

### Ruling Affects This Country

What U.S. Customs Have To Say About The Importation of Cod Fish.

Gloicester, June 16.—The probable arrival here this season of the Nova Scotia and Newfoundland vessels, with cargoes of fish, has caused much discussion as to the rights and privileges of such vessels in American ports. Deputy Collector of Customs McKenzie has been asked to give his opinion, which is as follows:

"Conditions are now different from the conditions existing during the former period of free fish. At that time the Treaty of Washington was in effect. That treaty provided that fish oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them; and except fish preserved in oil), being the product of the fisheries of the United States, or of the Dominion of Canada or of Prince Edward Island, shall be admitted into each country respectively free of duty.

**Treaty Stipulations.**  
"The free admission of fish was reciprocal under the treaty and lib-

eral interpretations were made on allied questions, like the entry and clearance of Nova Scotia fishing vessels, when they arrived in this country with a clearance from a foreign port. Even in those days a clearance was required.

"The statutes of the United States were apparently enacted with a clear intent of preserving the American fisheries to American fishing vessels. Cases like that of the British steam trawler Coquette at New York, March 31, 1911, where it is the admitted intention to market the catch of a British vessel in American ports (even with the payment of duty) have been held, by the Commissioner of Navigation as not permissible.

"While it is not the practice of the Collector of Customs or of the Departments at Washington to answer hypothetical questions, and while the instructions to Deputy Collectors are to take no definite action when the question arises until all of the facts in each case have been submitted, I believe that I am correct in the impression that entry and clearance will be refused in cases like that of the Coquette, before mentioned, that a vessel which is without question a bona fide fish freighter is not different from other freighters; that a vessel assuming to be a freighter for the purpose of avoiding the navigation laws of the United States, for

the purpose of marketing her catch in this country, would be refused entry.

"I can definitely state that, pending the establishment of the rights and privileges of the vessels in question, they will be obliged to await entry until instructions shall be received in each case.

"It is possible that the Collector of Customs and the Commissioner of Navigation, as well as the Secretary of Commerce, may be glad to have such information on both sides of the question, as vessel owners may be able to give them. It might assist them in arriving at a conclusion for the Government of acceptance of entry and granting clearance to vessels which are, a part of the time or all of it, engaged in the fisheries of Nova Scotia and Newfoundland."

#### May Balk Free Fish Clause

If the contentions as above stated, bearing upon the rights and privileges of foreign vessels in question are upheld, what is the effect of the new Tariff Bill, and its bearing upon the entry of fish free of duty? Will Nova Scotia and Newfoundland have gained all that was first supposed were theirs under the free fish clause of the Underwood Tariff Bill. This is a matter of much importance and one in which American vessel owners and importers are naturally interested.

It has been current rumor here for several weeks that certain Nova Scotia and Newfoundland vessels were planning to market their catches direct from the fishing grounds at American ports. This, certain ones have contended, would be a direct violation of the navigation laws, inasmuch as no foreign craft has the right to enter an American port without clearance papers.

Deputy McKenzie even goes further in his opinion in which he says that a vessel assuming to be a freighter, for the purpose of avoiding the navigation laws, to market her fish, would be refused entry. In other words, a foreign fisherman cannot enter our markets, by simply securing clearance papers. Such must show to the satisfaction of the Custom authorities that she is a freighter, beyond all reasonable doubt.

The first specific instance of the sort is that of the British fishing schooner Harry A. Nickerson. Her fish were caught on the Banks, and the vessel cleared at Bonne Bay. On the way to this port, the captain set his gear, simply to clear his hooks, as he has informed the local office. The amount of fish taken was only fifty pounds, so small that she was allowed to enter. Setting gear to catch more fish, after the craft had once cleared, would be sufficient to destroy her clearance rights.

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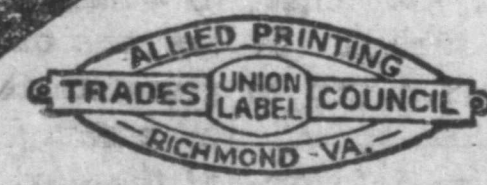
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