it is pushed at the instance of the fishermen from Maine and Massachusetts, is that as the catch of fish has been increased the price has run down. That is not the fact. The price has not run down, as the tables show, except as the quality has carried it down. You will find the low prices follow the quality rather than the amount.

The gentleman says that it has been the policy of all civilized people in all times to protect their fisheries. That is just what we are trying to do to-day. We are doing what 5,000 fisher-

men along the coast of Massachusetts and Maine ask us to do, who tell us that their equipment and their ships have run down from 100 cents on the dollar to 25 or 50 cents on the dollar, and they ask this relief. It is not going to interfere with any one except the retail dealers or the wholesale dealers in fish in the city of New York, and there is no one that has appeared before the committee to oppose the bill except Mr. Blackford, for whom I have a very high respect, and Mr. Benjamin, who seems to be a very pleasant gentleman, but who is working for his own interest; and right here I would like to read to the Senate what Mr. Blackford, who opposes the enactment of this bill, says on the subject. He is asked this question:

If it drives them off it is just about as bad as if you destroyed them?

MR. BLACKFORD. Exactly so; but the same argument will apply to fishing at any season of the year. It would apply to your fishing in September and October, and would apply to all other kinds of fish. There is no doubt—any person who goes fishing knows—that if you disturb the fish or break up their schools you are in danger of driving them to seek new feeding grounds and to seek new spawning grounds.

Mr. Blackford is asked this question:

THE CHAIRMAN. It seems to me it would not to the same extent. If you give them three months' relief in this pursuit when they are advancing on a certain line, they would be apt to have their yearly run-ways and they will keep up that line?

MR. BLACKFORD. Yes, sir; if you catch next year only one-half as many fish as you catch this year, the probability is there will be a good many more left.

THE CHAIRMAN. Are they not more timid, as all animals are, just about the reproductive time than any other, and would not any infringement upon their routes have a more disastrous effect then than it would have when they were not in the reproductive time?

MR. BLACKFORD. I am inclined to think so, for the reason that the fish come closer to the shore after the spawning season is over. That of itself would indicate that they are not so shy after spawning as they are before.

I shall not take up the time of the Senate with any more remarks. It seems to me that it is made perfectly plain that a great industry is suffering, that those engaged in it are entitled to relief at the hands of Congress, particularly the fishing interest, the nursery of our Navy.

The measure was passed by the Senate on February 10, by a vote of 34 to 11, 31 not voting.

The Senate amendments to the bill were agreed to by the House, and the measure as finally passed and approved by the President on February 28, 1887, was as follows:

AN ACT relating to the importing and landing of mackerel caught during the spawning season.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the period of five years from and after the 1st day of March, 1888, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores: *Provided, however,* That nothing in this act shall be held to apply to mackerel caught with hook and line from boats, and landed in said boats, or in traps and weirs connected with the shore.

SEC. 2. That section 4321 of the Revised Statutes is amended, for the period of five years as aforesaid, so as to read before the last sentence as follows: "This license does not grant the right to fish for mackerel, between the 1st day of March and the 1st day of June, inclusive, of this year." Or in lieu of the foregoing there shall be inserted so much of said period of time as may remain unexpired under this act.

SEC. 3. That the penalty for the violation or attempted violation of this act shall be forfeiture of license on the part of the vessel engaged in said violation, if a vessel of this country, and the forfeiture to the United States, according to law, of the mackerel imported or landed, or sought to be imported or landed.

SEC. 4. That all laws in conflict with this law are hereby repealed.

In closing this consideration of the suspension of the fishery, it is worthy of note that the protection which Congress sought to accord the mackerel was not directly given through any assumption of right or power to legislate for a fishery prosecuted in the open sea, but was indirectly brought about by recourse to a regulation of the customs service, forbidding the landing of mackerel during the proscribed season.



## INTERPRETATION OF THE CLOSE-TIME LAW.

When the time came for the enforcement of the close-time law, some doubt arose in the minds of the officials of the Treasury Department as to the interpretation to be placed on the words in the act exempting from its provisions "traps and weirs connected with the shore." It was evident that a strict application of the law, as worded, would result in a very serious drawback to the important pound-net, trap, and weir fisheries along the coast of the Middle and New England States, in that very few of the nets of this character are actually connected with the shore (that is, the land); mackerel constitute, in most cases, only a part of the catch, and when taken could not be returned to the water without much trouble, granting the wisdom of such a procedure by supposing that the fish could be released in an uninjured condition; and the expense and labor necessary to extend the leaders of the nets to the land would be useless so far as the fishery would be benefited and would result in no possible good, so far as compliance with the law was concerned.

Aside from the interpretation of the law, the matter possessed considerable interest in view of the question that was presented as to the power of Congress to legislate for fisheries prosecuted in shore waters usually regarded as being under the jurisdiction of the several States.

The petitions presented to Congress and the discussion of the matter by that body indicated that the proposed legislation was intended to restrict only the vessel fishery carried on with purse seines, which alone, in recent years, has constituted the southern spring mackerel fishery. The amendments to the original bill, exempting from its provisions the boat fishing with hook and line and the fishing with pounds and weirs connected with the shore, were clearly designed to prohibit any interference with the shore fisheries of our coast. The wording of the bill was, however, ambiguous, or, at least, was susceptible of a construction which was evidently not intended by most of those favoring the measure.

The following correspondence, passing between the Treasury Department, the United States Commission of Fish and Fisheries, and private persons as to the construction to be put on the part of the act referred to, possesses considerable interest and importance. It will be seen that the ruling of the Treasury Department was based on a literal interpretation of the law and that the word "shore" was regarded as being the line of mean low water.

[Messrs. T. J. Jones & Co., Boston, Mass., to the Secretary of the Treasury, April 30, 1888.]

We are informed that the United States consul at Liverpool, Nova Scotia, holds that the words "traps and weirs connected with the shore," in the act of Congress relating to the importation of mackerel caught between the 1st of March and the 1st of June, can be construed to include nets anchored to the bottom, even at some distance from land, and the interpretation of the collector of this port is that a trap is a technical designation and does not cover nets and seines.

[Acting Secretary of the Treasury to the Commissioner of Fish and Fisheries, May 4, 1888.]

I inclose herewith a letter dated the 30th ultimo, received from Messrs. T. J. Jones & Co., from which it would appear that a difference appears in the construction placed upon the words "traps and weirs connected with the shore" (as contained in the act of February 28, 1887) by the United States consul at Yarmouth, Nova Scotia, to the collector of customs at Boston, and will thank you to return the inclosure with an expression of your views in the matter.

[Assistant Secretary of the Treasury to the Commissioner of Fish and Fisheries, May 21, 1888.]

Referring to this Department's letter of the 4th instant, requesting your opinion as to the construction to be placed upon the words "traps and weirs connected with the shore," as contained in the act of February 28, 1887, I inclose herewith a letter dated the 11th instant, received from the custom-house at Barnstable, Mass., requesting information as to how the shore line is to be regarded in connection with said act; that is, whether high or low water mark is meant by the same. I will thank you for an expression of your views in this matter in connection with your reply to the Department's letter of the 4th instant, and would request that the inclosure of both letters be returned with your answer.

[Collector of customs, Barnstable, Mass., to the Commissioner of Navigation, May 11, 1888.]

Will you kindly furnish this office with information as to how the "shore line" is regarded by the Department; i. e., whether the low-water mark is meant by the same. I have also respectfully asked that you instruct me how to proceed in case mackerel, illegally caught and landed before June 1, 1888 (inclusive last-named date), are seized by customs officers in this district. In case mackerel were seized they would spoil before the Department could be consulted with.

[Commissioner of Fish and Fisheries to the Assistant Secretary of the Treasury, May 23, 1888.]

Referring to your letter of May 21, 1888, requesting the opinion of the Commissioner of Fisheries "as to the construction to be placed upon the words 'traps and weirs connected with the shore,' as contained in the act of February 28, 1887," and inclosing a letter from the custom-house at Barnstable, Mass., "requesting information as to how the shore line is to be regarded in connection with said act—that is, whether high or low water mark is meant by the same," I beg to reply that in my judgment the line of mean low water is to be regarded as the shore line, for the reason that titles of riparian owners extend to this line.

The provision of the act referred to, exempting specifically from the operation of the law traps and weirs connected with the shore, was designed to bring under the restraint of the law traps or pounds anchored in deep water offshore, and not connected with the same by fence or hedging. A pound, trap, or weir having a hedging extending from the trap, weir, or pound to the shore, as defined by mean low water, would clearly come under the exemption, even if the weir or trap in which the fish are impounded is a mile or more from the actual shore line.

The letters of inquiry addressed to the Secretary of the Treasury and transmitted as inclosures in your letters of May 4 and May 21, are herewith returned as requested.

[Acting Secretary of the Treasury to the Secretary of State, May 23, 1888.]

Referring to telegram of the consul at Yarmouth, left at this Department this morning, in which he desires to be informed if mackerel now being caught in twine nets attached to the shore, straight line, are entitled to free entry the same as if caught in weirs, I have the honor to state that it has been ascertained, by a conference with the office of the Commissioner of Fish and Fisheries, that mackerel thus caught are not caught in traps or weirs as provided in the act of February 28, 1887, and are therefore not entitled to free entry. I return herewith the telegram aforesaid.

[Assistant Secretary of the Treasury to the collector of customs, Barnstable, Mass., May 26, 1888.]

Referring to your letter of the 11th instant, in which you request to be furnished with information as to how the "shore line" is regarded by the Department—i. e., whether high or low water mark is meant by the same—you are informed that the Commissioner of Fish and Fisheries states that in his judgment "the line of mean low water is regarded as the shore line, for the reason that titles of riparian owners extend to this line."

The Commissioner further states as follows:

The provision of the act referred to exempting specifically from the operation of the law traps and weirs connected with the shore, was designed to bring under the restraint of the law traps or pounds anchored in deep water offshore and not connected with the same by fence or hedging. A pound, trap, or weir having a hedging extending from the trap, weir, or pound to the shore, as defined by mean low water, would clearly come under the exemption, even if the weir or trap in which the fish are impounded is a mile or more from the actual shore line.

With regard to your further inquiry as to how to proceed in case mackerel, illegally caught and landed before June 1, 1888 (inclusive of the last-named date), are seized by customs officers in your district—you stating that in case mackerel are seized they would spoil before the Department could

be consulted—you are informed that seizures under this act should be proceeded with in the manner prescribed by the Regulations for other seizures. (See articles 1098 and 1107, Regulations, 1884.)

The limitation of one week prescribed in article 1104 as to notice by advertisement may, if circumstances necessitate, be waived and the fish sold under such due and timely notice as will answer the purposes intended to be secured by the provisions of the Regulations in that respect.

[Assistant Secretary of the Treasury to the Commissioner of Fish and Fisheries, June 14, 1889.]

Referring to your letter of May 23, relative to the definition to be placed upon the words "traps and weirs connected with the shore," as contained in the act of February 28, 1887, I inclose herewith a communication, dated the 6th ultimo, received from Mr. A. F. Crowell, of Boston, requesting a ruling by the Department as to the right of traps and weirs in waters within the limits of the States. The matter was referred to the Solicitor of the Treasury for his opinion by Department's letter of May 13, 1889 (also inclosed), and that officer's reply of the 28th idem has been received, in which he intimates that Department's decision of May 26, 1888 (S. 8864), which was based upon your letter above referred to, is inconsistent with what he considers the proper construction of the act in question.

The Solicitor's opinion is also inclosed, and I will thank you to return all the documents herewith transmitted with an expression of your views on the question involved.

[Mr. A. F. Crowell, Boston, Mass., to the Secretary of the Treasury, May 6, 1889.]

On behalf of the Net Fishermen's Association, who are engaged in fishing with traps and weirs, would respectfully ask a ruling on the meaning of that part of the act of February 28, 1887, relating to the importing and landing of mackerel caught during the spawning season, which reads:

*Provided, however,* That nothing in this act shall be held to apply to mackerel caught with hook and line from boats and landed in said boats or in traps or weirs connected with the shore.

It is reported that a ruling has been made that in order to conform to the law a trap must have a connection with shore to low-water mark. We feel that if this is true it is not a correct ruling and works harm to the fisherman, as it is an unnecessary expense for him to set a leader to trap in shoal water, as no more fish are caught thereby. The bill itself was passed to prevent the taking of mackerel by seines and purse nets, as reported by Hon. Thomas W. Palmer, from the Committee on Fisheries, submitted to the Senate July 29, 1886.

Again, the Committee on the Judiciary, to whom was referred House bill 4690, report (see Bulletin of the United States Fish Commission, 1886, page 117):

Your committee, therefore, being of opinion that the navigable waters within each State belong to it, subject to the paramount right of navigation for the benefit of its own people, it has the right to secure the exclusive right of fishing in them to its own citizens by virtue of their common property in said waters, and that the citizens of other States have no constitutional right, nor can Congress confer any, to participate in fishing in them.

This matter of right of Congress in regard to the fisheries having been reported upon at the time of the committee report on the "close season bill," it would indicate the close season for catching mackerel was for the purpose of prohibiting the catching of mackerel outside of the limits of State waters, and the wording "connected with the shore" was in reference to the "shore fisheries" as defined from "deep-sea fisheries," and was limited to the waters of the State and not confined to the low-water mark, as the decision of the Supreme Court of the United States has been that Congress or the United States has no authority over the fisheries in the waters within the limits of each State as referred to above, and as the State of Massachusetts grants licenses to set traps and weirs in the navigable waters of the State, and as the United States license to vessels is for deep-sea fishing, we hold it was not the intent of Congress to control the shore fishing, and that it has no constitutional right to do so.

We therefore respectfully ask that a ruling be made in reference to that part of the bill as has reference to fishing by traps and weirs.

[Assistant Secretary of the Treasury to the Solicitor of the Treasury, May 13, 1889.]

I inclose herewith a letter, dated the 6th instant, received from A. F. Crowell, of 28 State street, Boston, asking, in behalf of the Net Fishermen's Association, a ruling as to the meaning of that part of the act of February 28, 1887, entitled "An act relating to the importing and landing of mackerel caught during the spawning season," which refers to mackerel caught with hook and line from boats and landed in said boats or in traps or weirs connected with the shore. The matter has been to some

extent considered by the Department, and it was held in its decision of May 23, 1888 (S. 8856), that mackerel "caught in twine nets attached to the shore, straight line," were not entitled to entry under the act.

In its decision of May 26, 1888 (S. 8864), the definition given by the Commissioner of Fish and Fisheries as to the shore line referred to in said act, and as to the design of the act with respect to traps and weirs, was promulgated for the information and guidance of collectors. The questions now raised by Mr. Crowell relate to the authority of the States over navigable waters within their boundaries, and I would respectfully request a return of the letter, with an expression of your views thereon, at your earliest convenience.

[Solicitor of the Treasury to the Secretary of the Treasury, May 28, 1889.]

I am in receipt of a letter addressed to this office by Assistant Secretary Tichenor, under date of the 13th instant, requesting an expression of my views of the question raised by Mr. Crowell touching the authority of the States over navigable waters within their boundaries.

The inquiry is propounded on behalf of the Net Fishermen's Association, who are engaged in fishing with traps and weirs, as to the meaning of that part of the act of February 28, 1887, relating to the importing and landing of mackerel caught during the spawning season, which reads as follows:

*Provided, however,* That nothing in this act shall be held to apply to mackerel caught with hook and line from boats and landed in said boats, or in traps or weirs connected with the shore.

The object of the statute is to prohibit the importation into the United States of all mackerel, other than the Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year for five years from and after the 1st day of March, 1888. The intention of the proviso quoted above is inferentially a recognition of the reserved rights of the States over their navigable waters and fisheries, but it is not readily perceived why the conditions touching the mode of fishing should be imposed, if intended to apply to such waters.

The grant of Congress to regulate commerce on the navigable waters of the several States contains no cession of territory or of public or private property; and the States may, by law, regulate the use of fisheries and oyster beds within the territorial limits, though upon navigable waters, provided the free use of the waters for purposes of navigation and commercial intercourse be not interrupted. (1 Kent Com., p. 439.)

The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively; and the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. (3 How., 212; 12 Id., 443.)

Title to land under water, and to the shore below ordinarily high-water mark, in navigable rivers and arms of the sea, was by the common law vested in the sovereign (94 U. S., p. 324); but since the decision in the *Genesee Chief* (12 How., 443), declaring all the great lakes and rivers of the country navigable that are so in fact, there is no longer any reason for thus restricting the title of the State, except as a change might interfere with vested rights and established rules of property. (94 U. S., 324.)

In this case the Supreme Court refer to the rule adopted in Iowa as the true one, namely, that the bed of the Mississippi River and its banks to high-water mark belong to the State, and that the title of riparian proprietors extends only to that line. Such beds and the maritime borders of States are held in some sense in trust for the enjoyment of certain public rights, among which is the common liberty of taking fish, and the State may regulate the mode of that enjoyment so as to prevent the destruction of the fishery and secure the privilege of its own citizens. This power results from the ownership of the soil, from the legislative jurisdiction of the State over it, and from its duty to preserve unimpaired those public uses for which the soil is held. (18 How., 71; 94 U. S., 391; 16 Pet., 367; 15 How., 426.)

The *jus privatum* of each State in its tide waters is subject to the *jus publicum* of the United States. (Aug. T. W., pp. 65, 160.)

The part of the sea which is not within the body of a county or the *fauces terra* is considered as the "main sea" or ocean, and such is the interpretation of the words "high seas" in the penal code of the United States. (Aug. T. W., p. 4; 5 Wheat., 76.)

The seashore, or *litus maris*, is understood to be the margin of the sea in its usual and ordinary state, and when the sea is full the margin is high-water mark. The seashore is, therefore, all the ground between the ordinary high-water mark and low-water mark. (Aug. T. W., p. 71; 6 Mass., 435.)

Assistant Secretary Tichenor, in his letter referring the matter for an expression of my views, says:

The questions now raised by Mr. Crowell relate to the authority of the States over navigable waters within their boundaries, and I will respectfully request a return of this letter with your views thereon.

The rights of the several States over navigable waters with regard to fisheries are, as we have seen, well defined by the highest judicial construction; and there is nothing in the act of February 28, 1887, to indicate that Congress intended to interfere with such rights, but rather, by the use of the words "no mackerel, other than what is known as Spanish mackerel \* \* \* shall be imported into the United States or landed upon its shores," that it was intended to protect such fish during the spawning season in maritime waters not within the jurisdiction and control of the States. Synopsis 8864 does not appear to be inconsistent with this construction. As to the constitutionality of said act it is not the province of this office to determine.

[Commissioner of Fish and Fisheries to the Assistant Secretary of the Treasury, June 24, 1889.]

I have given careful consideration to your letter of June 14, 1889, and the accompanying correspondence, relating to the proper definition to be placed upon the words "traps and weirs connected with the shore," which occur in the act of Congress of February 28, 1887, and also containing certain propositions concerning the right of Congress to limit or control littoral fisheries in waters within the jurisdiction of a State or States.

As to the construction of the clause "traps or weirs connected with the shore," it is difficult to see how a strict interpretation of the words can differ from the meaning given to them in my letter of May 23, 1888, addressed to Hon. I. H. Maynard, Assistant Secretary of the Treasury. The proper construction of this clause depends upon the definition of the word "shore." If it is held that the shore goes beyond low-water mark, it will apparently be necessary to show to what distance it extends beneath the sea—that is, how far from mean low water fishing apparatus may be situated and still be "connected with the shore."

It is doubtless true, as claimed by Mr. Crowell, that it is a hardship upon the trap and weir fishermen to compel them in all cases to extend leaders from their apparatus to the shore, and thereby incur additional and otherwise uncalled-for expense. It is also quite supposable that the intent of Congress was not to place any unnecessary burden upon these fishermen.

Taking this view of the case, it may perhaps be assumed that the words "traps and weirs connected with the shore" were intended to apply to traps and weirs built out from the shore—along the coast near the land—as fixtures by driving stakes into the bottom or otherwise firmly securing the apparatus to the ground, and that this method of construction was considered by Congress sufficient "connection with the shore," even though the section of a trap or weir nearest the land might be several hundred feet distant from the line of mean low water. It is known to the Commission that in some localities, where the water is shallow, the inner ends of leaders to such devices are a mile or more distant from the shore, since no benefit can accrue to the fishermen by extending them farther landward.

Taking into consideration the whole tenor of the act referred to, it is not difficult to inferentially assume that it was the chief object of Congress to prohibit purse-seine fishing for mackerel (other than the Spanish mackerel) during their migratory period, when they are gravid and seeking their spawning grounds, and that the purpose was not to put any harsh restriction upon trap or weir fishermen, who generally take mackerel only incidentally, since their apparatus is built for the capture of other species.

The fact that it is clearly not in the power of these fishermen to prevent mackerel from entering their apparatus with other kinds, and that to throw them away after having been caught would be wantonly wasteful, without accomplishing any good purpose, no doubt had its influence in inducing Congress to permit the landing of all fish of this species taken in traps and weirs during the "close season."

But while the above assumptions appear to be well founded, and while it would be gratifying to see the fishermen relieved from any unnecessary hardship by a liberal ruling, I nevertheless can not venture to put a construction upon a law that does not seem to be fully justified by the words employed by Congress. To hold that the word *shore*, as used in the act under consideration, means a mile (or any other distance) from the shore line at mean low water would be taking a responsibility which seems unwarranted.

Regarding the question raised by Mr. Crowell respecting the authority of the States over navigable waters within their boundaries, and the opinion given thereon by the Solicitor of the Treasury, I have the honor to state that, in my opinion, it is clearly not the province of the Fish Commissioner to discuss purely legal questions, such as the constitutionality of the act of February 28, 1887, or the right of Congress to limit, regulate, or control fisheries within the jurisdictional waters of the States. Anything, therefore, which I may write concerning the respective rights of the United States and the several States should not be taken as an expression of opinion, but more for the purpose of calling your attention to the various phases of the question as bearing upon the fisheries.

If the claim is correctly made by Mr. Crowell that "the United States has no authority over the fisheries in the waters within the limits of each State," and this has been supported by decisions of the Supreme Court of the United States, then it would appear that the General Government can place no restriction upon the use of any form of apparatus for the capture of mackerel within such limits, and the species may legally be taken at any time in gill nets, seines, or other movable fishing gear, operated near the land, as well as in "traps or weirs connected with the shore."

It must also be conceded that the United States has no authority to prohibit or control the catching of mackerel in traps or weirs located within the jurisdiction of a State, whether the apparatus is "connected with the shore" or not.

The authorities cited by the Solicitor of the Treasury, and the views expressed by him, support the contention of Mr. Crowell. He says:

The rights of the several States over their navigable waters with regard to fisheries are, as have been seen, well defined by the highest judicial construction. And there is nothing in the act of February 27, 1887, to indicate that Congress intended to interfere with such rights, but rather \* \* \* that it was intended to protect such fish (mackerel) during the spawning season in maritime waters not within the jurisdiction and control of States.

Accepting this view of the case, rulings of the Treasury Department would be noneffective, so far as relates to mackerel caught inshore along the coasts of the several States, and such rulings can be applied only to mackerel imported from foreign countries.

Here it may be proper to refer to the paragraph of your letter of May 13, 1889, to the Solicitor, in which you state that, by a decision of the Treasury Department of May 23, 1888, "mackerel 'caught in twine nets attached to the shore straight line' were not entitled to entry under the act."

This decision was evidently correct, inasmuch as it applied to fish imported from foreign countries, and the straight "twine nets" in which they were taken were apparently gill nets, and would not come under the classification of "traps and weirs" specified in the act.

However, the respective rights of the General Government and the States in the control of the inshore fisheries appear to be not always clearly defined. In opposition to the propositions so ably set forth by the Solicitor of the Treasury may be mentioned the well-known historical fact that the General Government has on more than one occasion assumed control over the inshore fisheries of certain States to the extent of concluding treaties with foreign nations whereby the citizens of those countries were granted the right to participate in the littoral fisheries of the States (with the exception of shell fisheries) without any specified restriction as to the season or form of apparatus to be employed, and without being amenable to State laws relating to the fisheries.

Notable among such treaties are the so-called "Reciprocity Treaty" concluded with Great Britain in 1854, and also the Washington Treaty, negotiated with the same Government in 1871.

[Secretary of the Treasury to Mr. A. F. Crowell, Boston, Mass., July 5, 1897.]

Your communication of May 6 last, requesting a further ruling by the Department as to the meaning of that part of the act of February 28, 1887, relative to the importing and landing of mackerel caught during the spawning season, which reads, "Provided, however, nothing in this act shall be held to apply to mackerel caught with hook and line from boats and landed in said boats, or in traps or weirs connected with the shore," was duly received and has been carefully considered, and in replying I have to state that the Department must decline at this time to make any other or further ruling as to the application of said act than has been promulgated.

## RESUMPTION OF THE FISHERY IN 1893.

The resumption of the southern spring mackerel fishery in 1893 was an important event in the history of the New England fisheries, and its result was watched with much interest by fishermen, vessel-owners, and fish-dealers. The opinion was advanced in some quarters that the reappearance of mackerel in abundance would demonstrate the wisdom of the legislation cited, and constitute a valuable precedent for other regulations of the ocean fisheries by the Federal Government; while, on the other hand, it was held by some that a scarcity of mackerel would show that the decrease in the abundance was due to other causes than the influence of man. Still others, who placed no reliance on the efficacy of legislation of this nature, attached no importance to the success or failure of the fishery.

It may safely be assumed that neither the abundance nor the scarcity of mackerel in the spring of 1893 would necessarily have proved anything as regards the effects of legislation. Five years are too short a time in which to satisfactorily and conclusively decide by such means a question of such moment. If the views now entertained regarding the rate of growth of the mackerel are correct, the fish hatched during the first and second years of the five-year period would hardly do more than reach the reproductive age before the expiration of the law, and could obviously have little noticeable influence on an increase in the supply, while the fish coming into existence in the latter part of the period would, on the renewal of the fishery, be more or less immature and in large part unmarketable.

On the approach of the usual time for starting on a southern cruise for mackerel, great activity was manifested in the principal ports having mackerel vessels, and a small fleet was fitted out and sailed from Gloucester, Boston, Portland, and elsewhere. The first vessel to start for the southern grounds was the schooner *Ethel B. Jacobs*, of Gloucester, which left port March 16. By the end of the month about a dozen vessels had sailed, but the majority of the fleet did not get under way till the first part of April.

The first mackerel news of the season was brought in by the schooner *Dido*, of Gloucester, which arrived from Georges Bank on March 23, and reported the capture on March 10, on the eastern part of the bank, in 40 fathoms of water, of a codfish in whose stomach a mackerel was found. As early as February 5, an old Gloucester mackerel fisherman, then employed in the coasting trade, observed five schools of mackerel about 75 miles off Cape Henry. The fish were first taken on March 19 by the schooner *Ethel B. Jacobs*, which arrived at Fortress Monroe, Va., on March 21 with four barrels of small fish; on the 19th instant, three days after leaving home, the vessel sighted a number of schools of mackerel, but they disappeared after the first set was made. Bad weather then intervened and prevented fishing.

The next news of the fish was brought in by the schooner *Joseph Rowe*, of Gloucester, which landed a fare of mackerel at New York on April 5. This cargo consisted of 25 barrels of fish only a few inches long, which were called by the fishermen "spikes"; the number contained in a barrel was 2,500, and they sold from 1½ to 3 cents each. On April 10 a part of the fleet was concentrated at Lewes, Del, on account of the weather; the vessels reported making hauls of 100 to 200 barrels of very small mackerel, which they turned loose. Up to April 14, returns from the fleet indicated that only small mackerel, not suitable for market, had been seen. The schooner *Joseph Rowe*, on April 16, brought in a second fare, consisting of 8 barrels of mackerel ranging from

14 to 17 inches in length, which were landed at Lewes, Del., and shipped by rail to Philadelphia. Five barrels of this lot sent to New York sold at the rate of 30 cents per fish.

Up to April 27 the vessels still remaining in the vicinity of Lewes had seen nothing but the small mackerel previously reported, but from that time until the latter part of May larger fish were sighted, and vessels arrived with small fares at rather short intervals. Most of the fish caught up to the middle of May were taken off Barnegat, N. J. On May 16, the United States Fish Commission schooner *Grampus* reported that on May 6, 7, 8, 9, and 10 large mackerel were fairly abundant in latitude  $38^{\circ} 20'$ , in 27 to 100 fathoms of water; they were, however, very shy and difficult to catch. By the middle of the month most of the fleet had left the southern grounds to seek the mackerel on the Nova Scotia shore.

The arrivals of fresh mackerel after the trip of the *Joseph Rowe* on April 16 were as follows: On April 27 the schooner *Mabel R. Bennett*, of Gloucester, landed 2,000 large mackerel in New York, most of which sold at 27 cents each. Four more Gloucester vessels arrived in New York with mackerel on May 3; these were the schooners *Harvard* with 7,000 fish, *Lewis H. Giles* with 6,000 fish, *Ethel B. Jacobs* with 6,500 fish, and *Lottie Gardner* with 2,500 fish; these were also large mackerel and mostly sold for 25 cents apiece. Two arrivals at New York on May 4, the schooners *Joseph Rowe* and *Marguerite Haskins*, had 4,840 large fish, which sold for 16 or 17 cents each. On May 6 the schooner *Hattie M. Graham*, of Gloucester, took 80 barrels of medium-sized mackerel to Philadelphia, where the fish brought 10 to 12 cents each. The schooner *Norumbega*, of Gloucester, arrived at New York on May 10 with 1,300 fish. On the following day the schooner *William H. Cross*, of the same place, brought in about 1,500 fish. Two days later the schooners *Marguerite Haskins*, *Eddie Davidson*, *Argo*, and *Caroline Vought*, the three last belonging in Gloucester, brought in about 27,000 mackerel. The fare of the first-named vessel, consisting of about 150 barrels, or 20,000 fish, was the largest single cargo landed in New York during the season. The price dropped to about 10 cents per fish.

Four more vessels brought in good fares on May 14; these were the Gloucester schooners *Lottie Gardner* with 80 barrels, *Abbie F. Morris* with 80 barrels, *Minerva* with 60 barrels, and *Senator Lodge* with 40 barrels. The next day the schooner *Joseph Rowe* arrived at New York with her fourth fare, consisting of about 3,500 fish, which sold from 6 to 10 cents each, and the schooner *Mabel R. Bennett* landed about 1,000 fish in New London, Conn. The schooner *Ethel B. Jacobs* reached Boston on May 17 with 9,000 fresh 14-inch fish, which sold for 9 cents each; they were taken on the edge of the Gulf Stream in latitude  $38^{\circ} 10'$ . The next day the schooner *Norumbega* reached Gloucester with 600 fresh fish. About this time some of the vessels still remaining in the southern waters found mackerel in the vicinity of Sandy Hook and carried small fares to New York on May 19, the schooners *Marguerite Haskins*, *Caroline Vought*, and *Argo* selling about 12,500 large fish. On May 24 the *Caroline Vought* landed another fare of 3,000 fish. The last vessel to go to New York with fresh mackerel was the schooner *Minerva*, which reached there May 26 with 1,200 fish, which sold for 25 cents each.

The mackerel fleet numbered 60 sail; of these 43 hailed from Gloucester, 3 from Boston, 11 from Portland, 1 from Rockport, and 2 from Dennisport. Several other vessels belonging in Provincetown and elsewhere sailed mackerel fishing in May, but



landed no fresh fish, and the information at hand fails to show that any mackerel were taken by them in the southern spring fishery.

The total quantity of fresh fish landed by the southern spring fleet was 1,158 barrels, or about 200,190 fish, with a value to the fishermen of about \$21,000.

The number of trips of fresh fish landed was 30, giving an average of half a trip to a vessel and of 38½ barrels to a trip; 23 fares were taken to New York, 1 to Philadelphia, 2 to Boston, 1 to Gloucester, 1 to New London, 1 to Norfolk, Va., and 1 to Lewes, Del., for transshipment to Philadelphia and New York.

Only 16 of the vessels landed fresh fish, and of these only 3 secured more than 100 barrels; 7 others secured between 50 and 100 barrels. The average catch of the vessels that obtained fish was 72 barrels, or 12,512 fish, while the average for the entire fleet was 19 barrels, or 3,337 fish.

A few small fares of salt mackerel were landed from the southern fishing-grounds. Three vessels belonging in Gloucester that brought in no fresh mackerel landed 59 barrels of salt fish, 1 Boston vessel secured 12 barrels, and 3 Portland vessels are reported to have obtained 41½ barrels.

The following table, based largely on original inquiries, represents the details of this fishery; it shows the name and hailing port of each of the vessels engaging therein, the number of fares landed, and the number of fresh mackerel taken to market:

The southern spring-mackerel fleet in 1893.

Names of vessels.	No. of trips.	No. of fresh mackerel landed.	Names of vessels.	No. of trips.	No. of fresh mackerel landed.
<i>Gloucester:</i>			<i>Gloucester—Continued.</i>		
Abbie F. Morris .....	1	13,350	Quickstep .....		
*Alva .....			Rapid Transit .....		
Ambrose H. Knight .....			Robert J. Edwards .....		
Argo .....	2	6,500	Rushlight .....		
Caroline Vought .....	3	10,500	S. F. Maker .....		
*Centennial .....			Senator Lodge .....	1	3,954
Col. J. H. French .....			Thomas F. Bayard .....		
Commonwealth .....			Volunteer .....		
Eddie Davidson .....	1	600	William H. Cross .....	1	1,547
Eliza H. Parkhurst .....			Yosemite .....		
Ethel B. Jacobs .....	3	16,700	<i>Boston:</i>		
†Genesta .....			*Andrew Burnham .....		
George F. Edmunds .....			Mertis H. Ferry .....		
Grayling .....			Roulette .....		
H. W. Langfellow .....			<i>Rockport:</i>		
Harvard .....	1	7,000	Marguerite Haskins .....	3	26,970
Hattie M. Graham .....	1	11,000	<i>Dennisport:</i>		
Herald of the Morning .....			Hattie and Lottie .....		
*Herbert M. Rogers .....			Lula E. Wilber .....		
J. J. Clark .....			<i>Portland:</i>		
James A. Garfield .....			*Ellen Lincoln .....		
Jennie Seaverns .....			Emma .....		
John S. Pesson .....			*Ethel and Addie .....		
Joseph Rowe .....	4	69,544	Henrietta Francis .....		
Lewis H. Giles .....	1	6,000	Henry Morganthan .....		
Lizzie M. Center .....			John M. Plummer .....		
Lottie Gardner .....	2	11,400	Laura Belle .....		
M. S. Ayer .....			Lilla B. Fernald .....		
Mabel R. Bennett .....	2	3,000	*Lizzie Maud .....		
Mabel W. Woolford .....			Miantonomah .....		
Minerva .....			Nathan Cleaves .....		
Nellie M. Davis .....					
Norumbega .....	2	1,900	Total .....	30	200,190

\* Landed small fare of salt mackerel. The aggregate catch of these vessels was 132 barrels.  
 † Lost on coast of New Jersey.  
 ‡ Includes 62,500 very small fish.

The foregoing outline of the principal events in the history of the southern spring mackerel fishery in 1893 is perhaps sufficient to show its general result. It may be added in addition, however, that the season was an unusually poor one. A few vessels made satisfactory fares, but many of the vessels failed to secure any fish whatever, and a large part of the fleet did not pay expenses. There have probably been very few years in the history of this fishery when so many vessels returned home entirely empty. The season closed and the fishery passed into history, to be classed with the numerous other general failures which have characterized the southern spring fishery.

It may be said that the practical failure of this fishery was not wholly due to a scarcity of fish. Many of the vessels that took no mackerel reported that plenty of fish were seen, but that they were unusually shy and difficult to catch. The shyness of the fish was thought to be due to a peculiar clear condition of the water, which the fishermen designate as "white water." When the seine was set it was readily detected by the fish, which sank in a body and came up outside the net. Even in the night, when seining is usually successful, the fish were often lost. A very large proportion—probably 90 per cent—of the fish taken, however, were secured at night.

The season was remarkable for the extremes of sizes represented by the fish landed. Some of the fares taken to New York consisted of fish that averaged larger than had been obtained South during any recent years, while one cargo was made up of much smaller mackerel than were ever before sold in that market, 2,500 fish being required to fill a barrel. The general catch, however, was large fish, of which 100 to 150 would fill a barrel.

The prices commanded by fresh mackerel in the New York and Philadelphia markets were very satisfactory to the fishermen and remained good throughout the season, there being no gluts, which in previous years had resulted in such loss to the vessels and such great waste of fish. Some of the first large fish received at New York sold from the vessel at 75 cents to \$1 each. As other vessels arrived the price naturally fell, but always remained firm, ranging from 8 to 35 cents per fish, according to the condition of the market and the size of the mackerel.

#### REVIEW OF THE FISHERY FROM 1894 TO 1898 INCLUSIVE.

The southern spring mackerel fishery since 1893 has presented no especially noteworthy features, although it is desirable to briefly review it in order to make this history more complete. During no season from 1894 to 1898, inclusive, was the fishery successful, or did the catch approach anywhere near the figures reached prior to 1888. The outcome of the spring fishery in the South has been simply a forerunner of the results of the fishery on the New England coast, off the Nova Scotia shore, and in the Gulf of St. Lawrence, where the record of few fish and small catches that had characterized the fishery since 1886 was continued uninterruptedly. In only one season (1897) did the abundance of fish at times suggest the earlier days of the fishery and warrant the belief that the mackerel might be coming again in large numbers, and even in that year the final summation showed a catch that was large only by comparison with the four previous years of unprecedentedly poor fishing. An outline of the salient features of this fishery during each of these years may be of interest.

The spring mackerel fleet in 1894 numbered 50 sail. The first mackerel news was brought in by a coasting vessel which arrived at Philadelphia about April 1 and reported sighting schools of mackerel south of Cape Hatteras. Stormy weather prevailed in the early part of the season, and no mackerel were landed until April 19,

when 3 schooners arrived at New York and 2 at Philadelphia with from 20 to 50 barrels each. The next day 4 vessels landed 15 to 30 barrels each in New York, and another vessel reported a similar fare at the Delaware breakwater. All the foregoing fares consisted of very small fish, estimated at 80,000 in number; some of them sold for only one-fourth of a cent each, and the average was  $2\frac{1}{2}$  cents each. Throughout April most of the mackerel observed were these immature fish, known as "spikes," which had so little market value that the vessels were not warranted in catching them. The first large fish were landed at New York April 30; this trip comprised 20 barrels, and the mackerel sold for 30 cents each.

About May 1 the fleet fell in with schools of fish off Cape Hatteras and landed five cargoes in New York during the first week in May. There was one fare of 150 barrels of 1-pound fish, another of 100 barrels of medium fish, and a third of 90 barrels of medium fish, the others containing about 30 barrels each of medium fish. During the second week in May a large body of mackerel was reported off Winter Quarter Shoal light-ship, but the fish were extremely wild and difficult to catch, most of the seine sets being futile. Fishing was done chiefly at night, as a result of the shyness of the mackerel. About 100 barrels in five trips were caught during this time and landed in New York. The catch in 1894 had the distinction of being, perhaps, the smallest since the fishery with purse seines was established. The 24 fares landed comprised 822 barrels, or 160,550 fish, for which the fishermen received \$10,919. The average catch per vessel was only 16 barrels, valued at \$218.

The poor outcome of the fishery in 1894 deterred many vessel-owners from sending their vessels out in the following year, the fleet numbering only 38 sail. The first vessel sailed March 31, and the first fare was brought in on April 16. This was caught by the schooner *Ethel B. Jacobs* on April 15, in latitude  $36^{\circ} 20'$ , longitude  $74^{\circ} 50'$ , and landed at New York. It consisted of 5,000 large mackerel, which were disposed of at 18 to 25 cents each. During April there were 6 other arrivals at New York and 1 at Philadelphia, the largest fare being 120 barrels of very fine fish taken to New York on the 29th by the *George F. Edmunds*, and selling for \$2,600. A dense fog prevailed during the first two weeks of May and interfered with the fishing. The arrivals in May were 10 at New York, 1 at Philadelphia, and 1 at Gloucester, aggregating 448 barrels of fish, mostly large, selling for 15 to 22 cents each; about 16 barrels of salt mackerel were also landed. The season's catch was 973 barrels, or 121,050 fish, valued at \$14,261. Twenty-six vessels failed to get any fish, and the average catch for the fleet was only 26 barrels, worth \$381.

The southern mackerel fleet of 1896 numbered 39 sail, 7 of the vessels being from Portland, 4 from Provincetown, 1 from Dennis, 1 from Boston, and the others from Gloucester. The fishery was comparatively successful, the catch being larger than in any other year, except 1897, since the expiration of the close-time law. The first arrival was the *Kearsarge*, which reached New York April 10 with 1,665 large fish, weighing  $1\frac{1}{2}$  to 2 pounds, which sold at 40 cents each. The same vessel landed 2 other fares at New York during the month, aggregating about 26,600 tinkers and large fish, the former running 5 to a pound. Six other arrivals at New York and one at Hampton Roads in April comprised about 50,000 large and small fish. During the first half of May large mackerel were found in considerable abundance on the New Jersey coast, and later off New York. Fifty-five fares were landed during the month, 9 vessels arriving at New York on May 11 and 7 on May 12. The mackerel brought

from 10 to 20 cents apiece. As the vessels were bound home some of them fell in with fish east of New York and made fair-sized catches, which were landed at Boston, Gloucester, Provincetown, and Portland. The largest trips consisted of about 20,000 fish. Among the mackerel taken to Gloucester were some exceptionally large ones. A fish from the cargo of the *Norumbega* weighed  $5\frac{1}{2}$  pounds, and 3 fish from the fare of the *James A. Garfield* weighed  $4\frac{1}{4}$ ,  $4\frac{1}{2}$ , and 5 pounds, respectively.

The 64 fares of mackerel landed in 1896 were taken by 23 vessels, 16 of the fleet making no catch. Two vessels landed 6 fares each, 3 vessels had 4 loads, 8 vessels 3 loads, 6 vessels 2 loads, and 4 vessels 1 load. The fishery yielded 2,872 barrels, or about 317,000 fish, having a value of \$41,790. The average catch per vessel was 74 barrels and the average stock per vessel was \$1,072.

The southern mackerel season of 1897 was one of the most noteworthy in many years. While the catch was small compared with that of the years preceding the close-time law, it was so much in excess of the production in any season since 1892 that it will go down in history as a remarkable year. The fleet was unusually large for this period, numbering 84 sail, of which 61 hailed from Gloucester, 6 from Provincetown, 4 each from Boston and Portland, and 2 or 3 from each of 4 Maine and Massachusetts ports.

The first vessel to start south was the *Ethel B. Jacobs*, which sailed March 26. This schooner, on April 1, landed the first fare of the season at Fortress Monroe, Va., consisting of 20 barrels of tinkers, having an average weight of one-quarter of a pound; these fish brought 3 cents each. The catch was made on March 29, in latitude  $31^{\circ}$ . No other fish were brought in until April 17, when the same vessel landed 90 barrels at New York; these fish were 12 to 14 inches long and sold for 10 to  $12\frac{1}{2}$  cents each.

From this time until the latter part of May there were almost daily arrivals at New York, Philadelphia, and other places. Fish were found in great abundance off the coasts of North Carolina, Virginia, Maryland, Delaware, and New Jersey. Some of the vessels sighted fish when only a few hours out from New York, and landed new fares within two days after discharging their previous loads; one vessel made the record of taking 3 cargoes to New York within a week. The mackerel were for the most part of medium size, although there was a good proportion of large fish, some of them being exceptionally fine and denominated "bloaters."

Between April 19 and 30, 20 fares of fresh mackerel were landed at New York and Philadelphia, the *Ethel B. Jacobs* bringing another load of 250 barrels on the 24th, and the schooners *Harvard*, *Lottie Gardner*, and *Carrie E. Phillips* each securing two fares. The largest cargoes were the fare of 250 barrels referred to and another of the same size taken by the schooner *Elsie M. Smith*. During this month the catch as landed amounted to 2,597 barrels, or 421,000 fish, valued at \$19,752. The fish were mostly of medium size and the prices on certain days were as low as 3 cents apiece.

The first two weeks of May witnessed remarkable activity of the mackerel fleet. Seventy-three fares were brought in from the coast between Virginia and New Jersey. On the 6th and 7th 17 cargoes, aggregating 3,754 barrels, or about 402,300 fish, valued at nearly \$39,000, were taken to New York and Philadelphia; these comprised the largest catches of the season, 3 of the vessels having 400 barrels each and 5 others from 250 to 350 barrels each. Many of the fish were large, 75 or 80 filling a barrel; these sold for 15 cents each, while the medium-sized fish brought from 6 cents upward.

Under the heading "largest for years," the Gloucester *Daily Times* of May 6 presented the following glowing account of the mackerel prospects:

Thirty-six hours from Fulton Dock, New York, and back again with 400 barrels of bloater fresh mackerel, which are selling at 15 cents apiece. Such is the news as telegraphed to the *Times* this morning from New York in regard to the schooner *Marguerite Haskins*, Capt. Charles Harty, of this port. Just think of it. In these years, when 100 barrels is a good and 200 barrels an extra big trip out south, to hear of a vessel getting in with 400 barrels and all big ones at that. Captain Harty is to be congratulated on his great good fortune. May there be others to follow.

While everybody was yet wondering at the big trips and speculating on the probable stocks and whether anybody else was on the way, another telegram at the *Times* office announced the arrival of the schooner *Ethel B. Jacobs*, Capt. Solomon Jacobs, with 600 barrels of mackerel, half large and half medium. This startler is followed a few minutes later by a dispatch from the skipper stating that she has 400 barrels, all large. Whichever is right, it is good news either way, and makes the fourth trip of the season for Captain Jacobs, and should he get a good price for the trip he will still be high line.

Close on the heel of this good news comes another telegram from New York announcing the arrival of the schooner *Lucille*, Capt. Martin Welch, with 200 barrels of bloater mackerel, which are selling for 15 cents apiece. Close following this news came still another telegram announcing the arrival of schooner *Hustler*, Capt. Charles T. Keene, with 80 barrels of large mackerel. Schooner *Braganza*, Capt. William Corkum, also arrived at New York this morning with 100 barrels of fresh mackerel, selling at 6 cents apiece.

Dispatches have also been received stating that the schooner *Lottie Gardner* is also at New York with 80 barrels large mackerel, and schooner *Agnes E. Downes* with 200 barrels large mackerel.

The *Haskins* took her fish off Barnegat. The fish of schooners *Marguerite Haskins* and *Lucille* run from 75 to 80 mackerel to a barrel.

A special dispatch to the *Times* this morning from Philadelphia announces the arrival of schooner *Mariner*, Capt. Joshua Stanley, of this port, with a big trip, fully 350 barrels of medium mackerel, which are selling at 6 cents apiece.

It has been many years since such trips have been taken south as those landed by schooners *Marguerite Haskins*, *Ethel B. Jacobs*, and *Mariner*.

On the 10th there were 19 arrivals at New York, consisting of 2,047 barrels, or 292,000 fish, mostly medium-sized, selling at from 3½ to 14 cents each, the gross value being \$15,171. This was the largest number of vessels to arrive on any one day, although the fares averaged smaller than on certain other days.

As the time approached for fitting out for the Cape Shore fishery and the vessels started for their home ports, some of them fell in with schools of mackerel and made small catches, which were landed fresh at Newport, Boston, and Gloucester between May 13 and 19. During the third week in May there were also a few small cargoes of large and medium fish taken to New York, 5 vessels arriving on the 20th with fish that sold for 20 cents each. The final fares of the season were landed at New York on the 24th; these consisted of 2,900 large fish, which brought 22 cents each.

The total yield of fresh fish in the 1897 southern fishery was 11,623 barrels, containing 1,491,255 fish, with a market value of \$107,242.

The number of vessels that took fish was 58, or 69 per cent. Twenty-four vessels landed one fare each, 24 secured 2 fares each, 3 took 3 fares each, 5 brought in 4 fares each, while 1 obtained 5 fares and another 6 fares.

Considering the entire fleet, the average catch per vessel was 138 barrels, or 17,753 fish, valued at \$1,277, while for those which landed fares the average catch was 200 barrels, valued at \$1,849.

Eleven vessels salted the whole or a part of their southern catch; the largest quantity salted by any one vessel was 100 barrels, and the aggregate amount of mackerel thus prepared was 473 barrels, having a value of \$2,838.

The fishing in the sixth season after the expiration of the close-time law was almost as disappointing as in any of the preceding years, the catch in fact being smaller than in any season since 1894. The 1898 fleet numbered 44 sail, of which 33 vessels hailed from Gloucester, 3 from Provincetown, 2 from Boston, 2 from Chatham, 2 from Boothbay, 1 from Portland, and 1 from North Haven. The first vessel to start south was the schooner *Kearsarge*, of Gloucester, which sailed March 21; this was followed the next day by the *Ethel B. Jacobs*, and by the end of the month quite a number of vessels had sailed. An interesting feature was that two of the smaller vessels were fitted with gill nets instead of purse seines.

The first fish were caught by the schooner *Ethel B. Jacobs* off Body Island, 70 miles south of Cape Henry, Virginia. The fare was landed at New York on March 29, and consisted of 100 barrels, containing 8,300 fish, averaging  $1\frac{1}{4}$  pounds, which brought 35 cents each, \$2,900 being realized on the trip. Subsequent events showed that only the opening of the season was auspicious.

No other fares were brought in until April 12, when the schooner *Lena and Maud*, of Gloucester, landed nearly 20,000 large mackerel at New York, which sold for 20 to 25 cents apiece; these were caught in latitude  $37^{\circ} 50'$ . Ten days later the schooners *Lizzie M. Center* and *Carrie E. Phillips*, of Gloucester, took 23,000 large and medium mackerel to New York; these brought 25 and 15 cents each, respectively. Only 2 other fares were received at New York during the month. On the 25th the schooner *Lizzie Maud*, of Gloucester, landed 25 barrels of large and medium fish, which sold at the prices last quoted; and on the 27th the schooner *Lucille*, of Gloucester, discharged 100 barrels of medium-sized fish, which were disposed of at 15 cents each. The schooners *Flora L. Nickerson* of Boothbay and *Elsie M. Smith* of Gloucester took fares to Philadelphia on April 28 and 29, respectively, each vessel having about 6,000 fish, mostly medium, which sold at about 15 cents each; these mackerel were caught off the Delaware Breakwater.

During May, 10 fares of mackerel, aggregating 225 barrels, were landed at New York, the gill-netters *W. B. Keen* and *N. A. Rowe* taking in a number of small fares, aggregating about 15,000 fish. The other vessels getting fish were the *Marguerite Haskins* and the *Hattie M. Graham*, both of Gloucester, which together landed 4,000 large and medium mackerel on the 16th and 18th.

The yield in the southern fishery of 1898 was 948 barrels, representing about 102,545 fish, valued at \$19,764. The average catch of the vessels engaged was 21 barrels, or 2,330 fish, worth \$449, and for those schooners fortunate enough to take any fish the average was 79 barrels, or 8,545 fish, valued at \$1,647. Thirty-two vessels took no mackerel whatever, but practically all of those which had fares paid expenses and some of them realized comparatively large sums. The prices were unusually good throughout the season, ranging from 12 to 35 cents apiece, on account of the scarcity and large size of the mackerel.

It thus appears that during the six years which have elapsed since the resumption of the southern spring mackerel fishery, after its five years' suspension by Congressional action, the aggregate catch of fresh mackerel has been 18,396 barrels, representing about 2,393,000 fish, having a value of \$215,028. The average annual yield was 3,066 barrels, valued at \$35,838; the average annual catch per vessel engaged was 58 barrels, valued at \$682; and the average number of barrels per trip was 69 barrels.

## FURTHER LEGISLATION FOR THE MACKEREL FISHERY.

Should the present unprecedentedly long period of scarcity of mackerel continue, the discussion of further restrictive legislation may be expected. In fact, the abolition of the purse seine, which has never been a popular apparatus with a certain proportion of the non-fishing population and with a small number of commercial fishermen who have continued the older means of capture, has by some been strongly urged for a number of years and seems to be tentatively favored by a growing number of mackerel fishermen. Leaving aside the entire question of the effects of purse-seine fishing on the abundance of mackerel, many fishermen think the industry would be in a more flourishing condition to-day had the primitive, comparatively inexpensive hook-and-line fishing never been discarded for the improved but very expensive modern means.

Personal contact with numbers of the best-informed and most responsible New England fishermen and dealers during recent years has demonstrated the existence among some of them of a more conservative sentiment than they have usually been credited with as to the possibility of influencing the abundance of ocean fishes by overfishing and the desirability of regulating some of the sea fisheries. While few among them entertain the positive belief that legislation will or can do anything for the regeneration of declining ocean fisheries, some think it desirable to test the possible benefits of legislation. The economic success which has attended the efforts of the United States Commission of Fish and Fisheries to increase by artificial means the abundance of such an eminently ocean species as the cod has been a suggestive topic to many persons who originally scouted the idea of the feasibility of such an undertaking, and the question has been propounded by more than one fisherman why the regeneration of the mackerel fishery may not be accomplished by sufficiently extensive fish-cultural operations.\*

Should it seem expedient to Congress to again regulate the mackerel fishery, it is to be hoped that the restrictive legislation may be so framed as to afford a sufficient basis for determining the effects on the abundance of the fish sought to be protected. Ten years would seem to be not too long a period for the operation of a close-time law, as the beneficial results of restriction, if any occurred, would probably be too insignificant to appreciate in a shorter time. A question of even greater importance than the number of years to be embraced is the length of time in each year when the mackerel will be undisturbed. It was urged at the time of the consideration of the subject in 1885-1887 that the proposed law would afford only incomplete protection to fish prior to the spawning season. It seems probable that, as a rule, a large proportion of the mackerel which come on our coast spawn after the 1st of June.

Should Congress be solicited to renew legislation for this fishery, therefore, cognizance should be taken of these facts in order to secure such action as will best determine the utility of legislation for the ocean fisheries.

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\* In an article published in the Report of the U. S. Fish Commission for 1898, Dr. J. Percy Moore has pointed out the services which the mackerel fishermen may render to fish-culture by fertilizing the eggs and returning them to the sea when schools of ripe fish are caught in purse seines.