

SPONGE FISHERIES OF GULF OF MEXICO AND STRAITS
OF FLORIDA.

JULY 5, 1912.—Ordered to be printed.

Mr. FLETCHER, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 6385.]

The Committee on Fisheries, having had under consideration the bill (S. 6385) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes, recommends that it do pass with the following amendments:

After the word "Florida," in line 9, page 1, insert the words "outside of State territorial limits." The same words are added after the word "Florida," in line 11, page 2.

In line 18 and line 23, page 2, after the word "boat," insert the words "of the United States."

In line 24, page 2, strike out the words "beyond the jurisdiction of the State of Florida" and insert the words "outside of State territorial limits."

In line 19, page 3, strike out the words "wherein the offense was committed" and insert the words "wherein the offender is found or into which he is first brought."

Under the act of June 20, 1906, a peculiar condition exists in connection with this industry in that infringements of the law can not be prevented or action taken until after these sponges have been loaded, cured, or offered for sale in the United States and the vessel engaged in catching the sponges can not be interfered with in its operations. This makes it necessary to have the sponges, taken in violation of the law, traced from their beds in the high seas to a point of territorial jurisdiction, which makes almost impossible the enforcement of the law.

The present bill extends the open season for the catching of sponges in these waters and this it is anticipated will result in a material increase in the catch of sponges, render the fishery more lucrative,

do away with some of the enforced idleness under the existing law of those engaged in this business and the standing temptation to indulge in illegal fishing, this demoralization of the industry being the result of the close season of five months provided in the act of June 20, 1906.

The larger catch of the sponges permitted in this bill is offset by the more efficient protection of the young sponges in that the taking of sponges is prohibited until they are at least 5 inches in diameter.

Following is a letter from Hon. Ben. J. Cable, Acting Secretary of the Department of Commerce and Labor, commenting on the bill, which is made a part of this report:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 30, 1912.

HON. WESLEY L. JONES,
Chairman Committee on Fisheries,
United States Senate.

SIR: I have the honor to acknowledge receipt of your letter of April 24, inclosing a copy of Senate bill 6385, to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes.

This bill has been carefully considered by the department, and the following minor alterations in its text are recommended:

On line 9, page 1, after the word "Florida," insert the words "outside of State territorial limits." Although the omission of these words would not necessarily make the act unconstitutional, as the Supreme Court would undoubtedly construe the act as referring to waters outside of State territorial limits, as it did in construing the act of June 20, 1906 (223 U. S., 166), the language of which is identical in this respect with the language of the bill in question; nevertheless these words should be inserted and thus remove the necessity of construction. A similar change is recommended on line 11, page 2.

The language of section 3, in its present form, embraces foreign as well as United States vessels; whereas sections 1 and 2 refer only to vessels of the United States. It is therefore suggested that this inconsistency be removed by inserting the words "of the United States" after the word "boat," on line 18 and line 23, page 2.

For obvious reasons, the words "beyond the jurisdiction of the State of Florida," on line 24, page 2, should be stricken out, and the words "outside of State territorial limits" inserted.

Section 5 as written makes no provision for prosecution in cases of violations that occur on the high seas. In the absence of this section the general provisions of law contained in section 730, Revised Statutes, would apply. In view of the fact that the section has been included in the bill, it is suggested that it be amended as follows: Strike out the words "wherein the offense was committed" and insert "wherein the offender is found or into which he is first brought."

With the additions and changes indicated, the bill has the indorsement of the department, and its passage is strongly advocated.

Great difficulty, amounting to practical impossibility, has been encountered in the enforcement of the act of June 20, 1906, under which the department has been attempting to regulate and control the important sponge fisheries off the coast of Florida. In his report for the fiscal year 1910, the Commissioner of Fisheries expresses himself as follows:

"The act of June 20, 1906, to provide for the protection of the sponge fisheries of the United States on the high seas of the Gulf of Mexico and the straits of Florida, has shown itself futile and impossible of enforcement. The purpose of this law was to prohibit the fishery by diving in depths of less than 50 feet and during the period from May 1 to October 1, and to prevent the taking, by whatever means, outside of the 3-mile limit, of sponges smaller than 4 inches in diameter.

"The offenses aimed at are not specifically prohibited, but they were supposed to be prevented by the prohibition of certain subsidiary acts—the landing, curing, or offering for sale in the United States of sponges taken in contravention of the real purpose of the law. To secure a conviction it is therefore necessary to establish a connection between the act of taking under the objectionable circumstances and certain subsequent and secondary acts which per se are innocuous. A diving vessel operating during the close season can not be interfered with until the sponges are landed,

cured, or offered for sale in the United States. The sponges, therefore, must be followed or traced from their beds in the high seas to a point of territorial jurisdiction, a requirement that is usually impossible of enforcement. * * *

"In view of the circumstances narrated, and in the interest of the unimpaired maintenance of the sponge beds, it is recommended that the act of June 20, 1906, be amended to correct its defects. * * * It is further recommended that the minimum size of sponges which it shall be legitimate to take be established at 5 inches diameter; and if this be done, that the close season be curtailed by not exceeding two months."

Subsequent experience has emphasized the force of these statements. It is believed that the defects encountered in the act at present in force are corrected in Senate bill 6385 and that, furthermore, the latter will better the economic conditions of the fishery.

The present law restricts the fishery to those months in which, owing to weather conditions, it can be prosecuted with least economy, and it imposes a close season of five months during which the capital invested is idle and wholly unproductive and labor must seek other employment. This demoralizes the fishery, stimulates infraction of the law, and is economically indefensible.

Senate bill 6385 extends the open season so as to embrace the months of May and June, when the weather is usually favorable. This will result in a material increase in the catch of sponges and render the fishery more lucrative and less precarious. It should also better conditions affecting dealers and consumers by the regulating influence on prices of a more steady and uniform supply. Between 1905, when diving was first instituted in Florida, and the present time, the price of sponges has ranged from \$3 to \$19 per bunch, the unit by which the spongers dispose of their catch. This fluctuation is largely due to the uncertainty of the weather during the limited season in which diving is at present permitted, and it is reasonable to believe that with a longer open season the conditions, one year compared with another, would more nearly tend to equality.

To compensate for the larger catch of sponges permitted by the improved conditions under which the fishery would be prosecuted, Senate bill 6385 provides for the more efficient protection of young sponges. The present law permits the taking of sponges not less than 4 inches in diameter. These little sponges are worth but a few cents each and their value is barely sufficient to pay for taking and curing them. If they were permitted to grow for another year this value would be increased 10 to 20 fold, as they would not only weigh more, but they would be worth much more per pound. Their gathering is not only economically wasteful, but is a menace to the perpetuity of the beds, and should be stopped.

The present law is defective, not only in imposing a minimum size which is too low, but in the impossibility of enforcing even that inadequate provision. The bill under consideration corrects these deficiencies.

The provision of section 1 restricting diving to depths not greater than 150 feet is a hygienic measure to protect the divers from the grave consequences attending operations in deep water. Experience in the Mediterranean, where death and paralysis are common sequences of deep diving, has shown this provision to be necessary.

Owing to the present high price of sponges it is believed that the practical immunity of the divers to successful prosecution under the present law will tempt many vessels to engage illegally in the fishery during the close season, which begins May 1, and the department respectfully urges as prompt action of the bill as conditions will permit.

Respectfully,

BENJ. S. CABLE,
Acting Secretary.

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