

IS UNFAIR TO CANADIANS

Fisheries Commissioner Points Out that Local Fishermen Observe the Laws While Americans Do Not

WIPE OUT LEGISLATION UNLESS THEY ACT

If the United States Does Not Enforce the Regulations Regarding Close Season Throw Down Bars to Local People

That it is useless for Canada to protest the sockeye salmon by the enactment and enforcement of fishery regulations, so long as American laws are both inadequate to the situation and unenforced as they are, is the opinion of Deputy Commissioner John Babcock, the expert of the British Columbia department of fisheries, expressed in his annual report recently laid before parliament, through Hon. W. J. Bowser, his official chief. Suggestively Mr. Babcock holds that if the American precautionary legislation for the protection of the salmon are to continue the veriest farce, it would be just as well for Canada to wait all her enforced and practical legislation from the statute book and permit her own citizens to get all they can in the big fisheries grab game before the salmon, like the fur seal, is exterminated.

"Our fishermen," says Mr. Babcock in his report soon to be published by the government of British Columbia, "are by Dominion regulations restricted to the use of gill-nets in the capture of salmon in the Gulf of Georgia and the channels of the Fraser river which are south of Mission Bridge. Fishing above that bridge is prohibited at all times. Our fishermen are not permitted to take sockeye salmon before July 1 or salmon of any variety between August 25 and September 15, and during the open season they may not fish from Friday midnight to 6 p.m. of the following Sunday—forty-two hours in each week. A force of both Dominion and provincial police, using four power boats and acting independently of each other, patrolled our fishing waters during the season. In no instance this year did the officers of either service find the regulations being violated. It is not surprising that our fishermen and canners protest vigorously against regulations which they are forced to observe in competition with more favorable, unenforced regulations on the American side, fully appreciating as they do the greater efficiency of the apparatus allowed the Americans for the capture of salmon, and as a result of which a majority of the sockeye annually taken are secured by them, that the weekly closed period under American law is six hours shorter than ours, and that when fishermen on the American side are arrested and convicted, the fines imposed are much less than the offenders secure from the sale of their illicit catch.

"Unquestionably a very general sentiment exists in this province among those interested in our fisheries that the protective regulations provided for the American waters contiguous to the international boundary line are not strictly observed. Many believe and advocate that unless some practical measures are adopted and enforced in American waters for the preservation of the salmon seeking entrance to the Fraser river, the protective regulations now in force in our waters should be greatly modified if not entirely repealed. It is evident to all concerned that under the existing conditions the sockeye salmon fisheries of the Fraser river cannot be maintained by protecting them in Canadian waters only, and that the industry will be destroyed unless the fish are given the same protection as in ours."

Some Statistics

The two paragraphs above quoted occur in the principal and general section of Mr. Babcock's report. Formerly he cites certain statistics as to the salmon output of the Pacific northwest, American as well as Canadian, which are interesting and pertinent. Says he, speaking thus statistically:

"The catch of salmon from the waters of the province during the past season was, as anticipated, larger than in any year since 1906. The total pack was 967,826 cases of 48 pounds each, and of an approximate value of \$5,600,000. Of this total the Fraser river produced 623,469 cases, the Skeena river 140,999 cases, Rivers Inlet 91,014 cases, Nass river 40,929 cases, and outlying districts 71,708 cases. The chief increase in the pack this year over that of the three preceding years was made in the Fraser river, this being what is known as 'the year of the big run.' The pack there this year was, however, less than it has been in any one of the 'years of the big run' since 1893, and was 223,647 cases less than in the last 'big run' year, 1905—a decrease of 23 per cent. The catch in American waters of sockeye salmon running to the Fraser river this year was greater by 267,998 cases than in 1905, and was 406,800 cases, or 40 per cent greater than the pack made at our canneries on the Fraser river. The sockeye pack of both the provincial and American waters of the Fraser river district for the past nine years is shown by the following table:

Fraser River—1909	587,202	1908	74,574	1907	59,815	1906	183,007	1905	327,493	1904	72,683	1903	208,846	1902	232,477	1901	328,659
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Puget Sound—1909	1,005,120	1908	115,218	1907	96,974	1906	182,241	1905	837,122	1904	125,413	1903	167,123	1902	1,209,555	1901	1,105,896
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"It has been demonstrated in my previous reports that the sockeye salmon passing through the waters contiguous to the international boundary line between this province and the state of Washington are seeking the Fraser river in this province to spawn, and that a greatly increased run occurs every fourth year hence a comprehensive review of any season's operations on the Fraser river must, to be of value, include the operations conducted on both sides of the boundary line, and comparisons with former runs must be made in connection with those of the preceding fourth year. The term 'Fraser river district' used here as well as in all of my reports, includes the waters of San Juan de Fuca straits, Puget Sound, the Gulf of Georgia, and the Fraser river, in which fishing for sockeye is conducted by our own and American fishermen.

The Conclusions

"The above tabulation shows that during six years of the last nine years the American catch of sockeye salmon in the Fraser river district exceeded our own by 777,095 cases, and that as the years pass by they are taking an increasing proportion of these fish. This state of affairs is due to the fact that the fishing methods employed by the Americans are more effective than ours; that they have a considerable advantage over us geographically; that their close seasons are shorter than ours; and that no general observance is given to even those restrictions which the legislation of the state of Washington has placed upon the use of traps and nets. The laws of Washington prohibit the taking of salmon during thirty-six specific hours each week by purse or drag nets, as well as provide for the closing of all traps, but these necessary restrictions are not adequately enforced.

"Early this past season complaints were received by this department stating that traps and purse nets were being used in American waters near the international boundary line during the weekly closed period. Provincial Fishery Overseer North and his assistants were sent to investigate the traps in the vicinity of Point Roberts during the weekly closed periods at the height of the sockeye run, and reported that the majority of the traps visited were in use, that the tunnels were open, and that thousands of sockeye were found in the hearts and spillers, also that boats used in connection with the traps were fitted with salmon at the conclusion of the 30-hour weekly closed period. Captain John L. Bissell, the fish commissioner of the state of Washington, in response to my inquiry as to whether there had been any arrests made for violations of the weekly

closed periods in Puget Sound this past season, replied:

"I wish to say that so far as Puget Sound is concerned, we made only five arrests, one trapper for operating during the closed season, who pleaded guilty and paid a fine of \$50 and costs; two gill-netters that I believe, were fined \$50 each and costs; at another time two gill-netters that were fined \$50 and costs each; two purse-seiners that were fined \$250 each and costs, and three for dynamiting that were fined \$50 each and costs. These were all the arrests made that have come to my knowledge, and I desire to say further that there has been no disposition on the part of any class of fishermen this year to violate the law, especially owing to the fact that nearly everyone engaged in the industry has been doing fairly well and making some money."

Jordan's Statement

"Dr. David Starr Jordan, the American representative on the international fisheries commission of Great Britain and the United States, in transmitting to the secretary of the United States the regulations agreed upon, wrote:

"In Article III. of the treaty of April 11, 1903, the two governments engaged to put into operation and to enforce by legislation these fishery regulations. I do not see how this can be done without a national system of patrol along the boundary waters in addition to that maintained by the several states for the enforcement of their own statutes. Such a national system is now in operation in Canada. Besides a complete staff of 'guardians' and 'overseers' Canada has a patrol steamer in Passamaquoddy Bay, one in Lake Ontario, one in Lake Erie, and three in Puget Sound. On the United States side, Pennsylvania and Ohio have each a patrol steamer in Lake Erie, much smaller than the Canadian vessel. The other states, so far as known to me, have only an occasional gasoline launch. With upwards of 2,500 square miles of fishing territory, the state of Washington has no patrol vessels, and so far as I know but a single gasoline launch. The present statutes are fairly well enforced in most of the eastern boundary states, notably so in Ohio and Pennsylvania. In Washington they are not adequately enforced. It is claimed that in the current season the fishermen of Washington caught by encroachment on the close season, almost to the value of upwards of \$400,000, to which they were not entitled. Part of these should have been taken in British Columbia waters. The others should have escaped up the Fraser river to the spawning grounds. In Canada, throughout the boundary waters, the statutes now in effect are rigidly enforced. It does not even occur to anyone to violate them. The real need of the boundary situation is less that of stringent legislation than of equal enforcement of law on either side. I see no way to accomplish this except by a federal patrol corresponding to that of the Dominion patrol of Canada."

Then follows Mr. Babcock's very emphatic comments which are embodied in the two paragraphs quoted in the introductory lines of this resume, the provincial expert adding: "I have reported for last year I gave the text of a treaty made between Great Britain and the United States providing for the appointment of a commission for the determination of the times, the seasons and the regulations of the methods to be employed in the capture of fish in waters contiguous to Canada and the United States, and referred to the appointment of the commissioners empowered to decide upon uniform international regulations. That commission has during the past year reached an agreement. The president of the United States, in a message sent to congress on December 7, last made the following statement:

"The international fisheries commission, appointed pursuant to and under the authority of the convention of April 11, 1906, between the United States and Great Britain, has completed a system of uniform and common international regulations for the protection and preservation of the food fishes in international boundary waters of the United States and Canada."

"The regulations will be duly submitted to congress with a view to the enactment of such legislation as will be necessary under the convention to put them into operation. The text of the agreement to be submitted to congress, and the character and efficiency of the legislation promised, is awaited with great interest by all our fishery folk."

From Bench to Presidency
TORONTO, March 22.—Mr. Justice Osler was this afternoon elected president of the Toronto General Trust Co., as was expected a few days ago, when he resigned from the bench.

Leaving For West
TORONTO, March 22.—Seven hundred homeseekers left to-night for the prairies in the special. Special trains of settlers' effects will leave tomorrow.

Workmen's Pensions in France
PARIS, March 22.—The senate to-night by a vote of 280 to 3 passed the workmen's pension bill. This marks the end of a legislative struggle extending over four years, and of a political agitation in France reaching back to 1882.

Lumsden Committee Reports.
OTTAWA, March 22.—The members of the Lumsden committee, who last night decided not to report, the evidence taken so far to the house, reconsidered their position, and today Mr. Goffin, the chairman, reported both the evidence and proceedings taken so far to the house.

Poisoned by Pills
WINDSOR, March 22.—Edith, the five-year-old daughter of Jas. Scholes of this city discovered a box of pills on the bedside shelf this morning, and devoured half the contents of the box. She was immediately seized with convulsions, death resulting in half an hour.

Sugar Weigher's Sentence.
NEW YORK, March 22.—The jury in the case of Simon J. Mescall, the assistant government weigher, who had been on trial before Judge Holt in the U. S. Circuit court, on an indictment charging conspiracy to defraud by underweighing, brought in a verdict of guilty this afternoon. Judge Holt sentenced Mescall to ten months in the penitentiary, and imposed a fine of \$1.

Mr. R. Kenneth Lindsay, of Vancouver, is a guest at the Hotel Vancouver.

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3 1/2 yards long, 60 inches wide.	PER PAIR	\$3.50
3 1/2 yards long, 60 inches wide.	PER PAIR	\$4.25
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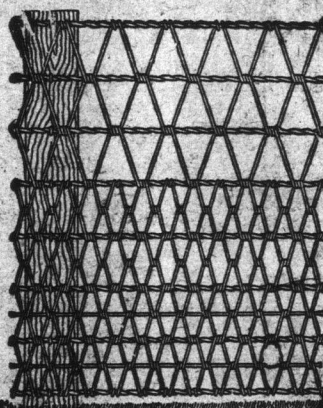
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