

The Massachusetts supreme court has decided that the state has control of her coast waters in the case of Buzzard's bay. The Cape Ann Breeze reasons from this that it follows that if the state controls the coast waters of Buzzard's bay, she also has jurisdiction over all her own coast waters to the exclusion of the United States government. It would follow, also that Massachusetts can control her own coast waters other states can also control theirs, and there are no coast waters in the United States in which the national government can grant a license to fish. This decision repudiates and makes void the provisions of the treaties of 1854 and 1873 by which the United States gave to British fishermen the right to take fish of every kind on all the bays, creeks, harbors and coasts of the United States north of the 39th parallel of latitude. That provision of those treaties was a fraud on both British and American fishermen, as the United States had no fishing rights in those waters if the Supreme court decision is correct. If the Legislature of Massachusetts can abolish seining it can also abolish traps and pounds and restrict hooking or fishing of any kind in all her coast waters. The position assumed by Massachusetts is the same as that taken by Newfoundland in the Fortune bay case, wherein it was contended that the local laws of the province limited and controlled treaties inside of the three mile limit. This assumption says the Breeze, was met and completely overturned by the masterly argument of Mr. Everts with Lord Salisbury, and now the local court of Massachusetts makes the same mistake Congress has failed to demonstrate the rights of all the citizens of the United States in all the waters of the United States by law, and has thus culpably left open this serious question to the determination of the various state courts. New Jersey's highest judicial authority denies state jurisdiction over the coast waters and the sporting people of that state ask for a national law prohibiting seining or use of traps and nets in all the coast waters of the United States. Thus we find conflict of opinion all along the line, and it will be left to the Supreme court of the United States to decide in this case whether under the constitution, the government of the United States has the power to regulate commerce which includes the fisheries in the coast waters of the United States and license vessels accordingly, or whether that power resides in the state government. In the meanwhile the fishermen are to be subjected not only to the operation of this law, but to any laws on the subject passed by the legislature under the effect of this decision. For years the sporting clubs have sought to restrict the commercial fisheries and drive them from the shore waters of the state. In the Buzzard bay case the trappers were enlisted against the seiners. This division of the fishing interest has given the opportunity for establishing a precedent by which the state assumes control of the coast fisheries. Now in order to destroy seining, trapping and netting altogether, it will only be necessary to have the legislature pass a law depriving them of the use of the shore waters of the state.

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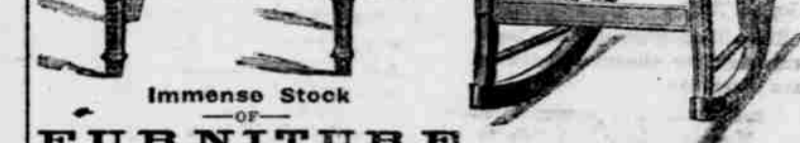
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By order of the president, G. A. NELSON, Secretary.

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M. F. CALLENDER, Knappa, Wash.
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Notice.
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