

SH 396

U5

Copy 2

PROTECTION OF THE SPONGE INDUSTRY.

HEARINGS

BEFORE THE

COMMITTEE ON MERCHANT MARINE
AND FISHERIES

OF THE

U. S. HOUSE OF REPRESENTATIVES,

ON

PROTECTION OF THE SPONGE INDUSTRY ON
THE COAST OF FLORIDA, GULF
OF MEXICO.

APRIL 19 TO 25, 1906.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1906.

THE LIBRARY
OF CONGRESS

~~SECRET~~

SH 396
'45
01-12

YHAGLI INT
2280000 70

JUN 9 1906
D. of D.

PH 7-11-06

PROTECTION OF THE SPONGE INDUSTRY.

COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 19, 1906.

The committee met at 11 o'clock a. m., Hon. Charles H. Grosvenor in the chair.

The CHAIRMAN. There are two bills here relating to a matter of some importance, and the gentleman from Florida, Mr. Sparkman, is here to address the committee upon Senate bills 4805 and 4806.

STATEMENT OF HON. STEPHEN M. SPARKMAN, REPRESENTATIVE FROM FLORIDA.

Mr. SPARKMAN. Mr. Chairman, the first of these bills (S. 4805) prohibits aliens from taking or gathering sponges in the waters of the United States, and the other (S. 4806) prohibits the use of diving apparatus in gathering the sponges.

Mr. LITTLEFIELD. Is this a proper exercise of Federal jurisdiction, within the 3-mile limit? Why is not that within municipal jurisdiction?

Mr. SPARKMAN. I am inclined to think Congress has jurisdiction in the matter of prohibiting aliens fishing in the waters of the United States.

Mr. LITTLEFIELD. I submit to you this proposition: What jurisdiction does the United States have over tide waters or over the high seas, except to regulate obstructions and control their disposition?

Mr. SPARKMAN. I think it has at least concurrent jurisdiction with the State authorities in all tidal waters, all navigable waters, of the United States.

Mr. LITTLEFIELD. What kind of jurisdiction does it have? Does it have both municipal and Federal jurisdiction, or does it have Federal jurisdiction that is maritime in its character? Of course we do have jurisdiction over the harbors.

The CHAIRMAN. Do we not regulate the cod fishing and mackerel fishing? We even go into the bays along your Maine coast and regulate the time of the year when you may catch mackerel.

Mr. LITTLEFIELD. But the regulation of codfishing is outside of the 3-mile limit.

The CHAIRMAN. But mackerel fishing is not. Even a statesman of the size of Mr. Reed made a long and hard fight and secured legislation on that very subject.

MR. SPARKMAN. I take it the United States would have no greater authority to prohibit sponge fishing than the State of Florida would have. I am under the impression that it has jurisdiction to do just what is suggested here.

THE CHAIRMAN. I think you had better consider that question before the bills come up in the House.

MR. LITTLEFIELD. I suppose it is a valuable industry.

MR. SPARKMAN. It is very valuable in Florida, and it is threatened with destruction unless some such legislation is passed.

MR. LITTLEFIELD. You do not want to get legislation here that may turn out afterwards to be ineffective? I think you had better look into the matter and see whether this is the legislation you want. There may be nothing in my suggestion.

MR. SPARKMAN. I would be willing to have the legislation take any direction this committee may see proper to give it. So far as I am personally concerned I would waste little time on the constitutional feature unless the act proposed to be drawn were clearly unconstitutional, or there should be some doubts as to its constitutionality. If the legislation ought to be enacted, I would do it and leave its constitutional features to the courts. In this case I think the legislation very necessary, and that both of these bills should be passed. I think probably the subject-matter of both could have been embraced within one bill; but we have two bills here, and both should, in my opinion, become laws.

The reason for the legislation is that the sponge industry in the United States is threatened with destruction. It is carried on only in the Florida waters, because sponges are found in the United States only in those waters. They are found in the waters of the Mediterranean, off the coast of Africa, and possibly in the Bahamas; but they are found now only in limited quantities in those waters. They have been found in very large quantities along the Gulf coast of Florida, and many of our people have been engaged in that industry for a great many years.

MR. LITTLEFIELD. In the line of the legal proposition, let me make this suggestion: In my State we have State legislation regulating the digging of clams, which our courts have universally sustained. It may be, of course, that the States can regulate it so long as the National Government does not see fit to do so. Our courts have held that there is no State legislation which can authorize the building of a fish weir or the building of wharves unless they first get the permission of the United States Government, under the legislation vesting that power in the Secretary of War. Our courts recognize his power as exclusive to regulate wharves and harbors, but when it comes to the question of shellfish, which are treated as fish floating in the sea, our legislation on the part of the State is universally sustained. We have a regulation which prohibits the resident of one town going into another town and digging clams within the limits of that town, which has been sustained.

MR. WILSON. Does the law in your State prohibit a resident in one part of the State from going into another section to dig clams?

MR. LITTLEFIELD. Yes; the selectmen have charge of that.

MR. HUMPHREY. The fish laws in our State are all regulated by the State.

Mr. WILSON. As I understand Mr. Littlefield, in his State a man from an adjoining town can not go into another town and fish?

Mr. LITTLEFIELD. Yes; that is the law. I do not know that there is anything in this suggestion, but it struck me that it was pretty close to the line.

Mr. SPARKMAN. I understand that Mr. Littlefield's criticism does not apply so much to Senate bill 4806 as it does to Senate bill 4805.

Mr. LITTLEFIELD. Possibly, under the power to regulate commerce, we might have authority to pass 4806. Let me make another inquiry. Of course you will not feel that I am undertaking to distract you from your line of argument, but I want to get information, so that we can act intelligently upon it. What is the fact down there with relation to the title to these sponges? Do you have the common-law rule there that the title of the riparian owner runs to low-water mark?

Mr. SPARKMAN. The title of the riparian owner goes to the channel. The State has divested itself of all right, title, and interest from the shore to the edge of the channel, which means to the navigable part of the channel.

Mr. LITTLEFIELD. These sponges grow in salt water?

Mr. SPARKMAN. Yes, sir.

Mr. LITTLEFIELD. If you had a deed down there for a piece of land bounded by the shore, it would stop at high-water mark; and if a man had a deed bounded by the Atlantic Ocean, he would still stop, under your rule, at high-water mark. With us, in New England, if a man had a deed bounded by the Atlantic Ocean, his deed would carry him to low-water mark, and the result of that would be he would have title to everything that grew on that shore, such as rockweed, for instance. He would not have any title to clams, because they can be taken just like fish, and people may lawfully go on his land and take clams; but he would hold everything that is affixed to the realty. For instance, no one could build a wharf on it without getting his personal permission. With you, as I understand it, the right of the riparian proprietor runs only to high-water mark.

Mr. SPARKMAN. No; the riparian owner owns the absolute title, you may say, to high-water mark, but from high-water mark to the edge of the channel the State has divested itself of all its rights and vested them in the riparian proprietor. The supreme court of the State of Florida, however, has held that the State still owns all valuable deposits on the bottom, from high-water mark to the edge of the channel. They held that in some of the phosphate cases. Whether they would hold that the riparian proprietors own these sponges I do not know, but I believe not. Still, that is an academic question here, because there are no sponges in the submerged lands that belong to individuals. They are out beyond that and, being in the nature of fish, they are probably owned by the public.

Mr. LITTLEFIELD. Then, as I understand you, sponges as a rule grow beyond low-water mark?

Mr. SPARKMAN. Yes; they grow beyond low-water mark.

Mr. LITTLEFIELD. They do not grow except under water?

Mr. SPARKMAN. They only grow under water.

The CHAIRMAN. They are found usually about 10 miles from the shore.

Mr. LITTLEFIELD. Then they do not involve the question of private

ownership at all, and the matter is not within the jurisdiction of Congress.

MR. BIRDSALL. I do not think this bill contemplates control in any water that is not within the jurisdiction of the United States.

MR. SPARKMAN. The first bill only deals with the waters of the United States.

MR. LITTLEFIELD. Anything up to high-water mark is within the jurisdiction of the United States.

MR. HUMPHREY. I suggest that we let Mr. Sparkman make a statement of the facts, and then we can discuss these questions in committee amongst ourselves.

MR. SPARKMAN. I am under the impression that while the State had jurisdiction, the United States also had jurisdiction, and that we can enact such legislation as is contemplated here and the courts will uphold it.

Now, Mr. Chairman, the necessity for this legislation arises from the fact that the sponges in the Florida waters are threatened with extermination unless some legislation of this kind is enacted. Heretofore the business has been carried on by people living in Key West and other places in Florida. There are several thousand people engaged in the business and the people have now been engaged in it for probably fifty years. They have very crude methods of gathering these sponges, and the gathering of them had until recently about kept pace with the demand. Within the past few years, however, on account of the great number of people engaged in the business, the output has gone beyond that.

Recently, too, and within the last fifteen months a lot of Greeks, whose sponge grounds in the Mediterranean and in the waters off the coast of Africa have been exhausted by reason of fishing with diving apparatus, which permit them to go down to very great depths into the sea, have exhausted the supply there, and those governments within whose waters the sponges are found have adopted restrictive measures by way of legislation, which have compelled them to go out of business or to seek other fields; and they have come into the United States—into Florida waters—with their diving outfits, and for the last year and a half have been gathering sponges there to such an extent that they have not only brought down the price of sponges 50 per cent, but have practically driven the Americans out of the business and threaten the supply with absolute exhaustion.

The way our Key Westers have of gathering sponges is to go out in a small boat on a clear day over the sponge grounds, and by looking through an arrangement like a bucket with a glass bottom, they can discover the sponges to a depth, it is said, of 50 feet. By using a long hook they can hook and gather them in that way. In fact, all of the sponges that have been gathered in the United States in the past forty or fifty years have been gathered in that way until these Greeks came upon the scent. Now, they can send a diver down 40, 50, 60, 70, or 100 feet and he can stay down four or five hours. He walks along the bottom of the Gulf until he comes upon a bed of sponges. He then gathers such as he wants. In this way he can gather immense quantities in a day. Having gathered a sack full he gives the signal to have that taken up, and then he goes on repeat-

ing the operation until his powers of endurance are exhausted, when they pull him up and send down another man.

In addition to that, these people tread, so it is said, upon the sponges in the bottom to such an extent that they are killing out the young sponges and destroying them, so that in a very few years it is feared the supply will be exhausted, as has been the case in the waters of the Mediterranean and other waters in that section of the world.

The necessity for this legislation rests on those facts.

Mr. HUMPHREY, of Washington. When they fish in deep water does it destroy them so that they do not propagate in shallow water?

Mr. SPARKMAN. They are constantly destroying the young sponges. Perhaps one time going over the sponge beds, or a dozen times, would not destroy them, but it is claimed that eventually the beds will be killed.

Mr. HUMPHREY, of Washington. As I understand it, the Greeks go out where the water has never been fished before. Does the destruction of them in deep water prevent their propagation in the waters where these Americans have been fishing; and what effect will the fishing in deep water have on the supply where these men have already fished?

Mr. SPARKMAN. Of course, while we do not like it, we can not complain of anybody going out into the waters of the world to fish in them; but inasmuch as the tendency is to destroy the beds and drive our people out of the business, it is thought best to pass this bill (S. 4806), which is intended to forbid the Greeks from bringing their catch into the waters of the United States.

At first it was thought best to pass Senate bill 4805, but it was found that the passage of that bill alone would not meet the situation. The Greeks would just go outside of the waters of the United States, outside of the 3-mile limit, and fish there, where they would finally deplete and destroy the beds, which would to some extent affect those on the inside, because, as I understand from a pamphlet I have here, which is a report made by the Fish Commission to the Senate ten years ago, the sponge is propagated naturally by germs floating around over the water and attaching themselves to any hard substance with which they came in contact, somewhat like an oyster. It is claimed that diving will destroy these germs, if permitted, even outside of the 3-mile limit, which would of course affect the propagation within the whole territory where sponge is grown.

Mr. HUMPHREY. That is the point I was trying to get at a moment ago.

Mr. SPARKMAN. That is one of the reasons they assign for desiring the passage of this bill. Further than that, the very successful methods which these Greeks have of fishing for these sponges is driving the Americans out of the business.

Mr. LITTLEFIELD. We could employ the same methods, if it was a commercial proposition.

Mr. SPARKMAN. Eventually we could, perhaps; but, as I said a moment ago, the adoption of that method with no restrictions would finally destroy all these beds on the outside, and I am rather in favor of reserving them for the Americans, if it can be done within the proper legislative limits.

Mr. LITTLEFIELD. What is the value of the industry annually?

Mr. SPARKMAN. I have no information upon that point as yet, but I do not suppose that the value of the outfit is yet very great.

Mr. LITTLEFIELD. What I mean to ask is whether you have any idea as to the annual value of the industry.

Mr. SPARKMAN. I have no information at this time, but I can get that for you.

Mr. LITTLEFIELD. It is not specially material. I did not know but what you might have it at hand.

Mr. SPARKMAN. You might say that it is a million dollars in round figures. I should think it would soon reach that figure. Sponges have heretofore been very valuable, but they have now been reduced in price about 50 per cent, perhaps more, by reason of the operations of these Greeks.

Mr. WILSON. Does this sponge fishery exist except on the Florida coast?

Mr. SPARKMAN. Nowhere except on the Florida waters and waters adjacent to Florida.

Mr. LITTLEFIELD. There is a pretty stiff proposition in section 4. Of course there is no question about the fact that they have the right to fish outside of the 3-mile limit. Section 4 provides:

If any foreign vessel shall be found within the waters to which this act applies, having on board fresh or cured sponges and apparatus or implements suitable for gathering or taking sponges, it shall be presumed that the vessel and apparatus was used in violation of this act until it is otherwise sufficiently proved.

That shifts the burden of proof in a criminal prosecution.

Mr. WILSON. You ought to have the law sufficiently strong.

Mr. SPARKMAN. Yes; if we have it at all we want it to accomplish the purpose for which it is intended.

Mr. PATTERSON. I have here a report giving the value of the industry for the year 1897, and estimating it at somewhere near \$385,000.

Mr. LITTLEFIELD. I do not quite catch the point of the statement of Commissioner Bowers, in his letter of April 7, 1906, where he says:

The provision of section 4 which limits the sizes of sponges that may be gathered seems to come within the purview of the State, and, in fact, has been incorporated in the laws of Florida, although little effort has been made to enforce it.

I think he has gotten mixed on the bill. What do you suppose he refers to there?

Mr. SPARKMAN. I suppose he refers to the legislation of Florida, regulating the sizes of the sponges that may be taken out of the waters. He is mistaken about that, I believe. The Florida statute confines the sponges that may be taken to 4 inches and upward.

Mr. SPIGIT. That is the State law.

Mr. SPARKMAN. That is the State law; but the trouble is that the State law is not enforced.

Mr. LITTLEFIELD. Is it a fact that, as he states here, no effort is made to enforce it?

Mr. SPARKMAN. I think that is true. I know it is true of our game laws. Nobody has tried very seriously to enforce them, except in rare instances.

Mr. HINSHAW. Do you think the United States could enforce this law?

Mr. SPARKMAN. I think the United States could come nearer to enforcing it than the State of Florida, as the General Government has better facilities for detecting and arresting offenders.

The CHAIRMAN. Are you aware that there are something like a thousand protests against the passage of this bill?

Mr. SPARKMAN. Where do they come from?

The CHAIRMAN. From Key West and half a dozen other places.

Mr. WILSON. What class of people sign those protests?

Mr. SPARKMAN. Give me the names of some of them. There was a committee here from Key West a few months ago, and they favored the passage of these very bills.

The CHAIRMAN. If you will give me a chance I will give you some light on this subject, so that you will understand it. Here is a protest addressed to the chairman and members of the Committee on Foreign Relations. I suppose that is the committee of the Senate. It says:

We, the undersigned American citizens, residents of the counties of Hillsboro and Pasco, in the State of Florida, having read the protest made by the persons engaged in taking sponges off the coast of Florida by diving, and being thoroughly familiar with the situation, do respectfully submit to your committee that the said protest is well founded and should be given due consideration.

We do further state that the passage of Senate bill No. 4806 would practically destroy the sponging industry in so far as the State of Florida is concerned.

And we further state that it is our opinion the passage of the bill prohibiting diving for sponges in waters less than 48 feet in depth, and prohibiting the taking of sponges less than 5 inches in diameter would thoroughly protect the sponge industry, and would be to the best interests of the public in general.

That protest is signed by the First National Bank of Tampa, the Exchange National Bank of Tampa, the Citizens' Banking and Trust Company of Tampa, the Bank of Ybor City, Fla., the American National Bank, the Tampa Foundry and Machine Company, and many others.

Mr. SPARKMAN. Is the date of that protest given? I think I know all about that.

Mr. LITTLEFIELD. Tampa is your town, is it not?

The CHAIRMAN. No; there is no date given.

Mr. SPARKMAN. That protest came up when the bills were first introduced. They were introduced at the instigation of the people at Key West, and these protestants, thinking the bills would hurt them, sent in these protests; but afterwards withdrew them, as I understand it.

The CHAIRMAN. Here is another protest, signed by a great number of individuals, who say they live in Hillsboro and Pasco counties. Here is another, and still another, and still another. Then there are three long protests, saying that they have read the other protests and agree with them.

Mr. SPARKMAN. You do not find any from Key West, do you?

The CHAIRMAN. I do not know that I do. I can not tell about that, because there are so many of them. I have here what seems to be a protest signed by citizens of Tarpon Springs and vicinity, which says:

We, the undersigned citizens of the United States, residing at Tarpon Springs and vicinity, in the State of Florida, and engaged in the business of obtaining sponges by diving, desire to enter a protest before your committee against the passage of Senate bill No. 4806, and, in support of our opposition, would respectfully state the following facts:

First, Tarpon Springs is the largest sponge market in the United States, and practically does about 90 per cent of the sponge business of the United States.

Second, We, the undersigned, have invested in vessels and paraphernalia for gathering sponges of approximately \$200,000.

Third, There are employed in this business, who have their headquarters in Tarpon Springs, Fla., about 900 persons. The passage of Senate bill No. 4806 would practically destroy the investment above mentioned and would throw out of employment almost all of the men engaged in the above-mentioned business and cause their removal from this region.

Fourth, In the opinion of the undersigned there is no reason for the passage of Senate bill No. 4806, as it would do no good either to the Government, the people engaged in sponging, or the consumers of sponges.

Fifth, In the opinion of the undersigned the passage of Senate bill No. 4806 would result either in the loss to the markets of the world of all the sponges in water deeper than 48 feet, for the reason that the old method of hooking sponges can not be successfully carried on in water deeper than 48 feet, or in driving the sponge business out of the United States. As, if the bill should be passed and the courts should sustain the same as a proper police regulation, the grounds upon which the diving is done being upon the high seas and beyond the jurisdiction of the United States, the result would be that the sponges would still be taken from these waters by diving and the only result would be that the vessels therein engaged would land their cargoes either upon the island of Cuba, the Bahama Islands, or some other foreign country. The mere matter of distance from the sponging banks to the foreign port would make very little difference in the business, it being a fact that the fishing smacks of both Cuba and the Bahamas catch most of their fish off the Florida coast and transport them to their home ports.

Sixth, In order that your committee may fully understand the conditions prevailing, we beg to state that of our own actual knowledge taking sponges by the old method of hooking is impracticable in waters over a depth of 8 fathoms; that by reason of the continual taking of sponges for many years past in waters less than 48 feet and where hooking is practicable, and by reason of the fact that many small sponges have been taken, the sponging on the banks within a depth of 48 feet and within a distance of 15 miles from the shore has practically been exhausted. The consequence of this has been that the prices of sponges have been going higher and higher and the consumer has been required to pay more than was reasonable for his sponges. The diving in water from a depth of 48 feet and over has been carried on long enough off the coast of Hillsboro County to demonstrate the fact that there are vast quantities of marketable sponges in the waters of this and greater depths, and the only way to gather these sponges is by the use of diving apparatus. In confirmation of the above statements we beg to call the committee's attention to the report made by the Commissioner of Fisheries to the Secretary of Commerce and Labor, June 30, 1905, page 29:

Seventh, In short, the old method of gathering sponges by the use of hooks affixed to poles operated from the surface has ceased to result in profit either to the operator, fishermen, or dealers engaged therein. It was for this reason that the diving method was introduced, that sponges might be taken from the virgin grounds lying in greater depth than 48 feet, and beyond the limit of the use of poles and hooks. That gathering sponges by diving in the deeper waters will permit the replenishing of the shallow-water grounds in a period of two or three years, but the prohibition of the diving method now will inevitably destroy the entire industry to our people.

Eighth, In conclusion, recognizing that the Government is as much interested in the protection of the sponges as we are, we would suggest from practical experience that the only legislation needed and which would accomplish the end in view would be a law prohibiting the use of the diving method in waters less than 48 feet in depth, and a further enactment making it unlawful for any person, persons, or corporation to take, offer for sale, or have in possession any sponge less than 5 inches in diameter, measured when wet, at its greatest diameter. The passage of such a law would allow the gathering of sponges sufficient to supply the market and would at the same time, by forcing the sponges to be taken from deeper waters, allow the shallow grounds to recuperate.

Senate bill 4806 was introduced March 1, so that these protests are since the introduction of the bill.

MR. SPARKMAN. They have withdrawn those protests. I know

something about that. Senator Taliaferro himself is a stockholder and director in the First National Bank of Tampa and, up to a few years ago, was its president. The president of the bank, who is his brother, wired him upon the introduction of these bills, in substance, that they were objected to by the people in that section, many of whom were doing business with the First National Bank and other banks there; that these people were opposed to the passage of the bills, and would send protests later against their passage. These protests came. But afterwards, when they found out the nature of the bills, they withdrew their objection. The president of the bank in Tampa not more than two weeks ago told me that he was satisfied, that he desired these bills passed, and that he thought all the people, with the exception of the Greeks, desired the same thing.

The CHAIRMAN. These people all say that they are citizens of the United States.

Mr. GOLDEN. This bill is within the provisions of their protest, as I read it.

Mr. WILSON. Who is this gentleman, John K. Cheyney, who heads this protest?

Mr. SPARKMAN. He is a man who deals in sponges at Tarpon Springs; but I saw the other day in a Tampa paper an interview with him in which he committed himself absolutely to these two bills, and said there was no objection to them. I am satisfied that is correct.

A lawyer in Tampa, I was informed, drew the paper referred to by the chairman, and a copy of the same was sent to me some weeks ago. I have that paper, but I did not consider it of any use now, because the people who got that up and got those signatures are now in favor of the passage of the bills.

The CHAIRMAN. Here is a document of a similar character, signed by the president of the Board of Trade of Tarpon Springs, the secretary, treasurer, State commissioner, the entire city council, city clerk, solicitor, marshal, justices of the peace, notaries public, physicians, druggists, merchants, etc.—more people than I thought there were in Tarpon Springs.

Mr. HINSLAW. Does not this proviso bring it within the protest: "Sponges taken between October and May in a greater depth than 50 feet should not be subject to the provisions of this act?"

Mr. LITTLEFIELD. The Fish Commissioner discusses that subject. I will read what he says in a few moments.

Mr. SPARKMAN. If you will permit me for just one moment. I know just how that document was gotten up and by what influences it was gotten up. It was gotten up principally by Mr. Cheyney. He was doing business with the First National Bank, and he went over to Tampa and enlisted the aid of the president and others in getting up that protest and getting the signatures which you see attached to it, protesting against the passage of this bill.

Afterwards the people of Key West themselves came here, and when they saw these bills they were satisfied, so I am advised. The people of Hillsboro County have communicated with me to some extent, and I know from them that many of the business men and the men who got up these protests are now satisfied with this legislation. I can state that positively.

The CHAIRMAN. Why did not Senator Taliaferro send that withdrawal here with this bundle of protests?

Mr. LITTLEFIELD. Who makes the application for this legislation?

Mr. SPARKMAN. The Key West people started it. I have a letter from one of the leading Key Westers in favor of this legislation. The trouble was with the Hillsboro County people, and, you may say, with the Tarpon Springs people. Here is a letter from a man who lives there, W. H. Decker, who is now running for the State legislature in Hillsboro County and will very probably be elected. He is a very prominent man there, and I believe his name will appear somewhere on that list. He wires me to this effect:

Try to use your influence with the committee in favor of the consideration of the Taliaferro bill. We all favor it here. Opposition comes from Greeks.

But if the committee desire to have any further investigation made I would be very glad to assist them in any way I can in making it, by looking up what the decisions may have been on the subject of the power of Congress, or in any other way.

Mr. HUMPHREY. I am not yet clear as to the advantage in prohibiting the bringing of sponges into the United States when they are taken outside the three-mile limit. What is your answer to the objection raised that if the United States did not permit it the fishing will be carried on just the same, and the product will be taken to other countries?

Mr. SPARKMAN. That was the claim made at first.

Mr. LITTLEFIELD. Of course if they come in in that way it will wipe out the local industry.

The CHAIRMAN. How can that be prevented? The question is, What will be the result of this legislation?

Mr. SPARKMAN. In the first place the United States is the largest market for sponges gathered so near to the United States, and when you consider the tax upon sponges going into Cuba and the tax upon them coming into this country (I am told there is a duty upon sponges imported into Cuba), it would seem impracticable to carry on the business that way.

Mr. LITTLEFIELD. It would be practically prohibitory.

Mr. SPARKMAN. Yes; that is what they claim.

Mr. HUMPHREY. Is there not practically a sponge trust in this country? Is not 75 per cent of the product controlled by a firm in New York, which is urging this resolution?

Mr. SPARKMAN. That I could not tell you; but I should say it is quite probable.

Mr. HUMPHREY. It is my opinion that a firm in New York controls the sponge industry in this country, and that they are urging this legislation because of competition from the outside. A firm in New York by the name of James, Shell and somebody controls the sponge industry of this country, or at least controls about 75 per cent of the output, and they are urging this legislation because this deep-sea fishing and the bringing of the products into the United States is beyond their control.

Mr. FORDNEY. And reducing the price to the consumer.

Mr. HUMPHREY. And reducing the price to the consumer. They are trying to control prices.

The CHAIRMAN. You only have to have a dream in order to start a trust.

Mr. SPARKMAN. I know that the agitation came from the Key West people, and they were very bitter about it.

Mr. HUMPHREY. But I know about this. I know there is a firm of this name and that their representatives have been here urging this legislation. I have that much information which I am sure about, whether it is imagination or in the air or where it is. I have got the man's name, and he has been here for the purpose of urging this legislation.

Mr. SPARKMAN. I should say that it is possible, with the limited output, for the product to get into the hands of what you might call a trust, but I do know that the agitation originated in Key West. There are a great many individuals interested in the sponge business at Tarpon Springs who are doing business with the First National Bank of Tampa, and notwithstanding the fact that Senator Taliaferro is a director in that bank, and these protests were originally signed by these people, he thought it was his duty to try to pass it through the Senate, as it certainly was.

Mr. FORDNEY. May I ask you a question for information? Is it not true that the object of bill 4806 is to prevent the sponges gathered in this locality from coming into the United States market, unless they are gathered by citizens of the United States? As I understand it now, they are not being gathered by citizens of the United States, and the sole object of the bill is to prevent a lowering of the price of sponges in our market.

Mr. SPARKMAN. No, sir.

Mr. LITTLEFIELD. Not altogether that. It is to preserve the local industry in Florida.

Mr. FORDNEY. The local industry does not get these deep-sea fish. All of that fishing is done by aliens, and what you want to prevent is the product from coming into our market.

Mr. SPARKMAN. We want to prevent aliens from fishing with this diving apparatus as far as possible.

Mr. SPIGHT. In connection with your question, Mr. Sparkman has just stated that the taking of these sponges in this way has reduced the price of sponges about 50 per cent.

Mr. FORDNEY. And that is what he wants to prevent.

Mr. SPARKMAN. I think in the course of time the Americans will learn to dive in these diving outfits, but they have not yet learned to do so, and I understand it takes three or four years to acquire the art.

The CHAIRMAN. I have here a letter dated March 29, from Senator Taliaferro's brother, which I think is a pretty sensible letter, and I want to call your attention now to it. He says:

I have had a talk with Mr. Cheyney, who represents our Anclote friends, and he writes you to-day.

The position of the Anclote people is that they object to hostile legislation that would destroy all hope of securing deep-water production; yet they admit that, owing to the great influx of the Greeks, some legislation is needed to prevent the destruction of the industry. The Greeks continue to swarm in, and boats are being constructed in New York, along the Atlantic, and all around the Gulf to New Orleans.

It would really appear that it is imperative to do something promptly to check the rapacity of these foreigners.

From the foregoing you will see that we are not unwilling to admit that there is some merit in the contention of the Key Westers.

Mr. Cheyney suggests a bill—

First. Prohibiting sponge diving (at all times) within water less than 8 fathoms deep.

Second. Prohibit sponge diving during the five months from May 1 to October 1.

Third. Prohibit aliens from taking sponges (either as fishermen, boat owners, or operators).

Fourth. Prohibit any person, company, or corporation to gather any sponge of less than 5 inches in diameter, measured when wet at its greatest diameter.

It seems to me such a bill would accomplish great good and at the same time satisfy both Key West and Anclote, because, first, Key West can not take sponges at a greater depth than 8 fathoms; second, the hookers practically do all of their sponge fishing during the months from May 1 to October 1, when operators (I mean divers) would be barred.

The third and fourth clauses I understand Key West is asking for. Of course it does appear, and is, inconsistent to prohibit diving from May 1 to October 1 and allow hooking, and as a matter of fact the hooking should also be prohibited, too, for reasons to follow, but the Anclote people realize that those are the months the weather suits for hooking, and they do not want to hurt those people.

As we understand it, there is no bill pending against hooking, and we here want no restrictions placed thereon. There is a bill, however, against diving, and as a compromise we suggest the four clauses aforesaid.

It is claimed that the time suggested for "the closed season"—May 1 to October 1—is the season when the sponge reproduce or throw off their ova. They say the Fish Commission would certify this to be a fact, hence, really no sponges should be taken at such time; but the shoal water is a small item compared with the other beds, and our people would rather satisfy them and leave it so the hookers or Key Westers may take the sponges when and where they can get them.

I can see no objection to such a bill, and if it be enacted I believe it would satisfy all concerned but the impecunious Greek, and he needs the check.

Pardon the length of this, but I could not cover the ground sooner.

MR. SPARKMAN. Notwithstanding that letter, I talked with Mr. Taliaferro in Tampa the other day, and he told me the objection to the bills had been withdrawn.

MR. LITTLEFIELD. Here is a letter from the Commissioner of Fisheries, which goes over this same ground.

THE CHAIRMAN. I have a 16-page argument in favor of the passage of these bills, submitted by James Shell & Elkers, of New York, on yesterday.

MR. HUMPHREY. That is the firm I had reference to. I do not state that they are a trust, but do state as a fact that they are here, and that they have their agent here.

THE CHAIRMAN. I think that if the committee agrees with me we should give a little more consideration to these bills before recommending their passage.

MR. LITTLEFIELD. I think we should look into it a little more. On general principles I would be glad to do anything we can legitimately do to take care of Brother Sparkman's people. So far as I am concerned, I am perfectly willing to take care of his people down there; but I find that the Commissioner of Fisheries suggests some difficulty in the line I suggested about our legal power to pass these bills; so that I was not the one to discover that objection.

THE CHAIRMAN. Suppose we refer this subject to a selected committee of five to consider and report at the next meeting a week from today? I call the attention of Mr. Sparkman to the suggestions that have been made here, and ask him to prepare an argument in regard to the matter.

The chair will appoint Mr. Hinshaw, Mr. Birdsall, Mr. Wilson, Mr. Spight, and Mr. Patterson as a select committee to consider this matter. The papers are all with the secretary.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES.

Washington, D. C., April 25, 1906.

The subcommittee met at 2 o'clock p. m., Hon. Edward H. Hinshaw in the chair.

The CHAIRMAN. We will first hear from Doctor Smith, who has come here from the Department at our request to give us some information of an original character with reference to sponges, and the depth of water in which they are produced.

STATEMENT OF HON. HUGH M. SMITH, OF THE DEPARTMENT OF
COMMERCE AND LABOR.

Mr. SMITH. Mr. Chairman, I did not come here prepared to make an argument, as I did not know upon exactly what lines you would want me to speak. The Bureau of Fisheries has been interested in the sponge industry for a great many years. I have personally investigated the sponge beds in Florida and elsewhere, and we have had numerous investigations made, some at the request of Congress. We have endeavored to keep well informed as to the condition of the industry, and we are in a position to give the committee such information as it may desire.

The CHAIRMAN. I would suggest to the members of the subcommittee that if they desire to ask any questions, Doctor Smith is here for the purpose of answering them and giving us such information as we want.

Mr. SMITH. There seems to be a good deal of doubt as to what a sponge really is. For many years it was regarded as a plant: later on it was thought to be on the border line between the plant and the animal kingdom: but we have now learned that it is an animal, and not very low down in the scale. The sponge, as we know it in common use, is simply the skeleton of a colony of animals which inhabited that skeleton.

Mr. WILSON. What kind of animals inhabit the skeleton?

Mr. SMITH. The animals are single cells.

Mr. WILSON. Are they all of the same kind?

Mr. SMITH. They are all microscopic and have different functions. You can compare a sponge to a hive of bees. Some of the bees are for the purpose of keeping up the hive by reproduction, and some are for replenishing the supply of honey and extending the comb.

Mr. SPIGHT. What has your investigation led you to conclude as to the manner of propagation?

Mr. SMITH. Sponges propagate, as all animals do, by means of eggs. The eggs are fertilized within the sponge and are thrown off by the currents of water which circulate through the sponge, coming out as minute round bodies, covered with hairs, which have the power of movement. They pulsate and enable the young ones to move around in the water and to pursue a free swimming existence for several days.

The CHAIRMAN. How far does it move from the parent before it attaches to some substance?

Mr. SMITH. It may be carried for long distances by the currents, but finally it falls to the bottom and thenceforth is fixed.

Mr. SPIGHT. Does it attach to anything except rock?

Mr. SMITH. Yes: it will attach itself to vegetable matter, to wood, plants, and also to shells and bottles just as an oyster would.

The CHAIRMAN. How far out into the sea does this occur? In what depth of water?

Mr. SMITH. We have never been able to learn just how far out into the Gulf of Mexico sponges extend, as diving has only recently begun; but we know that they grow at a depth of 50 feet and a little over, because the hookers can reach them there and have reached them there. The recent inception of diving has shown that the sponges grow in deeper waters.

Mr. WILSON. Do they form themselves into little schools, or may they be found in any part of the bottom of the sea?

✓ Mr. SMITH. The young settle to the hard bottom. If they get into the sand or the mud, they will be covered and destroyed; so that the best sponges grow on the hard coralline bottom that crops out all along the west coast of Florida and about the Florida Keys.

Mr. WILSON. Do you think that the divers, by walking along the bottom of the ocean where they are found, would be likely to destroy the growth of these sponges by stepping on them?

Mr. SMITH. I think it is possible for divers to injure the sponges growing on the bottom: but I myself do not believe that is a very serious menace to the sponge industry.

Mr. WILSON. You do not think it is?

Mr. SMITH. No, sir.

Mr. WILSON. Are you familiar with these bills, which are before the House?

Mr. SMITH. Yes, sir: and we think that the sponge industry of Florida needs some attention. Florida is the only State where sponges grow, and suitable protective measures should be instituted by the Government and the State, or by both, to keep up the supply indefinitely.

The CHAIRMAN. Do you think that diving threatens the existence of the sponges?

Mr. SMITH. It would appear so to us, from the study we have been able to give the matter.

Mr. WILSON. I thought you said you did not think it would.

Mr. SMITH. I understood you to refer to injury to the sponges by reason of the shoes of the diver.

Mr. SPIGHT. Then I understand you think that destruction will be due to taking the sponges in such large quantities?

Mr. SMITH. In the depletion of the sponge beds.

Mr. SPIGHT. If that is so with reference to diving, why is it not also true with reference to continuous hooking?

Mr. SMITH. That is a very apt question, and I am prepared to answer it. The sponge industry has been prosecuted by means of hooks for many years, and limitations on the capture of sponges have been, to a considerable extent, imposed by nature. For instance, sponging can not be carried on when the water is rough.

Mr. SPIGHT. You mean hooking.

✓ Mr. SMITH. Yes: hooking. Furthermore, in the course of every two or three years the water becomes cloudy, and when that condition of water exists, as it does over large areas on the west coast of Florida, it is not possible to see the bottom, and consequently the

sponges are protected by nature and they have a season for recuperation. The cloudy water may continue for several seasons in succession, so that a bed which has been stripped pretty clean of sponges of a marketable size will, as a result of this cloudy water, be able to reassert itself.

Mr. PATTERSON. How long will that take?

Mr. SMITH. As determined by some experiments that we have been making, the growth is not very rapid; but a sponge which is much too small to be taken to market will probably increase in one season to a marketable size.

If your committee is sufficiently interested in it, I would like to show you a few sponges I have here, which will enable me to do a little missionary work for the Bureau of Fisheries in this regard, because we have anticipated the depletion of the Florida sponge grounds. Although the sponge industry is only a little over fifty years old, a very large proportion of the ground on which sponges originally grew has been depleted. All of the inshore grounds, the shoal-water grounds, are absolutely exhausted; they were naturally the first to be depleted.

Mr. HINSHAW. They have been depleted by the hookers?

Mr. SMITH. Yes; and every season the hookers have had to carry their operations into deeper waters, until now they have reached the limit. There is one point in regard to these deep-water sponges which the divers are supplying to the market and which can not be reached by the hookers. It is quite possible that these sponges supply the seed by which the grounds farther inshore are kept up. Certainly the sponges in 60 feet of water, which are large sponges, will liberate every year millions and millions of eggs, and are able to distribute their progeny over a very large area. Of course most of those eggs are lost, as they fall on a soft bottom and are destroyed, just as is the case with many fishes. They lay a million of eggs, but 999,000 are lost.

The sponge, as it comes out of the water, is a very different looking animal from what it is in the drug store. Here is one which has been preserved with the soft matter intact. It has a black, slimy skin, which covers the outside for the protection of the interior, which is filled with soft matter, and which has to be rotted out before the sponge is put on the market.

The CHAIRMAN. Is that a sponge just as it comes out of the water?

Mr. SMITH. Yes; it has been preserved to prevent it from smelling.

Mr. WILSON. I should think it would be a hard matter to hook these sponges in water of any considerable depth.

Mr. SMITH. It is a difficult matter. It is a very laborious operation, especially in deep water, when the waves are running. The man has to lean over the boat with his chest on the gunwale.

There is a double set of canals in the sponge, through some of which the water runs from the outside to the inside, and through the others, the larger canals, in which water runs from within outward. In the smaller canals, leading from without inward, are little dilated passages, and they are lined with small cells which have hairs in them; and those hairs are working one direction, like a field of grain with the wind blowing over it. The hairs determine the existence of the currents, which are essential for the growth of the sponge.

Mr. WILSON. Has not this specimen been cut in two?

Mr. SMITH. Yes; that has been cut in two to show the interior of the sponge. I have here also a few commercial sponges. Here is one showing what can be done with a Florida sheep's-wool sponge when properly treated. I may say here that for all the purposes for which we use sponges—for toilet, mechanical, and other uses—there is no sponge produced anywhere in the world which will compare with the Florida sheep's-wool sponge.

Mr. WILSON. Do you mean that is the best sponge produced?

Mr. SMITH. It is the best quality of sponge for toilet and other purposes.

The CHAIRMAN. Is that a Rock Island sponge?

Mr. SMITH. It is essentially the same as a Rock Island sponge; it is the same species. For lasting quality and durability there is no sponge put on the market to-day that will compare with or compete with our Florida sponge, and for that reason, if for no other, we ought to do what we can to keep up the supply.

The CHAIRMAN. And this sheep's-wool sponge is threatened with extinction?

Mr. SMITH. The supply of it is certainly decreasing on our own grounds.

Mr. WILSON. How old is this sponge you have here?

Mr. SMITH. The growth of a sponge, like the growth of a fish, depends upon its food. Under favorable conditions I should say that sponge might reach such a size in three or four years. It is probably not less than three or four years old.

Mr. BIRDSALL. Is that Rock Island sponge the same character and quality of sponge that is now being taken by the divers?

Mr. SMITH. Yes; that is the kind of sponge the divers are taking.

Mr. WILSON. What is the cause of the color?

Mr. SMITH. It is this color when it comes out of the water; but as the result of bleaching and cleaning it becomes lighter. This one has been artificially bleached.

Mr. WILSON. This is the natural color of the sponge?

Mr. SMITH. Yes.

The CHAIRMAN. We have been told here that these sponges in the markets have some of this substance left in them.

Mr. SMITH. Yes; the trade seems to require it.

The CHAIRMAN. These do not appear to have it.

Mr. SMITH. No, sir; they are cleaned; but that substance increases their weight. From what I know of the business, I believe that the sponge packers do not care for that particularly, but the trade seems to demand it.

The CHAIRMAN. Do you mean the wholesale or the retail trade?

Mr. SMITH. The jobbing trade. We have been experimenting in the growing of sponges from clippings, and I believe those experiments will not be remotely connected with the question of preserving the supply of sponges on the Florida coast. We have found that by cutting up sponges of such a shape that they do not have much market value, we can grow from those cuttings sponges that are superior to the wild ones. It is done in a very simple way and in a comparatively short time. We are still working along that line.

The CHAIRMAN. It is done by some sort of cultivation?

Mr. SMITH. Yes; by simply attaching the cuttings to wires or other substances to hold them in place until they grow.

Mr. WILSON. Do you feed them?

Mr. SMITH. No; they feed themselves. We simply provide the raw materials. Sponge cuttings, which are cuboidal in shape, when put into the water very quickly assume a symmetrical shape. These are sponges which have been grown from cuttings on the west coast of Florida, near Anclote Keys. These are regular Rock Island sponges.

Mr. WILSON. The preparation of this sponge has nothing to do with the stiffness of it?

Mr. SMITH. No; that is inherent in the sponge.

Mr. SPIGHT. You have to make these cuttings and plant them when the sponge is fresh out of the water?

Mr. SMITH. A sponge can be kept out of the water for some time if cool and moist; perhaps for several days. We have adopted the plan of attaching the clippings to wires and suspending those wires between stakes set about 50 feet apart and putting the sponges a few feet under the surface.

Mr. BIRDSALL. In salt water, of course?

Mr. SMITH. Yes. We have three experimental farms on the Florida coast, where we are trying to perfect the method of growing sponges in large quantities.

Mr. BIRDSALL. In its natural state, does the process of reproduction go on continually?

Mr. SMITH. So far as we know, the sponge spawns every year.

Mr. BIRDSALL. And in every portion of the year?

Mr. SMITH. Yes; but in Florida mostly in warm weather—in the summer months.

Mr. BIRDSALL. Have you any idea in what months?

Mr. SMITH. I should say from the 1st of June until August. We know that in the Mediterranean the spawning season for the sponge may extend over the entire year. Probably there is a period of the year when more sponges spawn than in any other time; but ripe sponges have been gotten in the Mediterranean in every month of the year.

The CHAIRMAN. Some one stated here yesterday that these sponges are covered with a thick membrane around them.

Mr. SMITH. Yes; that is for the protection of the sponge.

The CHAIRMAN. And if that membrane is broken the eggs float away.

Mr. SMITH. The eggs come out through the holes in the black membrane. In making our cuttings we have thought it essential to have a part of this black membrane on each, so that the sponge may recover itself. These I have here are about three years old, and they are superior to the wild sponges.

Mr. WILSON. Are these artificially grown?

Mr. SMITH. Yes.

The CHAIRMAN. Do they grow right on the wires?

Mr. SMITH. They grow right on the wires suspended above the bottom. They have a firmer texture, in many instances, than the wild sponges, and are better in other respects.

Mr. WILSON. It does not look to me to be as good a sponge as the other.

Mr. SMITH. The color is not so pleasing, but that has nothing to do with the quality, of course.

Mr. WILSON. It seems to be more porous and much more solid.

Mr. SMITH. Yes; and that is a point in its favor. It is firmer in its texture and will therefore last longer.

Mr. BIRDSALL. The danger which the Department apprehends is that the excessive removal of sponges will prevent sufficient reproduction.

Mr. SMITH. It is possible that by going upon the sponge bottoms and removing practically every sponge the beds may be permanently destroyed.

Mr. BIRDSALL. That comes from the removal of the parent sponge.

Mr. SMITH. The divers can keep the bottoms swept clean when the hooker, fishing 40 or 50 feet above, will not be able to do it. In addition to that, as I say, once in every three or four years the sponge grounds are protected by nature, because of the cloudiness of the water, when the spongers are unable to work.

Mr. BIRDSALL. What do you think of the proposition of having a closed season for sponges the same as we have inland for fish and game?

Mr. SMITH. We have recommended that to the State of Florida and made a number of other recommendations to the State; but Florida has not done for the sponge industry what it should have done. This is a matter which seems to be beyond the scope of the State; and it seems to me the General Government will have to step in. We have advocated the setting aside of certain areas in which no sponging shall be permitted for a period of years, and at the expiration of that time to open them up and close an adjoining area.

Mr. SPIGHT. You mean, of course, within the 3-mile limit?

Mr. SMITH. Anywhere. Unfortunately most of the sponges grow beyond the State's jurisdiction.

Mr. SPIGHT. How could you control it beyond the 3-mile limit?

Mr. SMITH. That is a question for the lawyers. It might be controlled through the customs service. I do not know of any other way.

Mr. SPIGHT. I would like to ask your opinion as to the greatest depth at which these sponges have been found.

✓ Mr. SMITH. In the Mediterranean they are found in water several hundred feet deep, but we do not know of any sponges in our waters growing at such a depth.

Mr. SPIGHT. You do not know that they do not?

Mr. SMITH. No; we do not.

Mr. SPIGHT. So far as your information goes, you have found sponges in that locality?

Mr. SMITH. We know that sponges grow on the Florida coast up to 60 feet or 70 feet, but whether they grow in water, say at a depth of 150 feet, we do not know.

Mr. SPIGHT. You do not know beyond the 60 or 70 feet?

Mr. SMITH. No, sir.

Mr. WILSON. How deep can a diver go?

Mr. SMITH. I do not know. I have had no experience in that business. There are some practical sponge dealers here who would know that.

The CHAIRMAN. This bill before us does not prohibit the hookers working in 50 feet of water; but you say those beds are depleted. Will this bill do anything for them?

Mr. SMITH. This bill will not affect the operations of the hookers at all.

The CHAIRMAN. It will not replenish these depleted beds.

Mr. SMITH. No; it will simply prevent another element of destruction from coming in. The divers will undoubtedly hasten the depletion of the beds. Whether you want to permit them to work in waters beyond the reach of the hookers is another question. Personally I do not see, if they confine their operations to the deeper waters, that they would do any special harm; but it will be a very difficult matter to determine whether they get their sponges in water 70 feet deep or in water 20 feet deep.

Mr. BIRDSALL. Suppose that we prohibit diving within the 3-mile limit?

Mr. SMITH. That would hardly help matters, because most of the diving is done beyond the 3-mile limit. It is done practically on the high seas. The water on the west coast of Florida is very shallow. You go out for many miles before you reach a depth of 50 feet. There are places where a depth of 50 feet is not reached until you are 30 or 40 miles offshore.

Mr. LINDHEIM. Mr. Chairman, may I ask Mr. Smith to explain what he knows about the depletion of the sponge beds in the Mediterranean by reason of the divers cleaning out beds?

Mr. SMITH. I have not had an opportunity to look the matter up recently, but it is within my knowledge that the beds have been depleted, and the governments interested have had to take measures to protect the beds by imposing a closed season and by taxing the men, so that it was difficult for them to ply their trades.

The CHAIRMAN. By a license tax?

Mr. SMITH. Yes.

Mr. BIRDSALL. What is the process of curing a sponge when it is taken out of the water?

Mr. SMITH. A sponge must be kept out of the water for some time in order to kill it.

Mr. BIRDSALL. How long?

Mr. SMITH. It depends on the temperature; but for several days, at any rate, and perhaps longer, under certain conditions. Sponges are first kept on the deck of the sponge vessels, then carried ashore and put into shallow inclosures, where they are allowed to rot and at the same time to bleach.

Mr. BIRDSALL. How is this substance removed from them?

Mr. SMITH. By squeezing and beating.

Mr. BIRDSALL. Craals were mentioned here the other day. What are they?

Mr. SMITH. Craals are inclosures in which the sponges are allowed to rot, so that all the soft animal matter goes out of them and the skeleton is left. Then, when the cleaning has been completed, the men take their sponges and string them and carry them to market. The sponges are sold in strings and at auction.

Mr. SERAPHIC. You speak of the depletion of the sponge beds in the Mediterranean. I would like to know how you determined that.

Mr. SMITH. One evidence of that is the presence of the Greek divers on our coast. If they were able to carry on a profitable business at home they would not be here.

Mr. SERAPHIC. Then it is simply a supposition?

Mr. SMITH. No. There are reports from the United States consuls in the Mediterranean ports showing the depletion of the sponge grounds of the Mediterranean and the measures taken by the governments to protect the sponges; but I have not looked into the matter recently and am not prepared to make any very definite statement.

Mr. BIRDSALL. Suppose we prohibit diving and the importation of sponges taken by diving, the effect would be to confine the industry to the hookers, would it not? It would accelerate their business and increase the amount taken out, otherwise sponges would have to be imported.

Mr. SMITH. The advent of diving has undoubtedly led to a great increase in the sponge supply, with the result of a fall in the price.

Mr. BIRDSALL. Of course there will be every effort made to supply the demand.

Mr. SMITH. Yes.

Mr. BIRDSALL. As I understand it, you are relying upon natural conditions to prevent any excessive supply from being taken out.

Mr. SMITH. Yes, sir; and to prevent the absolute depletion of the grounds.

Mr. SERAPHIC. Prior to the introduction of diving, do you know what the output of sponges from the Florida coast was?

Mr. SMITH. The value of the sponge industry on the Florida coast has been about \$400,000 a year to the hookers.

Mr. SERAPHIC. What was the area over which the fishing was done by the hookers, which resulted in a product of \$400,000 a year, as compared with the area of territory that the diving method covers?

Mr. SMITH. Diving has only begun. It has been carried on only for a very short time, and they are covering only a portion of the northern grounds in the Gulf of Mexico. There are other grounds on the Florida coast where hookers have had full swing; but being shallow-water grounds, they have become depleted, and the sponges from those grounds now cut a very small figure in the market. The area of the sponge grounds on the Florida coast, as we surveyed them four or five years ago, was between three and four thousand square miles. That included all kinds of sponges and all degrees of thickness of growth. There are five or six different kinds—yellow sponges, grass sponges, etc.—which have a certain market value but which are very much cheaper than these. They are used mostly in the mechanical arts, but not for toilet purposes, because their texture is too hard.

Mr. LINDHEIM. Is it not true that the introduction of diving, within the past nine months, has increased the production very largely?

Mr. SMITH. Yes; out of all proportion to the supposed resources of the grounds.

Mr. LINDHEIM. Would not the passage of these bills draw the sponge industry to its original output plus the seven months of diving; in other words, there would still be an increased production?

Mr. SMITH. Yes; in the opinion of the bureau the bill does not go far enough.

The CHAIRMAN. If these beds within the range of the hooker have been depleted, how will the output be increased to supply the demand?

Mr. SMITH. The total supply of sponges from the American waters has been kept up by taking larger quantities of the cheaper grades. I have some figures here which will show you how the percentage of sheepswool sponges has declined from year to year, which is a very significant fact in itself. Unfortunately there are no figures prior to 1895, but in that year the proportion of sheepswool sponge to the total take was 76 per cent. In the next year it has fallen off to 63 per cent; in the next year to 47 per cent, and in the year 1902, the last year for which we collected any accurate and complete statistics, the proportion of sheepswool sponges to the total take was only 38 per cent. In the early days of the sponge fishery practically all the sponges were of this grade, as it was not considered worth while to take the cheaper grades.

The CHAIRMAN. How does the price now compare with what it was a year or two years ago?

Mr. SMITH. The price at present is very low.

The CHAIRMAN. This is a more expensive sponge than the coarser grade you refer to?

Mr. SMITH. Yes.

Mr. SPIGHT. If the diving were prevented, would the hookers be able to supply the demand?

Mr. SMITH. No; because we are obliged to import more sponges than we take.

Mr. SPIGHT. The hookers could not supply the home demand for sponges?

Mr. SMITH. No, sir.

Mr. SPIGHT. Because they can not go beyond the depth of 48 or 50 feet?

Mr. SMITH. Yes, sir.

Mr. SPIGHT. So that all sponges beyond that depth would either be abandoned entirely or else be taken and carried to foreign points and imported through the custom-house if we got them at all?

Mr. SMITH. Yes.

Mr. SPIGHT. That state of affairs and the curtailment of the product to that extent would necessarily increase the price of sponges to the consumer, would it not?

Mr. SMITH. Yes; I suppose that would be the natural consequence.

Mr. LINDHEIM. Is not that taken care of forever by allowing diving for seven months in the year?

Mr. SMITH. The dealers would be better able to answer questions of trade than I am. The value of these deep-water grounds is quite problematical. It may be that they serve no useful purpose, and it may be that they furnish the seed by which the shoal-water grounds are replenished.

Mr. SPIGHT. That is what occurred to me a while ago when I was asking you about the depth of water in which they are found. If I understood you correctly, you stated that when these eggs are thrown off from the sponge they float on the water and may be carried considerable distances.

Mr. SMITH. Yes; they float for forty-eight hours under certain conditions.

Mr. SPIGHT. If they are found at a very much greater depth than you have ever gone to find them, they could fertilize a large area of the country around them in the shoal waters, could they not?

Mr. SMITH. Yes; that is the point. If they have any value, it is for that purpose.

Mr. SPIGHT. So that while there might be a depletion in depths more than 70 feet of water if they are constantly fished, yet the eggs from the deeper water would so fertilize that ground again that it would not be depleted.

Mr. SMITH. It may be that the existence of the deep-water sponges has accounted for the rapidity with which certain grounds have been reestablished. The hookers have so frequently repeated stories of the apparent cleaning out of a certain ground in a certain season, so far as marketable sponges are concerned, and of going back two or three years later, after a season of cloudy water, and finding the grounds just as thickly covered as ever, that we are bound to believe them. It would seem to me that to leave sponges on the ground for this very short closed season would hardly be sufficient to reestablish the beds on the scale they are found to be reestablished.

Mr. SPIGHT. So they must come from somewhere else?

Mr. SMITH. There is no reason why young sponges in some stages could not be carried for many miles as are the eggs of the oyster, the young of which are very much like the young of the sponge.

Mr. SPIGHT. Have your experiments led you to conclude that artificial cultivation of sponges can be made profitable?

Mr. SMITH. We are hardly prepared to recommend a method yet; but our experiments indicate that it is going to be profitable. I may say that one of the sponge packers and buyers in Florida has thought enough of our methods to go into it, and has already marketed some sponges grown from cuttings.

Mr. SERAPHIC. You stated that the bureau had recommended to the State of Florida that some plan should be adopted by which the grounds would be left for a certain period to recuperate and then fishing be permitted in them. Have you stated the time or period of this suspension which you recommend?

Mr. SMITH. No; the details were never discussed. It was simply a general proposition.

Mr. SERAPHIC. You stated that the life of a sponge 4 or 5 inches in diameter would not be less than three or four years. The statutes of the State of Florida provide that no sponges shall be sold less than 4 inches in diameter. Do you think that a seven months' closed season will suffice to recuperate any sponge beds on which fishing has been done?

Mr. SMITH. No; we advocate a three or five year closed season.

Mr. SERAPHIC. According to your statement the best plan of regulating and preserving the product of the sponge industry would be a division of the coast into districts.

Mr. SMITH. That is simply one measure for relief.

Mr. SERAPHIC. And that a closed season will not protect the sponge industry, as the time is not sufficient for the sponges to recuperate.

Mr. SMITH. The closed season proposed in this bill is only useful in diminishing by five months the operations of the divers, as they will presumably get only about seven-twelfths of their present catch.

Mr. SERAPHIC. Then, the purpose is simply to limit the output of sponges.

Mr. SMITH. Perhaps the bureau has gone too far in this matter, but in a statement made by the Commissioner to one of the Florida

Senators who is particularly interested in this matter, it was suggested that if diving is injurious, there is no reason for allowing it at all. If you permit any diving, why restrict it to seven months?

Mr. SPARKMAN. You said a moment ago that the bill did not go far enough.

Mr. SMITH. Yes.

Mr. SPARKMAN. Is there any other particular in which this bill does not reach the requirements of the situation?

Mr. SMITH. That was only a suggestion made to Senator Taliaferro. Those who have interests in the State, commercial and otherwise, will have to work out this matter for themselves; but from our standpoint of the preservation of the sponge beds it seems rather extraordinary to permit an injurious occupation for seven months out of twelve.

Mr. SPARKMAN. I would like to ask you to state, if you have any matured opinion on the subject, just what kind of a bill you would have passed, if any at all, to protect the sponge industry?

Mr. SMITH. I think the bill as passed by the Senate is reasonably satisfactory. It will undoubtedly secure some protection for the sponges, and perhaps it may lead to more effective legislation if the conditions seem to require it. Perhaps as a temporary expedient it will suffice. My own opinion is that within two or three years the divers will be out of business as well as the hookers. The hookers will go out of business before that.

Mr. SPARKMAN. You mean whether this bill passes or not?

Mr. SMITH. Yes; the bill will delay the time when the grounds will be depleted, but it will not prevent the depletion.

Mr. SPARKMAN. You have stated that the sponge area off the coast of Florida was about three or four thousand miles.

Mr. SMITH. Three or four thousand square miles, including the Key grounds.

Mr. SPARKMAN. Of course you include the waters outside the jurisdiction of the United States?

Mr. SMITH. That includes all the grounds where we found sponges growing, so far as we know. They practically stopped near the 50-foot depth of water, because at that time we did not know of the existence of sponges in any great numbers beyond that depth.

Mr. SPARKMAN. Do you know whether it is a fact that divers have already found sponges in much deeper water?

Mr. SMITH. I have understood that they have found them in depths of 60 or 70 feet and even deeper.

Mr. SPARKMAN. I understood some one to say here the other day that they had found them in 150 feet of water.

Mr. SERAPHIC. I stated that.

Mr. SPARKMAN. How far north, up the coast, does the area extend?

Mr. SMITH. Off St. Marks.

Mr. SPARKMAN. And not to the westward of St. Marks?

Mr. SMITH. We do not know of any along the shores to the westward, but it is quite possible that there are sponge grounds on the lower part of the west coast of Florida, where, owing to the turbidity of the water, it is not possible for the hookers to operate. There have been a few sponges gotten there from time to time when there has been a temporary period of clear water. There is no reason why

sponges should not grow there, and it may be that there are large areas in that locality.

Mr. WILSON. The divers have not yet been there?

Mr. SMITH. No; they have confined their operations to the north part of the west coast.

Senator TALIAFERRO. Treating this bill as rather experimental, would you recommend a longer closed season than five months?

Mr. SMITH. I suppose that if you are going to permit diving at all, five months' closed season is about as long a time as the men can stand. If the closed season is made longer they will be unable to make a living and maintain themselves.

Senator TALIAFERRO. Do you think the bill in its present form is one which the Commission could recommend as an experimental measure for the preservation of this industry?

Mr. SMITH. Yes, sir; we think it is along the right lines, but it remains to be seen whether additional legislation will be required by the conditions there.

Senator TALIAFERRO. Some more drastic legislation?

Mr. SMITH. Yes, sir.

Senator TALIAFERRO. Are you informed as to the number of diving boats now engaged in this business?

Mr. SMITH. We understand that there are about 40. The last report we had indicated that number.

Mr. PATTERSON. I understood it to be stated here that there were about 70 at the present time.

Mr. SMITH. There has been a great increase recently.

Mr. CHEYNEY. I think there are about 70.

Mr. SMITH. The last report we had showed only about 40.

Senator TALIAFERRO. My information is that a fleet of these diving boats has been recently sent out from Pensacola, which is rather a new point.

Mr. SMITH. That is a new departure, for Pensacola has had no interest in the sponge fisheries heretofore.

Mr. WILSON. They seem to be working a good thing to death.

Mr. SERAPHIC. Have you ever heard reports from snapper fishing fleets out of Pensacola as to their catching sponges of exactly the same quality as these, while fishing for snappers, in 20, 30, 40, and 60 fathoms of water?

Mr. SMITH. I never have. The snapper vessels fish far offshore, in deep water, as you indicate, but it would be a very difficult matter for a snapper hook to bring up one of these sponges. It has to be torn from the bottom by main force.

Senator TALIAFERRO. Has your bureau recently heard of any unusual number of Greek divers going upon the Florida coast?

Mr. SMITH. No, sir; we have no information on that subject. This industry, gentlemen, is one of great importance to Florida. There are over 2,000 people engaged in it, exclusive of the Greek divers who have recently come in, and many hundreds of thousands of dollars are invested in vessels, boats, and shore property. We believe that with proper precautions the industry can be made permanent and the output can be increased, but as it is now being conducted its future is quite precarious.

The CHAIRMAN. We will now hear from Mr. Cheyney.

STATEMENT OF JOHN K. CHEYNEY, OF TARPON SPRINGS, FLA.

Mr. CHEYNEY. I am hardly prepared to make any address or present an argument in a formal way, as I have not prepared myself with any notes, but I would like to say, by way of explanation, that I went to Florida sixteen years ago from Philadelphia, which was my home, and have since been a resident of Tarpon Springs. I immediately engaged in the sponge business at that point, starting it there. That was the establishment of the sponge business at that point, and I have been actively engaged in it ever since. There are now a number of others engaged in the same business at that place, who have come there from time to time during that period.

My purpose here is simply to urge, on behalf of our industry and the other interests in that locality, the passage of this bill, believing that it is absolutely essential to the permanent maintenance of the industry at that point. Lately, and within the last year, the diving business has been introduced at that point and at some other points, Tarpon Springs being the center of it. We have now something over 800 Greeks engaged in this diving business.

Mr. WILSON. Eight hundred divers?

Mr. CHEYNEY. No. In order to make a complete crew for one diving outfit they require two divers and about twelve assistants, pump men, boat men, etc. It has been stated that there are about 70 diving outfits altogether, which would mean, perhaps, 140 divers. We have 800 people in the business at Tarpon Springs, but we have not got 70 of these diving outfits at that place. We have, perhaps, about 40 at that point.

These men are all foreigners. Some few of them may be naturalized citizens, but very few of them speak the English language. In fact, I do not suppose that one out of a hundred can understand an English word. They are in no sense interested with us as citizens. They own no property except their diving outfits; and those of us who have our investments in property and other matters there think that our entire industry is threatened by this enormous influx of alien population who have no interest in sustaining the industry permanently. In other words, they are irresponsible, because just as soon as they have derived what temporary benefit they can from it they will leave us, and we will be left without an industry.

From my knowledge of the business, I feel that I want to indorse, to the fullest extent, Doctor Smith's statement here. As nearly as we can judge of the extent of these sponge grounds, they will be exhausted for all practical purposes in the next two or three years, if this condition continues. There are at Key West and other points along the coast from 1,000 to 2,000 men who have pursued this calling for their lifetime, and their fathers pursued it before them. They have their own homes and vessels. It is their occupation and sole dependence, and at the present time they are driven out. They can not compete with the diving methods. That would, of course, appear to be an argument for the total prohibition of the diving business. But many of us feel that would be wrong, because we would debar the markets of the country from obtaining the results of these deep-water beds on which the hookers can not work.

It has been suggested here that perhaps the purpose was to curtail the production, whereby the consumer would have to pay the penalty by having the cost to him increased; but we can certainly establish the fact that the normal quantity of the product for several years past, which has averaged in the neighborhood of \$400,000 a year, will be sustained, and in addition to that an equal quantity will be produced by the diving method during the seven months of the open season. The proof of that lies in the fact that from January 1 until the present time there have been over \$200,000 worth of sponges produced by the divers sold at Tarpon Springs. That is a period of a little over three months.

Mr. WILSON. Practically all of that amount has gone to the Greeks?

Mr. CHEYNEY. It has all gone to the Greeks.

Mr. WILSON. Are you interested, as owner, in diving boats?

Mr. CHEYNEY. I have a half interest in one boat and an undefined interest in another boat, from having loaned some money on it.

The CHAIRMAN. Do you employ Greeks to do the diving?

Mr. CHEYNEY. On that boat I did until a few weeks ago, when the boat was laid up. It had ceased to be profitable.

Mr. WILSON. Do you know what these Greeks make out of this line of business? Are they hired by a few individuals, or are they all in it together?

Mr. CHEYNEY. At the beginning of the business last year and during last summer, when very few boats put out with Greek crews, most of the boats were owned by their own people, and they employed Greek crews on wages. At that time the price of sponges was the highest ever reached in the markets of this country. As an illustration: The basis of value to the fisherman is by the bunch. They are strung on a 5-foot yarn string, and a string full of sponges constitutes a bunch. The value is estimated by the bunch, and the buyer estimates the number of pounds he can get out of a bunch and at so much a pound. These bunches were sold at one time on the basis of a high market and a decreased product at \$10 per bunch. That was the highest price. Those same bunches are now sold for \$3.

To go back and answer the question you asked. The Greeks were employed at that time on wages, and the divers received as high as \$300 a month each.

Mr. WILSON. They did not work by the piece or by the day?

Mr. CHEYNEY. No; they were paid by the month, a definite salary. But that was not maintained so very long. That was really the cause of the tremendous excitement among these Greeks and the rushing into the business. That money was sent home and to New York to their friends, because it was vastly more money than they had ever made before in their lives. Then the business came with a rush. Some of them with sufficient capital built their own boats. Others engaged in mercantile business in order to supply them; and the market under this increased product gradually fell to \$8, \$7, \$6, \$5, \$4, and to \$3 a bunch. Then it ceased to be profitable at these high wages, and they adopted what is known as the sharing system, under which one-half of the value of the product is divided between the crew in certain shares, the divers getting three or four shares against an ordinary pump man and laborer one share, and the other one-half of the product went to the owner of the outfit, or operator,

as we call him, out of which he has to pay the expense of the ship, for the provisions, etc.

That share has gradually fallen until, based on the \$3 valuation, it produces to these men not much over \$35 a month. The last estimate I made with my men, who were out for six weeks, they shared about \$30 a month each a piece, which was not fair wages. Therefore the business has ceased to be as productive as it was at first. In that way we contend the question is partially solved, under the law of supply and demand; but we do not know how far they can extend this reduction in price or whether the price will remain at that point, and in the meantime the destruction of the grounds continues. That is the thing which alarms us. We feel that we are absolutely tied to the permanency of this industry, and that our interests are in maintaining and preserving that industry. We feel that we are being rapidly threatened with destruction, unless some such legislation as this is enacted. We—and I think I can speak for some of my friends—are anxious, of course, to see a certain period in the year left open for the operation of the divers, but I would rather see the entire method destroyed than to see it left open during the entire year.

The CHAIRMAN. What would these divers do during the other five months?

Mr. CHEYNEY. I can not say, but I believe that many of them will go back to the cities from which they came. Many of these fishermen are from our own cities, and many of them, I think, are directly from abroad. Many of them have congregated there from New York, Savannah, and other places, and I presume they would go back to those cities to wait until the closed season was over.

The CHAIRMAN. Could they not use hooks during the other five months?

Mr. CHEYNEY. They have never had any experience in that method of sponging; but I see no reason why they should not do it, although it takes a certain amount of training to follow it.

Mr. BIRDSALL. If the Americans should engage in this business and the Greeks should drop out of it, this bill would not affect anything at all, would it?

Mr. CHEYNEY. The passage of this bill would still close the season to Americans just the same as it would to aliens. It prohibits the use of that method of gathering sponges by anyone. There are two bills before this committee. One is the alien bill, and the other is a bill relating entirely to the diving operations. I have been discussing bill 4806, which prohibits diving.

Mr. BIRDSALL. What do you apprehend would be the effect, if the Greeks were driven out of business, as to whether their place would be supplied by Americans?

Mr. CHEYNEY. I think the Americans would eventually learn to become divers themselves.

Mr. BIRDSALL. This would really mean, so far as the legislation itself is concerned, that the crude method of gathering sponges would be supplanted by this more rapid and better method of gathering them?

Mr. CHEYNEY. Exactly; and there is another point there. The other method brings into use so much greater facilities that sponges

can be gathered very much more rapidly than they can by hooking, and their operations would not be prevented by the condition of the water, which has been mentioned by Doctor Smith. Natural conditions have always stood between the old method and constant work of gathering.

Mr. BIRDSALL. That does not rest so much upon the disposition of the gatherer to save the crop as upon the crudeness of the method?

Mr. CHEYNEY. I think the gatherer is human, and will get all he can get, unless his hands are tied to a certain extent. I think that is true. I think it would be natural for him to get everything that he can, even if it brings a very low price.

The CHAIRMAN. If this bill is passed, would not the divers go outside of the 3-mile limit and continue fishing the year around and then take their catch elsewhere or keep them on the boats?

Mr. CHEYNEY. I can not believe that would be a possible thing to do. There are two and perhaps three very serious obstacles. In the first place, while sponges might be cleaned on the boat, yet it would be a very difficult matter. They might have wells in the boats, if the boats were large enough to accommodate them, in which the sponges could be immersed. But the main difficulty would be the length of time required to carry these sponges to a foreign port. I have discussed that subject with a number of very intelligent masters down there, and they all claim that it would take from three to four weeks to make the nearest foreign port, which would be Habana, and to make the return trip. Therefore they could not remain out after gathering their cargo more than a month, or if they did it would be very dangerous, as the sponges would probably spoil on their hands. There is a tendency to heat, which forms a kind of gurry and destroys the sponge. Therefore they would have a month's work and a month's idleness.

But, to my mind, the most important point of all would be that the moment they were introduced into the markets of Cuba the Cuban fishermen would demand of their Government a protective measure, similar to this, in order to save themselves.

Senator TALIAFERRO. Is diving allowed in Cuban waters?

Mr. CHEYNEY. I presume they have never had any legislation on that subject, because there has never been any diving carried on there to my knowledge. But these goods being so much more valuable than the Cuban product, if taken into their market and sold in competition with their goods, would cause an immediate action on the part of the fishermen to request their Government to protect them. I take it the Government would pass similar legislation to this, which would shut them out of Cuba.

The CHAIRMAN. Such action has already been taken in the Bahamas, has it not?

Mr. CHEYNEY. I understand it has. Another difficulty would be that it would take a very much larger vessel than those now used, and it would require vessels on such a large scale that it would not be profitable.

The CHAIRMAN. Mr. Seraphic stated that a great deal of curing was now being done on the vessels.

Mr. CHEYNEY. I never knew of such a thing.

Mr. WILSON. If this bill does become a law, how can we stop these same people from going out and fishing and making the claim that

they have hooked these sponges? Would you have any trouble in that line?

MR. CHEYNEY. No; I think not; because, while there is a large area of water to be covered, yet there are boats constantly coming and going, and the fleets almost always work together, so that a vessel would be picked up at almost any time; and it would be possible to see whether they were using the diving method or not. You can see a great distance, 10 or 15 miles, over that water, and they would be in constant danger of being discovered at any time. In addition to that, the revenue cutters patrol those waters pretty thoroughly.

MR. WILSON. Do they now?

MR. CHEYNEY. They do now in connection with a traffic that has always been maintained on that coast to some extent, which is the smuggling of Cuban rum. That is now almost broken up, but the revenue cutters still patrol the coast.

MR. SPIGHT. I understood you to say a while ago that nearly all these men engaged in the diving business are foreigners. Did I understand you correctly?

MR. CHEYNEY. Yes, sir.

MR. SPIGHT. How is it with the men who are engaged in hooking—what percentage of them are foreigners?

MR. CHEYNEY. The men engaged in hooking are all residents of this country and have been for many years; but just what percentage of them have taken out naturalization papers I do not know. Originally they and their forefathers are from the Bahama Islands, and we call them Conchs, because they use the conch, which is a shellfish, as an article of diet. Those men were English subjects, perhaps, prior to coming to this country, but I think most of them have become naturalized. There may be a few of them who have not.

MR. SPIGHT. I believe you live at Tarpon Springs?

MR. CHEYNEY. Yes, sir.

MR. SPIGHT. I saw a statement published in a paper in your town that about 60 per cent of them are aliens.

MR. CHEYNEY. I think that is simply an assumption. Whether they are aliens or not, they are citizens to all intents and purposes. They all own their own homes and have a permanent residence either at Key West or at some point along the coast.

MR. SPIGHT. Did I understand you correctly as saying that you are a dealer in sponges?

MR. CHEYNEY. I buy and sell sponges.

MR. SPIGHT. Do you buy them yourself, or are you the agent for somebody?

MR. CHEYNEY. I buy independently, and I market my own sponges.

MR. SPIGHT. The statement has been made that the dealers and buyers of sponges have now on hand a considerable stock, which they bought at high prices, which they can not now dispose of without a heavy loss, and that they are advocating this legislation with a view and hope that the output may be curtailed to such an extent as to increase the value of the sponges which they now hold. Is that true?

MR. CHEYNEY. I have heard that statement made. I have no absolute knowledge, and can form but very little guess as to what my competitors have in stock at the present time or as to whether they have sold their goods or not. I can only answer for myself, that up to one month ago I did not have a thousand dollars' worth of goods in

stock. At the present time I have bought, since that time, perhaps four or five or six thousand dollars' worth. I have been afraid to buy because of the constantly falling market, and my customers are afraid to buy from me because of the constantly falling market.

Mr. WILSON. How long can you keep a stock of sponges?

Mr. CHEYNEY. If they are properly dried and packed they can be kept for ten years. If they are kept in a dry place they undergo practically no change whatever.

Mr. BIRDSALL. I understand that at the outset you were opposed to this proposition. Am I correct about that?

Mr. CHEYNEY. My first action in this matter was taken in opposition to the bill introduced by Senator Taliaferro on behalf of Key West and the hookers.

Mr. BIRDSALL. I understood that, and I thought I would give you an opportunity to put yourself right on the record, because your name appears here as a protestant.

Mr. CHEYNEY. I welcome the opportunity to explain that. I did use every possible effort to crystallize sentiment in my locality and among those who are associated and interested in this industry in opposition to the passage of the bill, because we believed, as I stated a while ago, that if we entirely destroyed the diving method we would be taking a step backward.

Mr. BIRDSALL. That was the scope of the first bill?

Mr. CHEYNEY. Yes; it was an absolute prohibition. Afterwards I favored a closed season—that is, a measure to permit the diving method during practically half of the year and closing it for, say, five months—believing that would work to the best advantage of all concerned, except the Greeks, who could not maintain themselves during the closed season. I take it that is the only element that will be affected or injured by this action.

Mr. BIRDSALL. I understand that the period covered by the closed season in this bill is the only period of the year in which what you call the "Key Westers" can hook sponges?

Mr. CHEYNEY. That is true.

Mr. BIRDSALL. Why is that?

Mr. CHEYNEY. It is because of the condition of the weather and the water. Our calms set in about the 1st of May or the latter part of April, and we have practically windless weather for two or three months until the squalls of midsummer appear. During that period the water becomes clear, which is an absolute essential to prosecuting their work. They come out on the grounds about the middle of April or toward the 1st of May and pursue their hooking methods until October or November, making two or three trips and usually trips of two months' duration.

Mr. BIRDSALL. Then the effect of these bills would be to make that a closed season for divers and to give the hookers the benefit of the market during those months?

Mr. CHEYNEY. Exactly. It seemed to me and to others who have studied the bill that the effect would be just as you have stated it—that is, it would preserve the equilibrium in the market and furnish an opportunity to both of these classes and both of these methods to pursue their calling without interfering with each other, and at the same time it would create a condition by which the market could be

supplied at a settled price. Heretofore there has always been an excess of product in the summer time and no product at all in the winter, and consequently there is a cheap market in the summer and no market in the winter. Such a condition would be relieved by the present arrangement.

Mr. BIRDSALL. Do you think it would be possible to make any closed season for the hookers?

Mr. CHEYNEY. I do not; because they are already closed by nature for half of the year, and it would be impossible for you to close any portion of their season and still permit them to make a living. At best they do not make very much of a living.

Mr. WILSON. I understand it has been stated here that you were employed to circulate this petition by various parties and paid for your services, and that after you had done so and gotten the money out of it you turned tail. If that is not right I would be glad to have you explain it.

Mr. CHEYNEY. I would like to have an opportunity to answer that. I have heard that such a statement has been made. The facts are simply these, that upon the presentation of the bill introduced by Senator Taliaferro before the committee in the Senate I was asked by several of my friends, who were also interested in this industry, to take some measure to aid them in formulating a protest. I have a very good knowledge of such matters and I told them I would do what I could, but that it would be necessary to undergo some expense in the matter because I would want to consult an attorney and it might be necessary to do some newspaper work and to circulate a petition, all of which would entail some expense. They stated they would provide for that by levying a small tax on each diving boat, and I think the tax was \$10 for each boat. That was to defray these expenses. I expended exactly \$375, \$275 of which was paid to my attorney, for which I presented his receipt to the committee. Fifty dollars was paid for an article which we had written in the paper, in order to explain to our people what we wanted in this petition.

Mr. WILSON. What paper was that?

Mr. CHEYNEY. That was the Tampa Times. It was an article prepared and written by a gentleman named Calhoun, who was connected with the board of trade in Tampa.

Mr. SPIGHT. Look at this paper and see if it is the petition you procured the signatures to.

Mr. CHEYNEY. Yes; I think it is. I think it was the only petition that was circulated, and I think it must be the same. I expended \$50 or \$75 to five or six men who hired carriages to drive around the country and circulate these petitions. I then presented my itemized bill, with the receipts for the amounts paid. I am still out \$175, but I do not regret that at all and do not care anything about it. At the present time I am bearing my own expenses.

Senator TALIAFERRO. Mr. Cheyney, were you under the impression, when you approved the bill in its amended form, that you were representing the interests and wishes of the gentlemen who had been opposed, with you, to the original bill?

Mr. CHEYNEY. Yes; entirely so. It became apparent to us that it was necessary to compromise with the element that was suggesting the first bill, by some restriction on the diving method, but still leav-

ing a certain privilege open to the divers. There was a meeting in my office of those whom I felt were most interested in the matter and who represented the largest interests in the investment of property there.

SENATOR TALLAFERRO. Was Mr. Seraphic there?

MR. CHEYNEY. Mr. Seraphic was there at that meeting, and Mr. Meres, and Mr. Decker, and others. We talked the matter over, and Mr. Seraphic suggested that we favor a closed season for part of the year. We then discussed the number of months that would be fair for the closed season, and what months, and we finally decided upon the period embraced in this bill, between May 1 and October 1. I then went to Tampa with Mr. Seraphic and Mr. Meres. I am not certain whether Mr. Decker was there or not at that time. I suggested to certain gentlemen there in Tampa, who were in correspondence with Washington on this subject, that we should talk the matter over, and then and there the idea was formed in keeping with the understanding of that meeting. I do not know whether I have made myself clear in reply to your question.

MR. WILSON. In what months of the year can they dive?

MR. CHEYNEY. They can dive throughout the entire year.

MR. WILSON. Is the water warm?

MR. CHEYNEY. The water gets pretty cold in the winter time.

MR. WILSON. Does it get sufficiently cold to prevent diving?

MR. CHEYNEY. No. When a man is inclosed in one of these rubber suits he would not feel it as much as if he were exposed to the water—although I have never tried it.

MR. SPIGIT. In order to identify the petition I asked you about a while ago, I call your attention to the issue of the Tarpon Springs News of March 24 of this year. That is the petition you say you assisted in circulating?

MR. CHEYNEY. Yes, sir; I think so.

MR. WILSON. About when did they circulate that petition?

MR. CHEYNEY. I could not say; but it seems to me it was probably about a month ago or a little over a month ago. I think it was one or two weeks prior to the publication of that issue of the paper.

MR. WILSON. Are most of the people who signed that petition still opposed to these bills in their present form?

MR. CHEYNEY. I have discussed the matter with a great many of the signers of that petition, with men I have met in that locality and in Tampa, and I can say positively that I have not met more than three or four men, among perhaps fifty or possibly a hundred with whom I have discussed the matter, who have stated any objection to the passage of the bill.

THE CHAIRMAN. Is their objection removed by the amendment?

MR. CHEYNEY. Their objection was removed by the amendment.

MR. WILSON. How long have you known Mr. Seraphic?

MR. CHEYNEY. I have known Mr. Seraphic since last May or June, when he first came to our place. Since that time I think he has been in our place perhaps four or five times during the year.

MR. WILSON. How long has the society which he represents been in existence, to your knowledge, as an organization?

MR. CHEYNEY. I understood in a general way that the society was organized by Mr. Seraphic being made president a month or so ago.

MR. WILSON. It is a recent organization?

Mr. CHEYNEY. I think so, although they may have had some form of organization prior to that. I really do not come in contact with these people very much, because I am not known to them nor are they known to me. They do not speak our language to any great extent.

Mr. SPIGHT. I see it is stated in an editorial in this issue of the Tarpon Springs News that the petition was signed by more than 700 people.

Mr. CHEYNEY. I judge that there were between six and seven hundred signers, but I would not be sure of that.

Mr. SPIGHT. I will read from this editorial and ask your views in regard to it:

The petition, within twenty-four hours of circulation, received the signatures of more than 700 citizens of this coast, embracing city and town officials, boards of trade, merchants, business men, and influential citizens of every calling. The protest will be read with interest and meet with general approval.

Mr. CHEYNEY. That is true.

Mr. SPIGHT. Did you understand and did the signers of that petition understand that all the statements made in that petition at that time were true?

Mr. CHEYNEY. The petition and the protest that is referred to was circulated, and while I did not circulate these petitions I instructed each of the people who did circulate them to be sure to explain and read the protest to these people, so that they would have a full understanding of it.

Mr. SPIGHT. You believed that the statements made in that petition at the time were true?

Mr. CHEYNEY. The statements made in the protest?

Mr. SPIGHT. Yes.

Mr. CHEYNEY. Yes, sir.

Mr. SPIGHT. I find here a protest followed by a petition, containing six paragraphs, stating the reasons why they are opposed to the passage of the bill 4806. You understood, at the time, that the statements made in the petition were true?

Mr. CHEYNEY. Yes, sir.

Mr. PATTERSON. Was the protest made to the present bill, No. 4806, or was it to the original bill, which prohibited—

Mr. CHEYNEY. It was to the original bill, and did not apply to the present bill.

STATEMENT OF MR. SAMUEL E. HOPE, TARPON SPRINGS, FLA.

Mr. HOPE. Mr. Chairman and gentlemen, I am neither a sponge buyer nor a sponge dealer; but I have lived within a couple of miles of this sponge business for thirty-odd years, and I am sent here to represent my neighbors, who have gone into the business since the Greeks have come there. They are in the sponge business and have these Greeks employed on their boats, and have put their money into the business.

Mr. WILSON. What is your business?

Mr. HOPE. I am an orange grower.

Mr. WILSON. You are not a professional man?

Mr. HOPE. No, sir; I am not a professional man.

Mr. SPIGHT. Have you any interest in this sponge business in any way?

Mr. HOPE. None whatever. I am here only representing the interests of the town where I live. We object to this bill and to the closed-season clause. We do not object to the alien part of it, and we do not object to the 50-foot-water clause. We are willing to go outside of that limit and let the hookers sponge in deep water; but we do not want to hold these men up for five months in the year. They have put their money into this business. One man told me he had put \$14,000 into it and had not made a cent out of it yet, and he didn't like to be cut off until he got some of his money back. He could not see any reason why they should let one side sponge and keep the others from doing it. Under this bill they let the hookers sponge all during the year.

Mr. WILSON. Is it not true that the hookers are prohibited from sponging by the weather conditions, in certain seasons?

Mr. HOPE. Yes; but they do it all the year, whenever they can get a chance. They are out nearly all the year. I have lived right there by them for thirty years. Of course there is one season when the water is clear and then they will get more sponges than at other times, when they make failures. Hooking has not been a success. There is no question about that. This diving apparatus has seemed to be a success, although it has lowered the price of the sponges. These men do not propose to have the buyers regulate the price; but they are willing to make the catch and let the law of supply and demand regulate and decide the price. When it gets so that they can't do any more business then they will drop out; but they do not propose to be cut out without having a chance. They are willing to let the quantity of the sponge product regulate the market.

Mr. WILSON. What do you think about the preservation of the business down there? Do you think we ought to take that into consideration?

Mr. HOPE. The preservation of the sponge beds?

Mr. WILSON. Yes.

Mr. HOPE. I think that would be a pretty hard job.

Mr. WILSON. Why?

Mr. HOPE. They have been sponging there for forty years on these beds. These hookers can not go into over 50 feet of water, and they have been there, to my knowledge, forty years, and yet they get a good deal of sponge.

Mr. WILSON. Do you not think this diving has something to do with the destruction of the sponges?

Mr. HOPE. I don't think it has anything at all to do with it. I don't think a man weighs 10 pounds when he goes down there in the water.

Mr. WILSON. Do not his shoes weigh 40 or 50 pounds?

Mr. HOPE. I don't have any idea about that; but these sponges won't grow except on rocky ground.

Mr. WILSON. Is it not true that his shoes weigh 40 or 50 pounds?

Mr. HOPE. They don't weigh 5 pounds or 3 pounds when he gets down there under the water. It is just enough to keep him down.

Mr. SPIGHT. And that is the reason they are made heavy?

Mr. HOPE. The reason they are made heavy is to keep him down to the bottom, and when they get down to the bottom they are as light as we are on top. I don't think it interferes with the sponges at all.

Mr. WILSON. You think that walking on the beds does not interfere with them at all?

Mr. HOPE. I don't think so.

Mr. WILSON. And it has nothing to do with the destruction of the sponges?

Mr. HOPE. Nothing whatever.

The CHAIRMAN. They claim that a man diving there scrapes up all the sponges, small and large both, so that it destroys the bed.

Mr. HOPE. Well, he can see there as well as he can above water. They do take up the small sponges. There is no doubt about that. There is a State law against it, but it is never enforced and never has been enforced.

Mr. PATTERSON. You think the enforcement of the State law would practically remedy the matter?

Mr. HOPE. There has been no one to take charge of the business. If they had a man paid for that service, it would improve matters. The sheriff is the man to look after it; but he gets no particular pay for it and don't look after it.

Mr. BIRDSALL. Are the hookers taking out as many sponges as they used to?

Mr. HOPE. No, sir; I don't think they are.

Mr. BIRDSALL. You think the quantity is decreasing?

Mr. HOPE. Yes, sir; the quantity is decreasing.

Mr. BIRDSALL. Are there as many engaged in the business?

Mr. HOPE. I think there was last year; but I don't know what they are going to do this year.

Mr. BIRDSALL. What nationality are these people generally?

Mr. HOPE. They are Bahamans.

Mr. BIRDSALL. What Mr. Cheyney calls "conchs?"

Mr. HOPE. They are Bahaman niggers and white conchs; three-fourths of them are Bahaman niggers.

Mr. BIRDSALL. Are they citizens?

Mr. HOPE. I think very few of them are citizens.

Mr. BIRDSALL. Very few of them are naturalized?

Mr. HOPE. Yes; and one reason is that they can neither read nor write.

Mr. BIRDSALL. Do they come and go or are they there permanently?

Mr. HOPE. I don't know. I rent a good many of them houses, and they last for three or four years.

Mr. WILSON. Are they Republicans or Democrats?

Mr. HOPE. They can't vote.

Mr. BIRDSALL. Is it a shifting population—that is, do they come and go or do they remain there?

Mr. HOPE. They come and go. Most of them stay in Key West. Key West has been their home. There are a good many of them in Tarpon Springs.

Mr. WILSON. Do they own their own homes?

Mr. HOPE. They don't own many homes.

Mr. WILSON. Do they save their money?

Mr. HOPE. No, sir; they don't save their money.

Mr. WILSON. Are they a peaceable class of people?

Mr. HOPE. Rather; but they like to drink.

Mr. SPIGHT. With reference to being law-abiding, how do they compare with the Greeks who are there?

Mr. HOPE. I see no objection to the Greeks. I have not seen a drunken one since they have been at Tarpon Springs, and I live there.

Mr. SPIGHT. I have a statement here that these hooking fishermen are a dissipated class, get drunk, and cause a good deal of trouble; and that, on the other hand, the Greeks are law-abiding.

Mr. HOPE. I have not heard any complaint at all about the Greeks being drunk. I am a member of the council in Tarpon Springs, and never have heard of any of them being drunk so as to be put in the calaboose. They seem to be very good citizens and go their own way.

Mr. BIRDSALL. You don't know what proportion of these diving outfits are owned by aliens?

Mr. HOPE. I think about 30 per cent of them are owned by native-born Americans.

Mr. BIRDSALL. And they employ Greek fishermen?

Mr. HOPE. They employ Greeks for their laborers.

Mr. PATTERSON. Do they employ American laborers and Greek divers?

Mr. HOPE. They have to have one American to be the captain or master of the vessel, and the others, of course, are Greeks, except probably the cook.

Mr. PATTERSON. You say they have to have an American to be the captain of the vessel?

Mr. HOPE. Yes; he has to be a naturalized citizen before he can be captain of a vessel.

Mr. SPIGHT. You stated that about 30 per cent of them are owned by American citizens. Do you mean native-born citizens?

Mr. HOPE. Yes, sir.

Mr. SPIGHT. What part of the other 70 per cent are owned by naturalized citizens?

Mr. HOPE. I think about half of them.

Mr. SPIGHT. So there would be some 60 or 65 per cent of the boats engaged in diving belonging to American citizens, either native or naturalized?

Mr. HOPE. Yes, sir; that is right.

Mr. WILSON. Did you sign this petition?

Mr. HOPE. I think I did that first one.

Mr. WILSON. You are still of the opinion that this is not wise legislation?

Mr. HOPE. Yes, sir; I am.

Mr. WILSON. What is the opinion of the majority of people you have talked with about it?

Mr. HOPE. I took pains to go around and see most of the people who signed that petition before I left home, and I could not meet up with but two men who had changed their minds upon that petition.

Mr. WILSON. Who were they?

Mr. HOPE. Mr. Meres and Mr. Decker.

Mr. WILSON. Why did they change their minds, if you know?

Mr. HOPE. I don't know and I can't tell you. They are sponge buyers. Our opinion about that is that these sponge buyers want to get rid of those \$10 sponges. They want to unload at the expense of somebody else.

Mr. SPIGHT. I have a statement here that the people were practically unanimous in opposition to this character of legislation until the northern buyers intervened.

Mr. HOPE. Yes, sir.

Mr. SPIGHT. And then whatever change came over them occurred?

Mr. HOPE. That is the case exactly.

Mr. WILSON. Did you see all the people who signed that petition?

Mr. HOPE. No; but I saw the principal merchants in Tarpon Springs.

Mr. WILSON. How many of them did you see?

Mr. HOPE. I suppose I saw probably 50 of them. I went around to the leading persons in Tarpon Springs before I left there to see what their view was on this subject. It not only affects the sponge business, but it affects our town.

Mr. WILSON. In what way?

Mr. HOPE. Everything has gone up there. Rents have gone up.

Mr. WILSON. You are a renter?

Mr. HOPE. Yes, sir.

Mr. WILSON. You do not object to that?

Mr. HOPE. I don't object to it. Rent has gone up. They have established stores there. They have got their own restaurants, and they run them themselves. Houses that did bring \$15 a month now bring \$75 and \$100 a month rent. None of them are paupers. I have not seen any of them but what had plenty of money.

Mr. WILSON. The difficulty, in my mind, is as to what will become of this industry.

Mr. HOPE. In the closed season?

Mr. WILSON. No; but if these divers are allowed to keep on, will it not completely destroy the industry in future years?

Mr. HOPE. That is only imaginary with the people. We don't know what is there. They didn't know, until these Greek divers came, that there was any sponges there in the deep water. They have opened up a new field, which is just now in its infancy. I think there are plenty of sponges there. I think it runs for 250 miles up and down that coast.

Mr. SPIGHT. I want to call your attention to a paragraph in the petition I have been talking about and get your judgment as to its correctness.

In the opinion of the undersigned the passage of Senate bill No. 4806 would result either in the loss to the markets of the world of all the sponges in water deeper than 48 feet, for the reason that the old method of hooking sponges can not be successfully carried on in deeper water than 48 feet, or in driving the sponge business out of the United States, as, if the bill should be passed, and the courts should sustain the same as a proper police regulation, the grounds upon which the diving is done being upon the high seas and beyond the jurisdiction of the United States, the result would be that the sponges would be still taken from these waters by diving, and the only result would be that the vessels therein engaged would land their cargoes either upon the island of Cuba, the Bahama Islands, or some other foreign country. The mere matter of distance from the sponging banks to the foreign port would make very little difference in the business, it being a fact that the fishing smacks of both Cuba and the Bahamas catch most of their fish on the Florida coast and transport them to their home ports.

Mr. HOPE. That is correct. I have seen 25 fishing smacks out there at once.

Mr. SPIGHT. That state of facts, if it is true, would apply to the present bill as well as the bill before it was amended?

Mr. HOPE. I reckon it would. I have not looked at the bill. I suppose the United States can not prohibit them from going outside

the limit and catching sponges. I suppose you could make a law prohibiting them from bringing them into the United States. But you take St. Martins; that point runs off 20 miles into the Gulf, where the water is not more than 5 feet deep. These men can build houses out there in that 5 feet of water and can carry their sponges there, and it is entirely outside of the limits of the United States. They will catch them outside of the limits of the United States. They are fixed to do it, and the men have got their money it it, and they must get it out in some way.

Mr. SMITH. Where will they sell them?

Mr. HOPE. They can keep them and ship them to Europe or to Cuba and the Bahamas.

Mr. SPIGHT. If they were compelled to take them to a foreign port, and then ship them to the United States, the duty would make them come higher.

Mr. HOPE. Yes.

Mr. WILSON. Do you know whether or not there is a law in the Bahama Islands prohibiting this traffic in sponges?

Mr. HOPE. I have heard it stated that there was a law prohibiting anybody but Bahamans from fishing for sponges there—that is, within their limit.

Mr. WILSON. Is there not quite a supply of sponges now down in your town?

Mr. HOPE. Yes, sir; I think there is a pretty good supply there now. They have gone down from \$10 to \$3.50.

Mr. WILSON. And they are still working at it in just the same way?

Mr. HOPE. Yes, sir; in the same way. We propose to have a bonded warehouse there. Some of these men have means and they were after me for a lot to put up a bonded warehouse on. They are men who have plenty of means to do it, and they are advancing the money and will hold the sponges until they come up to a proper price and then sell.

Mr. SPIGHT. Do you know whether the buyers have on hand a considerable stock bought at low prices?

Mr. HOPE. That is what everyone says. I don't know what they have done in that respect. I could not state it from personal knowledge.

Mr. WILSON. Is Mr. Meres in town?

Mr. HOPE. No, sir; I don't think so.

Mr. WILSON. You say he is a sponge buyer?

Mr. HOPE. Yes, sir; he is a sponge buyer and so are Mr. Decker and Mr. Cheyney. None of those gentlemen are here you say?

Mr. WILSON. Mr. Cheyney is here.

Mr. SPIGHT. Mr. Decker is not.

Mr. HOPE. No, sir.

Mr. WILSON. They are the only ones you have found who are very much in favor of this measure?

Mr. HOPE. They are the only ones I found who are in favor of it.

Mr. BERNSTEIN. Did you speak to Mr. Decker in regard to this matter?

Mr. HOPE. No, sir.

Mr. BERNSTEIN. Did you speak to Mr. Louden?

Mr. HOPE. No, sir.

Mr. BERNSTEIN. Or to the other sponge buyers?

Mr. HOPE. I spoke to Mr. Decker.

Mr. BERNSTEIN. Did you find any sponge buyer who is not in favor of this bill; and don't you know as a matter of fact that none of the buyers who are interested in buying sponges and who also own diving vessels were willing that Mr. Seraphic should come here to oppose the bill?

Mr. HOPE. I don't know anything about that.

Mr. BERNSTEIN. As a matter of fact it was only people who went into this industry to make money out of it, and who never before had been interested in the sponge business in any way who are objecting to the passage of this bill?

Mr. HOPE. No, sir.

Mr. BERNSTEIN. Is it not a fact that there is no one who is really interested in the preservation of the industry who objects to its passage?

Mr. HOPE. I don't know that, either; I didn't speak to but two sponge dealers, and they were Mr. Decker and Mr. Meres.

Mr. BERNSTEIN. You did not endeavor to see any other sponge buyers?

Mr. HOPE. No, sir; I did not. I understood that Mr. Decker and Mr. Meres and Mr. Cheyney were the ones that made the proposition to compromise on this thing. We knew nothing about it.

Mr. BERNSTEIN. You knew that Mr. Louden, who is also a buyer, did not support the opposition to the bill?

Mr. HOPE. I never spoke to Mr. Louden, and I don't know what he thinks.

Mr. WILSON. Do Mr. Decker or Mr. Meres own or control any of these fishing boats?

Mr. HOPE. Yes, sir; I think both of them do.

Mr. SPIGHT. Do you know J. B. Consort?

Mr. HOPE. Yes, sir; he is one of the men I represent.

Mr. WILSON. What is his business?

Mr. HOPE. He is a merchant.

Mr. WILSON. What kind of a merchant?

Mr. HOPE. A dry-goods merchant.

Mr. SPIGHT. What is his character and standing in the community?

Mr. HOPE. As good as that of any man in the community.

Mr. WILSON. Is he for or against this bill?

Mr. HOPE. He is against the bill. He has an interest in these diving boats. He has had money there for several years and never invested it until this diving business came in, and now he has invested his money in it.

Mr. WILSON. Then he owns some of this diving apparatus, does he?

Mr. HOPE. Yes, sir.

Mr. SPIGHT. Is he a native?

Mr. HOPE. I think he is a native of Mississippi; but he has been in Florida for a good many years.

Mr. WILSON. He employs Greeks as divers?

Mr. HOPE. Yes, sir.

Mr. SPARKMAN. At what time of the year do they ship most of the sponges from Tarpon Springs?

Mr. HOPE. The hookers always get sponges in the spring and ship along about July.

Mr. SPARKMAN. They ship in the middle of the year?

Mr. HOPE. Yes; the spring of the year is the time when most of the hooking business is done—in April, May, and June.

Mr. SPIGHT. Do you know anything about the price of sponges? What is that sponge worth?

Mr. HOPE. I suppose that sponge is worth now \$3 or \$4 a bunch.

Mr. SPIGHT. How many of them would it take to make a bunch?

Mr. HOPE. About a dozen.

Mr. SPIGHT. Then they would be worth \$3 or \$4 a dozen?

Mr. HOPE. Yes, sir.

Mr. SPIGHT. Do you know anything about the profit there is in selling them and handling them?

Mr. HOPE. No, sir; I never dealt in them.

Mr. LINDHEIM. Is it not a fact that there was a sale last Saturday and that the sale of sponges advanced?

Mr. HOPE. I never heard of it before I left home. I was at Tampa on Saturday.

Senator MALLORY. Mr. Hope, how long has it been since you were in Key West?

Mr. HOPE. I think I was in Key West in 1880. I have not been there since.

Senator MALLORY. Where did you get your information about the citizenship of the men engaged in the sponge business at Key West?

Mr. HOPE. I got it from being there. I know a great many of them, you know. I was custom-house officer there for a long time, and I know by their taking out their papers.

Senator MALLORY. I understand you to say that a great many of them can neither read or write?

Mr. HOPE. Yes; a great many of these negroes and a great many of these white ones.

Senator MALLORY. You infer that they are Bahaman negroes?

Mr. HOPE. Yes, sir.

Senator MALLORY. Is it not a fact that the Bahaman negroes can all read and write?

Mr. HOPE. No, sir; they do a little better than the white people; but I think very few of them can read or write.

Senator MALLORY. That is different from my observation. I have never seen a Bahaman negro that could not read and write.

Mr. HOPE. I never saw one that could.

Senator MALLORY. Do you know what proportion of the men engaged in sponging at Key West are residents of Key West?

Mr. HOPE. I think there are a good many of them that are residing there at Key West, but I don't know what proportion.

Senator MALLORY. Do you know how many men at Key West are engaged in sponging?

Mr. HOPE. They run about 125 or 130 vessels there, and they have from 7 to 12 men to a boat.

Senator MALLORY. That would make over 1,000 men.

Mr. HOPE. Yes; there are over 1,000 men.

Senator MALLORY. That would represent about how many people, estimating four to a family? Somewhere in the neighborhood of four or five thousand people, would it not?

Mr. HOPE. Yes, sir.

Senator MALLORY. Do you know what the sentiment in Key West is with regard to this bill?

Mr. HOPE. I only know from the papers. Of course they are opposed to diving, because it interferes with the hooking business.

Senator MALLORY. There are no divers at Key West?

Mr. HOPE. There are no divers at Key West.

Senator MALLORY. They are all hookers?

Mr. HOPE. All hookers.

Mr. WILSON. Before the Senators from Florida go I would like to hear a word from them on this subject.

Senator TALIAFERRO. I have nothing further to say in regard to the matter.

Senator MALLORY. I merely came here to look on. I have nothing I desire to present to the committee.

Mr. BERNSTEIN. Mr. Chairman, in regard to our connection with the matter, I desire to say I think Doctor Smith will recall that some time ago, when a number of divers came into Tarpon Springs, I wrote to him for information in regard to what might happen to the sponge business if diving were continued, and he answered that he had sent to me a copy of a letter which he had written to the Pharmaceutical Era, the substance of which he has given here. That interested me in the matter, and I wrote him further, and received from him a letter dated the 15th of March, 1906. I asked him if he could suggest anything which could be done to prevent the depletion of the beds, and I received this letter in reply:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, March 15, 1906.

MESSRS. LASKER & BERNSTEIN,
161 William street, New York City, N. Y.

GENTLEMEN: The Bureau is in receipt of your letter of the 10th instant, and desires to state in response thereto that it has no jurisdiction in the matter, and in the absence of special authority from Congress will not be in a position to take the initiative. You may not be aware that the subject of your letters has been brought to the attention of Congress by Senator Taliaferro, who has introduced two bills, copies of which are inclosed. Those who are interested in the preservation of the sponge fishery and the exclusion of aliens from participation therein should press these bills before Congress and arrange for a hearing.

Respectfully,

H. M. SMITH, *Acting Commissioner.*

We then did absolutely nothing in regard to this matter, and I knew that nothing had happened until two weeks ago, when I was in Tarpon Springs, and I saw a little clipping in the newspaper to the effect that certain bills had passed the Senate. I knew absolutely nothing at all of their contents. I believe Doctor Smith will verify the fact that I wrote him from Tarpon Springs at that time and asked him to kindly send me copies of the bills which had passed the Senate. From that time on we have been interested in the matter, and our interest, as I have stated, was primarily aroused by this letter which I have from Doctor Smith. That is all I have to say in regard to this matter.

I want to put one other thing straight before you, and that is with reference to the stock on hand. I believe everybody here has admitted that the large quantity of sponges in former years have come in in the early spring, so that practically, until the divers went out,

we received no sponges from Rock Island at all. This last April and May we bought a supply of sponges. Then we received no sponges until the divers' goods came in, which was a period of about six months. In those six months we were naturally able to dispose of practically all the stock we had on hand. The goods which the divers then brought in were large goods, for which there was not a very great demand, and which we purchased on a declining market and sold at practically that price. That is as far as our financial interest in the matter goes.

Mr. BIRDSALL. What is the value of the stock of sponges you have on hand now?

Mr. BERNSTEIN. Of Rock Island sponges?

Mr. BIRDSALL. Sponges of any kind.

Mr. BERNSTEIN. I should say somewhere in the neighborhood of \$100,000 worth of stock, which is a comparatively light stock for us. At our last inventory our stock was somewhere in the neighborhood of \$175,000 to \$200,000. Since that time the stock has been reduced.

Mr. WILSON. Why?

Mr. BERNSTEIN. Because we have had our sales during this six months' time, and we have been selling a large quantity of goods besides those we have imported.

Mr. WILSON. Have you not taken advantage of the low market and purchased a stock?

Mr. BERNSTEIN. We have purchased a stock, but we have practically sold all we have purchased. We sold all our stock out at a very good margin of profit.

Mr. WILSON. Is it true that you have purchased all you could?

Mr. BERNSTEIN. We have been buying right along our usual proportion of sponges.

Mr. WILSON. Have you any idea how much you have bought within the last six months?

Mr. BERNSTEIN. I could not say definitely, but possibly something like \$75,000 worth. I can not say that with any degree of certainty, but I imagine it is somewhere in that neighborhood. I should imagine we have on hand to-day something like \$20,000 worth of Rock Island sponges of all sizes. Our sponges are graded very carefully, running one, two, three, and four to the pound. We have on hand only about \$20,000 worth of this grade of sponge to which I refer. If there is any house which would be in a position to take advantage of this market it would be our house. When I was in Tarpon Springs I did buy practically one-half of what was there, and, as I explained the last time I was here, so far as the present condition of business is concerned, we would be perfectly happy to have diving continue, if we did not believe it would result in the depletion of the beds and the ruin of our business and of the industry. Naturally, in two years, if the supply of sponges gives out, the price will be higher than it ever was, and there will be nothing left to supply new sponges, as has been suggested by Doctor Smith.

Mr. WILSON. Are you familiar with the coast of Florida?

Mr. BERNSTEIN. Not especially.

Mr. WILSON. I would like to ask some one as to whether there are 250 to 300 miles of sponge grounds along that coast?

Mr. BERNSTEIN. I think Mr. Cheyney, who lives at Tarpon Springs,

could possibly give you the best information about that. I do not know about it.

Mr. CHEYNEY. I will say, in reply to that, that the known sponge grounds in that region extend about 120 miles along the coast from Tampa up to a point south of Tallahassee, or St. Marks, as we call it—120 miles north and south.

Mr. WILSON. Is that the territory that has been investigated and found to contain sponges, or is there other territory which has not been investigated?

Mr. CHEYNEY. That is the only territory that has been investigated—that is, it is the only region on that coast in which the water gets clear so that the old method of hooking can be pursued, and up to the time of the introduction of the diver that was the only means of investigating the grounds. Since the introduction of divers they have been working along the same lines, and at the present time they have worked a distance of 60 miles north and south, or one-half of the total distance. Many of the divers and masters of boats with whom I have recently talked claim that the grounds are very much depleted on that tract since they have been operating. That is also evident by the sizes of the sponges now procured from those grounds. They run about one-half the size they did when they started some few months ago. That is because of their natural selection of the largest first and then those next in size and so on down, so that while at first they would run 1 or 2 to the pound they are now running 6 or 8 or 10 to the pound. That is certainly striking evidence that the grounds show marked depletion. I should say the depletion had been as much as 50 per cent since the divers have been at work, and their operations cover one-half of the only known sponge district on that coast.

Senator TALIAFERRO. Mr. Bernstein, did you know anything about the intention of bringing this subject before Congress before the bill was introduced in the Senate?

Mr. BERNSTEIN. Absolutely nothing at all about it until I received the letter with the bills inclosed from Doctor Smith, under date of March 15.

Senator TALIAFERRO. Did you or your friends interest yourselves at all in this bill while it was pending in the Senate?

Mr. BERNSTEIN. Absolutely not at all.

Senator TALIAFERRO. So that your more active interest in this matter began when the bill came to the House?

Mr. BERNSTEIN. We did not know anything that was happening. When we received your first bill we looked it over.

Senator TALIAFERRO. From whom did you receive it?

Mr. BERNSTEIN. From Doctor Smith. I will say that we did then consult an attorney regarding the matter, and he told us that it would not pay to oppose the passage of this bill, because the danger would be that the divers would leave their boats outside of the 3-mile limit and bring the sponges ashore, and he believed that, under the wording of the bill, that might be possible. We did nothing further in the matter, and I did not know that anything further was being done, except that I did hear that the people in Tarpon Springs had opposed this original bill which was before the Senate. While I was in Tarpon Springs two weeks ago there was a little clipping in the Tarpon Tribune, which I saw was headed: "This will put our Greeks

out of 'biz.'” It simply stated that diving had been prohibited, and that no aliens would be allowed to fish. Of course that was very vague, and I had no exact information as to what the bills were. I asked several people in Tarpon Springs about it, and they did not know exactly what bill had been passed, whether it was the original bill or the second bill, which we are at present considering.

At that time I wrote to Doctor Smith and asked him to kindly send me the two bills which had been passed by the Senate. They were mailed to me in a letter signed by Commissioner Bowers. Then we noticed the possibilities of this bill. I believe that at the same time our people in New York also noticed them, and we interested ourselves for the protection, as I said before, of the industry. Our interest was first inspired by this letter from Doctor Smith, which was also sent to the Pharmaceutical Era, and which contains practically the same information he has given the committee to-day.

Senator TALIAFERRO. Did you or your friends or your attorney ever have any correspondence or communication with either one of the Florida Senators on this subject?

Mr. BERNSTEIN. No, sir; absolutely none. So far as the Congressmen are concerned, when I was in Tarpon Springs I did not know that Mr. Sparkman was the Representative of that district, and I had absolutely no correspondence with anyone at all who has had anything to do with this bill.

Senator TALIAFERRO. Please state when was the first meeting you ever had with me.

Mr. BERNSTEIN. In this committee room on Monday afternoon.

Mr. WILSON. I would like to ask Mr. Cheyney one more question. If diving was permitted there, would they find new sponge ground and new sponge territory?

Mr. CHEYNEY. I think it is possible they would. Of course we have nothing to guide us in that regard, but there is a long stretch on that coast that has never been explored, by the divers or otherwise, and I think the chances are about even. It is impossible to make a guess on the subject, but I certainly could not say they would not. All of the conditions necessary to a sponge ground are found there. There is a rock bottom, and sponges grow on rock bottom. Whether the necessary rock bottom exists in that unexplored part of the coast I do not know. If it does exist, the presumption would be that there are sponges on the bottom.

Mr. LINDHEIM. The distinction between the original bill and the present bill has not been very clearly brought before this committee. The original bill was to prohibit the taking of sponges within the 3-mile limit, but it was thought that bill would not prevent diving, because they could go outside of the 3-mile limit.

Senator TALIAFERRO. I do not think I ever introduced a bill to prevent diving within the 3-mile limit.

STATEMENT OF A. A. SERAPHIC.

Mr. SERAPHIC. Mr. Chairman, the last time I spoke before this committee I referred to a combination of buyers and to the efforts of Mr. Bernstein and others of New York to limit the output of sponges in Florida, in order to enable them thereby to corner the market. I wish to make this point very clear, that I did not intend to throw

even the shadow of the existence of an idea in my mind that the honorable Senator Taliaferro, from Florida, had any understanding or knowledge with Mr. Bernstein, because I know well how the bill originated. Mr. Taliaferro took it up at the instigation of the hookers at Key West. After the bill had passed through the Senate and had come to the House Mr. Bernstein then availed himself of the opportunity to come here and throw his efforts in favor of the passage of that bill. I wish that point to be made clear.

Mr. SPIGHT. I do not think any member of this committee has the slightest suspicion that there was anything wrong connected with the passage of that bill.

Mr. SERAPHIC. My statement did not intend to convey any such idea. I know that Mr. Bernstein, the head of the firm, was down in Florida, at Tarpon Springs, when the price of sponges went tumbling to \$3 a bunch after he arrived, and that he personally told me that if I could get the operators to agree upon a limited output he would save a half a million dollars and run the price up again, because he did not feel justified in investing in the purchase of sponges \$200,000 or \$300,000 with a prospective yield of a million and a half dollars of goods; but that if the output was limited, he could do it. That was just the time that he heard of this proposed bill here in Washington; and he stated that when he got back he would do his best to see that the bill passed.

Mr. BERNSTEIN. Will you state which bill that was? You are talking about the first bill.

Mr. SERAPHIC. The first bill; yes, sir. In regard to the statement that the treading of the diver on the bottom, by reason of the weight of his shoes, would have a tendency to destroy the animal life, I wish to state that a diver does not weigh, possibly, more than a half a pound or a pound when he is under water, because the suit of the diver is inflated, and the air which inflates the suit of the diver enables him to be buoyant. He floats in the water. The diver does not walk, because if it was necessary for a diver to walk, the weights he has on him are such that he would be unable to cover a single block.

Mr. SPIGHT. Have you had practical experiences as a diver, or do you know anything about it?

Mr. SERAPHIC. I donned a suit once on the other side; but I know all of these divers down there. I know men who have been diving for fifteen years. The fact I have stated is demonstrated by their stories, as told me, of their operations in the Mediterranean, where there are deep cliffs, 30 or 40 fathoms. The sponges grow all along those steep cliffs, and they gather them where they have no footing at all. The diver, through the accumulation of air in the helmet and the inflation of his suit, is enabled to keep his equilibrium and go along these cliffs to gather the sponges, although he has absolutely no footing. The same thing occurs at the bottom of the seas. He does not walk. He simply uses the toes of his shoes to push him along. He keeps his suit inflated, in order to make speed, because otherwise he has no speed. He pushes first with one toe and then with the other, and then he is floating along, not walking, because the accumulation of air has the tendency to outbalance the weights. The pump above pumps air into the helmet and the helmet is attached to the suit, and the suit naturally becomes inflated. The only way that he can sink

is by opening the air valve of the helmet and allowing the accumulation of air to escape, so that the weight which he has of 70 pounds will be greater than the buoyancy given by the air, in order to make him sink.

Mr. WILSON. How many sponges will they secure during the time they are down there, in a good average day's work?

Mr. SERAPHIC. It depends upon the distance they cover, and it depends upon the average of sponge beds they discover.

Mr. WILSON. I say, on an average?

Mr. SERAPHIC. On an average, in good weather, a sponge diving outfit boat will bring in from 500 to 600 bunches a month.

Mr. WILSON. What I am trying to get at is this: The diver goes down and is down there two or three hours?

Mr. SERAPHIC. Yes, sir.

Mr. WILSON. On an average, about how many sponges would he bring up for that two or three hours' work?

Mr. SERAPHIC. I would say he would get from 15 to 60 bunches a day.

Mr. WILSON. Each bunch would weigh how much?

Mr. SERAPHIC. They are $5\frac{1}{2}$ feet in length. Each string is called a "bunch," and they claim there are about ten marketable sponges to the string.

Mr. SIGHT. Does he string them down there as he gathers them?

Mr. SERAPHIC. No, sir. They first put them in crails and let them stay in crails, and after they are cleaned thoroughly they are strung.

Mr. SIGHT. How does he get them up?

Mr. SERAPHIC. He has a net bag with an open mouth with a sort of a small hoop at the mouth, which he carries with him when he goes down. When he fills that up he ties it to the signal line, gives the signal, and they pull it up and send him a new sack down.

I have talked with a great many of the captains of snapper fishing vessels, and they tell me that on all the snapper banks where they fish in the Gulf—some of them right outside of Pensacola—they have, a great many times, brought sponges to the surface with their snapper hooks. Which is an evidence that sponges do exist in these deep waters, even to a depth of 60 fathoms.

Mr. SMITH. What kind of sponges were they?

Mr. SERAPHIC. I do not know.

Mr. SMITH. Sponges have been found at a depth of a thousand fathoms; but they are not marketable.

Mr. SERAPHIC. I did not see the sponges; but these people claim that the sponges they find on the snapper banks are equally as good as the sponges found in shoal water.

Mr. SMITH. There is nothing at all improbable in that.

Mr. SERAPHIC. In regard to the recuperation of the sponge beds, I want to say that, as Doctor Smith has stated, the closed season is not sufficient to allow these beds to recuperate. I think that if the sponge district was divided into two districts—No. 1 and No. 2—and fishing was allowed in one district for three years and then allowed in the other district for three years it would be the best solution of the problem for the protection of the sponges.

I think the diving boats have really revived, in a measure, the sponge industry by finding new and virgin sponge beds. They are diving in 20, 30, and up to 40 fathoms of water. They fish up to 40

fathoms of water in the Mediterranean, and there is no reason why they should not do it here. There is a great treasure lying at the bottom of the sea which can be placed on the market, and which will make Florida the greatest sponge market in the world. If the protection of the industry is a matter for consideration, why not have the field divided into districts, numbered 1 and 2, as it is in Cuba? Cuba has that method of protecting the sponge district—by dividing it into two districts. A short closed season will not protect the beds. It is necessary to have three or four years closed season in order to grow a new sponge crop.

Senator TALIAFERRO. If the policy should be adopted of dividing that territory into districts, as you suggest, and no restriction was put on the number of spongers to engage in the business, how many vessels do you estimate would be engaged in that business within the next twelve months, on the theory that there are now 70 vessels engaged in the business?

Mr. SERAPHIC. I do not think there will be a great many more vessels put into operation, for reasons which I shall presently give. There are now 70 outfits down there; but Mr. Cheyney will bear me out when I say that 30 of those diving boats are tied up to-day because of lack of crews to operate them. Operators owning three boats are now operating one. It is necessary to have approximately 14 men to run a diving boat, and the crews there now are only sufficient to man 40 boats.

The CHAIRMAN. You mean the Greek divers?

Mr. SERAPHIC. Yes, sir.

Senator TALIAFERRO. Then you do not think there would be 300 vessels in business within the next three years?

Mr. SERAPHIC. If there was profit enough I suppose that a great many people would invest in them; but the question to be solved is the question of crew. The inability to get crews to-day has tied up half the outfits down there.

Mr. CHEYNEY. Mr. Seraphic has asked me to bear him out in the statement, but I can not do so, because I am not sufficiently informed. I do know that some boats are tied up. I would like to ask him, however, if that is not because of a dispute between the operators and the crews as to the method in which the crews should receive employment. At the present time there is a strike on the part of the men, who demand wages from the operators. For that reason the boats are without crews, and the men are there waiting employment when they can come to terms with the operators; is not that true?

Mr. SERAPHIC. A part of it is; but I know there are no men, and a committee has been sent to New Orleans, by the executive committee of the association, to try and secure three or four hundred seamen if possible.

Senator TALIAFERRO. Greeks?

Mr. SERAPHIC. No; Italians or Greeks or anybody at all.

Mr. CHEYNEY. But all aliens?

Mr. SERAPHIC. I don't know about that. They were sent to secure them wherever they could get them. As to the question of the inability to cure sponges on the boats I wish to say that in the Mediterranean the trips are from seven to eight months, and after leaving the sponge grounds there they follow along the African coast

and fish, and they cure their sponges on the boats and dry them and then pack them in boxes.

Mr. SPIGHT. How does the size of the boats compare with the size of the boats here?

Mr. SERAPHIC. The boats are just the same as they are here. With reference to the inability to cure the sponges, they say that they are apt to turn yellow. That is due to the fact that the tendency has been here not to clean the sponge thoroughly, in order to leave the weight in it, which the buyers here desire; and they leave in the matter that should be thoroughly gotten out of the sponge. That is what produces this yellow color. If they are kept in a proper place and the sponges are thoroughly cleaned and dried they can be kept for two years, as well as the Mediterranean sponges can be.

Mr. BERNSTEIN. Do you not know that in the winter months the Rock Island sponge has so much gurry in it that they claim it is absolutely impossible to get it all out under any conditions?

Mr. SERAPHIC. I know of one boat where the sponges were cleaned on the boat and the crop was brought in and sold during the winter months. The crop consisted of nearly 500 bunches. Those had been cleaned on the boat. Now, regarding the meeting to which Mr. Cheyney referred, I wish to say that I went to his office with Mr. Meres for a social call, and the question of the difficulty of keeping crews and the question of weights came up. We all discussed what would be the best measure for the purpose of keeping others from coming into the business and a proposed combination between operators to that end. That was really at the bottom of the entire meeting.

Mr. SPIGHT. You wanted to play a freeze-out game, did you?

Mr. SERAPHIC. Yes, sir; when that question came up the idea was suggested of a closed season, and I stated that every member of the association would abide by a decision to close up for four months during the winter time, when it is unprofitable to operate owing to the storms. The summer months are rally the months when we can operate profitably; and of course during those months we wish to be allowed to do so.

This lack of crews has resulted in the stealing of each other's crews. One operator, having no crew, goes to the divers of another operator and says, "You come with me; if it is a question of wages, and you are getting \$50, I will give you \$60 or \$70." In view of that we all decided to sign a bond that we will forfeit our boats and diving pumps to the association if we take any members of a crew on wages. The intention was to put them all on a share basis, so that this stealing of men could not occur.

Regarding the question of contracts, a letter was read by Mr. Sparkman the other day, received from Mr. Decker, in which it was stated that if I had not these contracts in hand I would be in favor of the bill. Every boat down there has contracts. The winter months are the ones that are not profitable, and for that period we can accede to a closed season; but during the summer months, which is the only time it is profitable to operate, we desire to have the privilege of operating.

Mr. SPIGHT. Will you look at this letter and see if that is the signature of the Mr. Decker you referred to?

Mr. SERAPHIC. Yes, sir.

Mr. SPIGHT. I have here an article taken from the Tarpon Springs News, which is copied from a Jacksonville paper. What is the name of the Jacksonville paper?

Mr. SERAPHIC. The Jacksonville Times-Union.

Mr. BERNSTEIN. May I ask the date of that paper?

Mr. SPIGHT. It is dated March 17, 1906.

Mr. SERAPHIC. In regard to sponge beds and the present depletion of them, I have been informed by the divers of some boats, three weeks ago, that they had discovered virgin sponge beds in 16 fathoms of water. They had been fishing at 8½, 9, and up to 12 fathoms; then they tried 16 fathoms and found these new sponge beds. They can fish up to as high as 40 fathoms. They fish in 40 fathoms of water in the Mediterranean, and they can do it here. If any measure is to be taken for the protection of the sponge beds, the only one that will bring about the results desired is to divide the field into districts, making one district from Anclote to Pensacola and the other from Anclote to Key West; then permit fishing in one for three years or four years and let the fishing be done in water up to 40 fathoms, to their capacity; and then suspend fishing in that district and fish in the other. That will allow the sponge beds to recuperate.

Mr. LINDHEIM. How can that be done if these beds lie outside of the jurisdiction of the United States?

Mr. SERAPHIC. By the same method this legislation now proposes.

Mr. LINDHEIM. When these sponges are taken, how can the United States distinguish whether they were taken from one section or another?

Mr. SERAPHIC. How is it proposed to be done now?

Mr. LINDHEIM. It prohibits taking sponges within a given time.

Mr. SERAPHIC. Why can not one district be policed by two revenue cutters?

Mr. LINDHEIM. Because the Government has no jurisdiction outside of the 3-mile limit.

Mr. SERAPHIC. The sponge beds are naturally placed beyond the jurisdiction of the United States. The sponge beds are from 15 to 60 and 65 miles out.

Mr. PATTERSON. Mr. Chairman, I would suggest that if Mr. Seraphic has anything further to say he can reduce it to writing and submit it.

Mr. SPARKMAN. I want to ask Mr. Hope one or two questions. Have you any suggestion as to the kind of a bill that would be satisfactory to you?

Mr. HOPE. I am satisfied with the bill you have if you will knock out the closed season. That is all I ask.

The CHAIRMAN. You mean there is no necessity for legislation at all?

Mr. HOPE. I do not think there is; but I have no objection to anything in the bill except the closed season. I have no objection to the alien part of it, and I am satisfied to let them fish in 50 feet of water and let the other spongers come inside of that; but the only thing I object to is the closed season.

Mr. SPIGHT. Mr. Chairman, I desire to submit and have printed as a part of the record a letter from L. D. Vinson, of Tarpon Springs, Fla.; a letter from the Tarpon Springs News, taken from the Jacksonville Times-Union, and signed by W. W. K. Decker, and a petition

and protest published in the Tarpon Springs News under date of March 24, 1906.

The papers referred to are as follows:

TARPON SPRINGS, FLA., *April 19, 1906.*

HON. JOHN SHARP WILLIAMS,
Washington, D. C.

DEAR SIR: Suppose you received telegram sent this morning in reference to Senator Taliaferro's sponge bill which recently passed the Senate. That you may thoroughly understand situation here I inclose two articles from our town paper. The one "Diving for sponge," by W. W. K. Decker, is recognized and indorsed by all as a true statement of affairs. He is largest buyer here; has been in business several years. However, he is in a doubtful position now, as he is trying to work for both interest of town and northern buyers for whom he is agent. Read article "Petition," and you will see what our people wanted and expected. Each diving boat was assessed \$10 to employ lawyer to fight bill, but we find now he was only employed to prevent revenue cutters from coming. Undermining work has been done; diving operators and people of Tarpon have been deceived.

The operators' requests are fair and reasonable. They only ask to be allowed to operate where, not when, hooker can not, that being at depth of not less than 50 feet, which is 14 or 15 miles out, not in Florida waters, and beyond where hookers can work. Our sheriff, in response to the governor's demand, came a few months ago, and made a thorough investigation; found no diving vessel at work nearer than 14 miles from shore. Why should they work in shallow water when best grade and higher price sponges are in the deep water, and none of the deep-water grounds has ever been worked before. Note in "Petition" the restriction is on size of sponge, which is just; but in Taliaferro's bill, passed by Senate, is to prohibit sponge being delivered in United States that is taken at or beyond depth of 50 feet and from May 1 to October 1.

If to protect the beds and sponge industry, then why not on all sponges at any depth from May 1 to October 1? If sponge beds 14 miles out that have never been worked require protection from May 1 to October 1, does it not seem reasonable that the beds the hookers have worked for years would need same protection and during same months? Don't you see it isn't sponge beds, but the moneyed power, that the bill is designed to protect? Else restriction would be in size and same for hookers as for divers. The northern buyers have on hand quite a lot of sponge bought at from \$6.50 to \$10.75 per bunch—they are now only paying from \$2.10 to \$3.25 per bunch—and they can handle what the hookers would get from May to October, as those are the best sponging months. They don't want more to go on market than they can control, and they do practically control this market. They care nothing for our southern industry except as they are profited thereby.

Read article 3 as to who signed the petition. Note resident sponge buyers signed and worked for defeat until northern buyers began their wire pulling. Note character of hookers, that one-half are negroes and 60 per cent aliens, while a large per cent of the owners of diving boats are American citizens. Now, if you can realize how a southern industry is being trampled on by bossism, I am sure you would rally Mississippi's forces and help Florida down oppressors.

Yours, truly,

J. B. COWSERT.

DIVING FOR SPONGES.

[From Jacksonville Times-Union.]

Having noted several prejudicial allusions by your Key West correspondent regarding the Greek sponge divers who are plying their avocation in the waters of the Gulf, with Tarpon Springs as the base of their operations, I think it an opportune time to tender the public a partial statement, correct in details, of the past and present history of the sponge business by one familiar with the conditions as they have existed for a period of fifteen years.

For many years sending out a fleet of vessels to the sponging grounds was conducted solely by Key West parties, and the northern dealers in this community either sent or kept their representatives there to buy the product as it

was brought to market by the fishermen; but about the year 1890 a company was organized at Tarpon Springs to send out a fleet of vessels and also purchase sponges, and through the competition thus engendered the dealers were forced to place agents here, and gradually this has become the strongest market. For several years past fully 30 per cent of the catch of Rock Island sheep's wool and Anclote grass and yellow sponges, or, to be more explicit, sponges found north of Egmont Key, have been sold here, while the Key goods taken from the waters between the islands near the southern end of the State have continued to find their market at Key West, owing to its proximity to those grounds.

The method in vogue for catching sponges was by use of a pole with a three-pronged hook attached to one end, and as fairly calm weather and clear water were requisite to the success of this mode, the principal part of the fishermen's work was done in water ranging from 15 to 30 feet in depth, although under favorable circumstances they sometimes fished in about 50 feet of water.

Owing to the persistent working of the sponge beds in the localities where their method could be employed by a constantly increasing number of men, these grounds became less prolific, until through scarcity of the goods taken and the keen competition among the dealers prices advanced to more than double. The jobber, finding the retailers would not pay twice the prices formerly charged, adulterating or "loading" was resorted to for the purpose of decreasing the price per pound. This only ostensibly reduced the price, and the consumer actually received but half as much sponge for his money as when the goods were sold pure. The fishermen engaged in the business under the old method, of which there have been about 1,000, have been nearly equally divided as regards color, and at least 60 per cent have been aliens, hailing from the Bahama Islands.

While a considerable number are intelligent and honorable, a certain proportion are ignorant and the morals of many are not above criticism. Obtaining advances, a custom inaugurated by some of the owners of the vessels to secure the best "hookers" (not "tongers"), which finally became universal, it is a common occurrence for them to jump the vessel without repaying the owner his money. One class are heavy drinkers when they can procure liquor, whether with their own money or by exchange of the vessel's supplies, and during their drunken orgies many serious affrays have occurred. The end of a successful trip, when they could "draw," has always been a time of revelry and debauchery among this class, and the result of their labor would be quickly dissipated. And of these same people one can not truthfully say that their word is their bond.

As a buyer I have been closely associated with the fishermen for years and have endeavored to bear their good will, through consistently fair treatment, and while the above statements will no doubt arouse the animosity of those they are intended to cover, they are generally known facts and do not reflect upon those who are exempt from such charges. The vessels, usually owned by merchants, have been outfitted with supplies for a trip of eight or ten weeks' duration, the owner bearing the entire expense of the trip. Under the system of sharing the men have received one-half of the gross proceeds of the sale of their product, and as an additional inducement to labor the hookers have been given one-quarter of a share from the owners' part, the cook one-quarter of a share to practice economy in use of provisions, and the captain an extra percentage to care for the vessel and direct the work of the crew. The accumulation of bad accounts due to the system of advances, without which no fisherman would ship for a trip, amounting to thousands of dollars, and the losses incurred when the catches were small, have more than once brought the vessel owners to face impending ruin.

The new method of diving was started less than a year ago by a Greek who had been previously employed in a packing house here, and his efforts proving successful beyond expectations, others, both Americans and Greeks, hastened to procure apparatus and begin operations. Now, there are probably 600 Greeks here, many of them highly educated men and quite a number naturalized citizens of the United States. Thus far the town has not had any just cause to regret their advent, as, while there have been a few violations of proprieties, owing to ignorance of American customs, they have not created any disturbances, and all seem disposed to make quiet and orderly citizens. The merchants and boat builders here and in Tampa and Jacksonville have extensively profited from their already large business.

The claim of the hookers that the divers are infringing on their rights can not be established, as the diver's work is all done on the high seas, beyond the jurisdiction of State or Federal Government, where the Cuban fishing smacks

catch grouper and red snapper for the Habana markets. The assertion, too, that the metal soles of the diver's shoes injure the bottom to the detriment of the sponge can not be proven. This method has been followed for a great many years in the Mediterranean Sea, and I am told that only overworking the grounds has had any effect upon the growth or supply. The hookers have themselves done much harm to the grounds by taking the very small sponge since the larger sizes have become less plentiful. There is a State law prohibiting taking or selling a sponge under a certain limit of inches in diameter, but it has been violated repeatedly by the fishermen, and no punishment has been imposed in any case.

The product of the divers, being taken from deeper waters, is much superior to the usual take of the hookers in both quality and size, and the increased output through their operations will soon bring prices down to a point where the consumer will not be obliged to pay half of his money for the S's (so called by the packers), sand, salt, and sirup. It is authentically stated that the hookers are much incensed at the divers and that a mob of them, after handling two or three Greeks very roughly in Key West some time since, placed a rope around the neck of one with the intention of hanging him, but were prevailed upon to allow him to leave town.

It is also reported that an armed fleet of hookers are coming out to the grounds with the intention of killing Greeks and destroying the outfits of those engaged in the business. This latter rumor I believe to be exaggerated, however, and to consist merely of idle threats by irresponsible parties, as it must be realized that such acts of violence would meet with speedy and extreme retribution under the maritime laws of the country. Their threats extend to some of their former comrades who have found employment in the new business, and who are considered renegades.

The inhabitants of the State most contiguous to the sponge beds are apparently content with the new conditions and would deprecate any interference.

The enactment of any prohibitory laws, as have been suggested, would only result in the transference of the divers' vessels under the protection of the Cuban Government, when the operations would be pursued upon the same grounds and the goods sent into the United States with an additional cost of duties.

Matters are quite unsettled at present, and it is difficult to forecast the ultimate outcome; but it would appear that the increased production and consequent decline of prices through the continuance of the new method can only result in the greatest good to the greatest number.

Yours, very truly,

W. W. K. DECKER.

TARPON SPRINGS, March 8, 1906.

PETITION.

To the honorable chairman and members of the Committee on Foreign Relations:

Under consideration the Senate bill No. 4806, introduced by Senator Tallaferrero.

We, the undersigned American citizens, residents of the counties of Hillsboro and Pasco, in the State of Florida, having read the protest made by the persons engaged in taking sponge off the coast of Florida by diving, and being thoroughly familiar with the situation, do respectfully submit to your committee that the said protest is well founded and should be given due consideration.

We do further state that the passage of Senate bill No. 4806 would practically destroy the sponging industry in so far as the State of Florida is concerned.

We do further state in our opinion the passage of the bill prohibiting diving for sponges in water less than 48 feet in depth, and prohibit the taking of sponges less than 5 inches in diameter, would thoroughly protect the sponge industry, and would be to the best interest of the public in general.

Respectfully submitted, etc.

We, the undersigned citizens of the United States residing at Tarpon Springs and vicinity, in the State of Florida, and engaged in the business of obtaining sponges by diving, desire to enter a protest before your committee against the passage of Senate bill No. 4806. And, in support of our opposition, would respectfully state the following facts:

First. Tarpon Springs is the largest sponge market in the United States, and practically does about 90 per cent of the sponge business of the United States.

Second. We, the undersigned, have invested in vessels and paraphernalia for gathering sponges approximately \$200,000.

Third. There are employed in this business, who have their headquarters at Tarpon Springs, Fla., about 900 persons. The passage of Senate bill No. 4806 would practically destroy the investment above mentioned and would throw out of employment almost all of the men engaged in the above-mentioned business and cause their removal from this region.

Fourth. In the opinion of the undersigned there is no reason for the passage of Senate bill No. 4806, as it would do no good either to the Government, the people engaged in sponging, or the consumers of sponges.

Fifth. In the opinion of the undersigned the passage of Senate bill No. 4806 would result either in the loss to the markets of the world of all of the sponges in water deeper than 48 feet, for the reason that the old method of hooking sponges can not be successfully carried on in deeper water than 48 feet; or in driving the sponge business out of the United States. As, if the bill should be passed and the courts should sustain the same as a proper police regulation, the grounds upon which the diving is done being upon the high seas and beyond the jurisdiction of the United States, the result would be that the sponges would still be taken from these waters by diving, and the only result would be that the vessels therein engaged would land their cargoes either upon the island of Cuba, the Bahama Islands, or some other foreign country. The mere matter of distance from the sponging banks to the foreign port would make very little difference in the business, it being a fact that the fishing snacks of both Cuba and the Bahamas catch most of their fish on the Florida coast and transport them to their home ports.

Sixth. In order that your committee may fully understand the conditions prevailing, we beg to state that of our own actual knowledge, taking sponges by the old method of hooking is impracticable in waters over a depth of 8 fathoms; that by reason of the continual taking of sponges for many years past in waters less than 48 feet and where hooking is practicable, and by reason of the fact that many small sponges have been taken, the sponging on the banks within a depth of 48 feet and within a distance of 15 miles from the shore, has practically been exhausted. The consequence of this has been that the prices of sponges have been going higher and higher, and the consumer has been required to pay more than was reasonable for his sponges.

The diving in water from a depth of 48 feet and over has been carried on long enough off the coast of Hillsboro County to demonstrate the fact that there are vast quantities of marketable sponges in the waters of this and greater depths, and the only way to gather these sponges is by the use of diving apparatus.

In confirmation of the above statements we beg to call the committee's attention to the report made by the Commissioner of Fisheries to the Secretary of Commerce and Labor June 30, 1905, page 29.

Seventh. In short, the old method of gathering sponges by the use of hooks affixed to poles operated from the surface has ceased to result in profit either to the operator fishermen or dealers engaged therein. It was for this reason that the diving method was introduced, that sponges might be taken from the virgin grounds lying in greater depth than 48 feet and beyond the limit of the use of poles and hooks. That gathering sponges by diving in the deeper waters will permit the replenishing of the shallow-water grounds in a period of two or three years, but the prohibition of the diving method now will inevitably destroy the entire industry to our people.

Eighth. In conclusion, recognizing that the Government is as much interested in the protection of the sponges as we are we would suggest from practical experience that the only legislation needed or which would accomplish the end in view would be a law prohibiting the use of the diving method in waters less than 48 feet in depth, and a further enactment making it unlawful for any person, persons, or corporation to take, offer for sale, or have in possession any sponge less than 5 inches in diameter, measured when wet, at its greatest diameter. The passage of such a law would allow the gathering of sponges sufficient to supply the market and would at the same time, by forcing the sponges to be taken from deeper waters, allow the shallow grounds to recuperate. All of which is respectfully submitted.

The committee thereupon adjourned.

WASHINGTON, D. C., April 27, 1906.

HON. CHARLES H. GROSVENOR,

*Chairman Merchant Marine and Fisheries Committee,
House of Representatives, City.*

DEAR SIR: Since the hearing so kindly accorded me by the subcommittee appointed by you for the purpose of investigating and hearing parties for and against the Senate bills 4805 and 4806, relative to the sponge business in Florida waters, I have given further thought to the matter, and in view of the fact that a great many vessels have, during the last few months, been fitted out at great expense with diving apparatus with a view to engaging in the sponge business in waters off the Gulf coast of Florida, many of which are now actually engaged in this business, and in view of the further fact that the passage of said bill (S. 4806) in its present shape would entail heavy loss upon these parties—a thing not desired by those protesting against the passage of said measure—I am perfectly willing, and have so stated to Senators Taliaferro and Mallory, as also to Mr. Sparkman, member of Congress from the first district of Florida, that said bill be reported and passed with an amendment providing that the same shall not take effect until the 1st of March, 1907.

I also think that Senate bill 4805 should likewise be amended by striking out in line 4, page 1, "either as principal, agent, or employee."

I understand the Senators are perfectly willing that this shall be done.

Very respectfully,

SAML. E. HOPE.

WASHINGTON, D. C., April 26, 1906.

HON. CHAS. H. GROSVENOR,

*Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

SIR: In accordance with the permission granted me by your committee, I have the honor to submit the following comments on the two measures now before it for the regulation of the sponge industry, the said measures being bills S. 4805 and 4806:

As respects the first-mentioned bill, I submit that it contains, in the form of a proviso at the conclusion of section 5, a stipulation that renders it nugatory. It is not necessary to go into any discussion of the constitutional question as to the power of Congress to forbid aliens to engage in the business of taking sponges within the water limits over which the jurisdiction of the United States extends, although it is questionable whether it is a legitimate exercise of the authority "to regulate commerce with foreign nations and among the several States" to forbid absolutely those who are not citizens from engaging in a lawful pursuit within the territory of this country. But I will request your attention to the various treaties with foreign countries, under which the United States has conceded to the citizens of those countries the protection in the enjoyment of all the rights secured to citizens of the United States resident in said countries, as well as to "the most-favored-nation" clause, which, with the exception of China, place all foreign countries with whom we have treaty agreements on the same basis in this respect. As an illustration, let us take article 3 of our treaty with Brazil, which reads as follows:

"The two high contracting parties, being desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens or subjects do, or shall, enjoy."

The last preceding phrase plainly shows that it would be a violation of treaty obligation to enact a law denying to aliens the same rights, etc., as to sponge fishing as native citizens do now or may hereafter enjoy. The conclusion, therefore, seems irresistible that, since the bill (S. 4805) itself preserves the treaty rights of aliens, denial of such rights would render the measure, if enacted, null and void.

Turning now to the bill S. 4806, I have the honor to suggest, as in the case of S. 4805, that it is a doubtful exercise of the constitutional power to regulate commerce. Certainly the United States can not lawfully undertake to forbid diving for sponges in waters beyond the limits of its jurisdiction. Even if it be

a legitimate control of commerce "from foreign countries and between the several States" to forbid the landing, delivery, cure, or sale in the United States of sponges taken by divers anywhere in the waters of the Gulf of Mexico, the cost of adequate police supervision to prevent violations of the law would seem to require, as a justification of the outlay, the proof of some very decided benefit to the United States from such a measure.

It is specifically to the latter point that I purpose to address the following remarks. I state as facts, of which I have personal experience, and which have not been gainsaid or disputed, that—

1. All sponge fishing beyond a depth of 50 feet must be done by divers.
2. The danger of the productiveness of the sponge beds of Florida, resulting from the rapacity of the fishers, is obviated by an effective law of that State, which penalizes the sale therein of sponges of less than a specified size.
3. Under the operation of said law the said beds have not diminished in fertility and probably will not.
4. If sponge fishing by divers be forbidden, the available sponge field in the waters to which the bill relates will be limited to those under 50 feet or less of water, leaving many square miles of sponge beds as useless as though they were barren, limiting the market supply of a useful commodity and correspondingly raising its price.

As regards the effect upon sponge beds of diving, I desire to state that it is no more injurious than the surface fishing. The divers, though heavily weighted to counteract the buoyancy of the water, which would otherwise force them to the surface, are yet simply balanced so that they barely touch the bottom with one foot for purposes of propulsion from point to point on a flat surface and readily rise up the side of steep inclines or over obstructions. They do not, therefore, injure the small sponges even if they touch them. Besides, those engaged in diving for sponges are equipped at a heavy expense, and they have thus a stronger inducement than the surface fishers to avoid injuring those beds to which they must look for a continuance of their returns upon the investment. Even, however, if there were any foundation for the fear that diving might produce a serious deterioration in the permanent supply, to what purpose, I ask, would it be to preserve sponge fields which can never be exploited by any other means? I assert with confidence that there is no ground for apprehension on this score; that the foreign beds, which have for years been utilized solely by divers, have not deteriorated as a consequence of this mode of sponge fishing, and that the only deterioration which can occur results from the taking of sponges in disregard of their size.

The logical and the only remedy is that provided in the Florida statutes, to which I have already referred, to wit, to establish a standard of size or weight and impose rigorous penalties on the sale of sponges below the standard. Experience will then soon demonstrate the standard which should be adopted to maintain the productiveness of the sponge waters.

I have thus far proceeded upon the assumption that the justification for the provision in the bill S. 4806 forbidding divers to fish for sponges in the waters mentioned is that their mode of sponge fishing is injurious, if not destructive, of the small sponges, and thus of the productiveness of the sponge waters. But the bill permits such fishing for seven months out of the twelve. That affords the opportunity to do any possible damage which it could be claimed diving would do. If the friends of the bill are really trying to prevent what they believe to be a danger to the sponge fields of the Straits of Florida and the Gulf of Mexico, they should insist upon and Congress, if of like opinion, should provide for a permanent closed season for sponge fishing by divers. Does not the bill in its present form concede the point in substance, as I have endeavored to show, that no more injury results from sponge fishing by divers than from surface fishing?

The actual effect of the measure as it stands will be to limit the output of sponges, furnish no protection from the imagined damage by divers, maintain high prices to the consumer, and afford the opportunity to preserve a monopoly—without seeming to have that effect—by allowing divers to fish during the seven comparatively unprofitable winter months and closing the beds to them for the five summer months, when the fishing is most productive. This last statement is emphasized by the fact that no benefit would result to sponge growth by a five months' closed season, as the sponges grow but little in that space of time.

In conclusion, Mr. Chairman, I beg to express my thanks for this opportunity to place upon record my protest against a measure which from my personal experience and observation I know can only result in restricting the benefit of

the sponge field, whether as sponge fisher, dealer, or consumer, to a very few. I believe it is in accord with the spirit of American institutions to extend the benefit of our natural resources to all and in the largest measure consistent with the prudent husbanding of those resources, and I can not doubt if careful consideration is given to the actual facts in relation to the sponge-fishing industry the committee will see that the measure (S. 4806) is not simply without merit, but is actually vicious to the public interests.

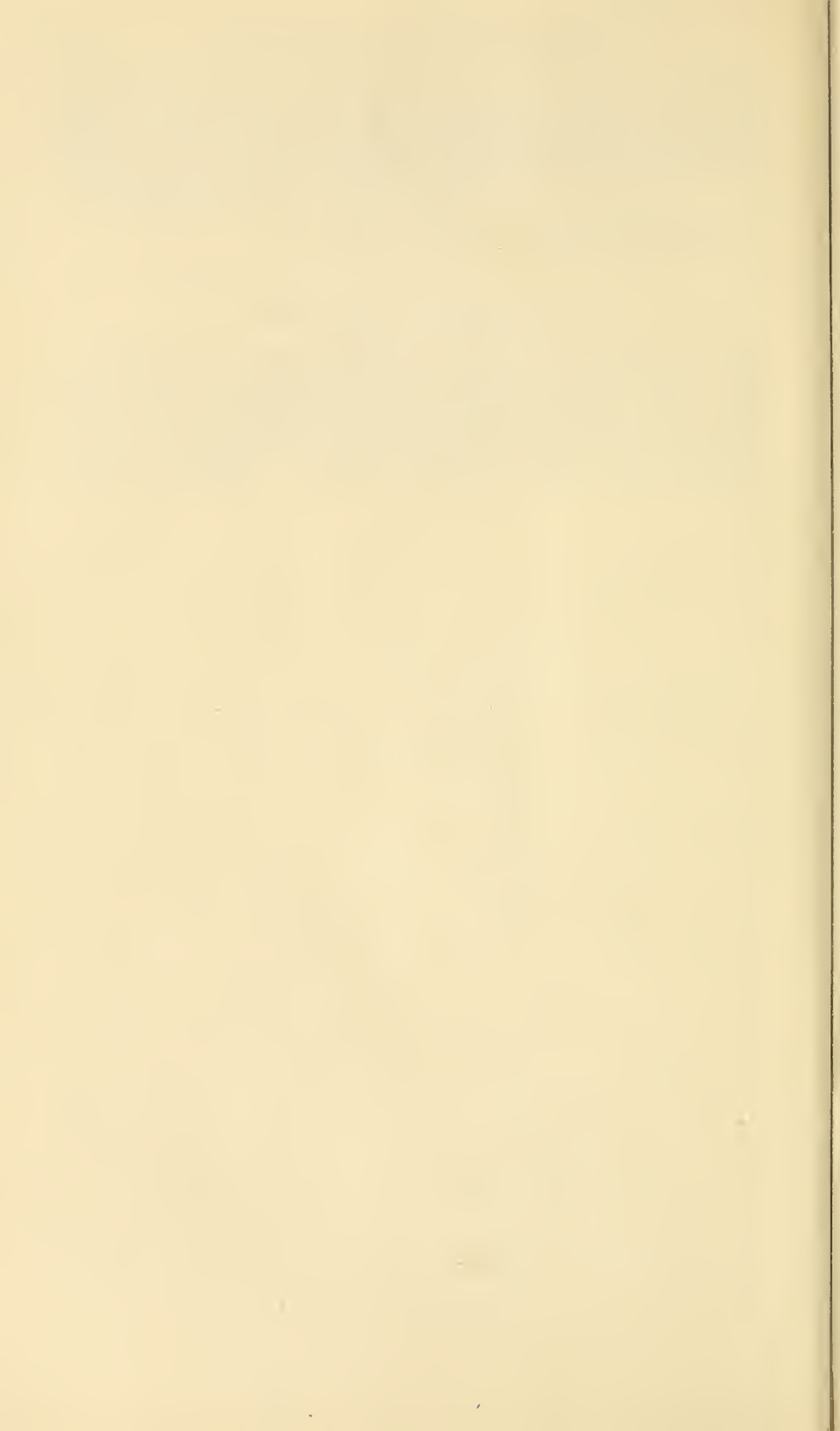
Respectfully,

A. A. SERAPHIC,
President Sponge Diving Operators' Association.

SECTION 2772, FLORIDA STATUTES.

Whoever dredges or uses a dredge for the collecting or gathering of sponge in or upon the waters of the Gulf of Mexico within three marine leagues of the shoals, or upon any of the grounds known as sponging ground along the coast line of Florida from Pensacola to Cape Florida, or whoever gathers sponge less than four inches in diameter shall be punished for each offence by fine not exceeding five hundred dollars and by confiscation of the boat, tackle, and machinery, and in default of payment of said fine the offender shall be imprisoned not exceeding one year.



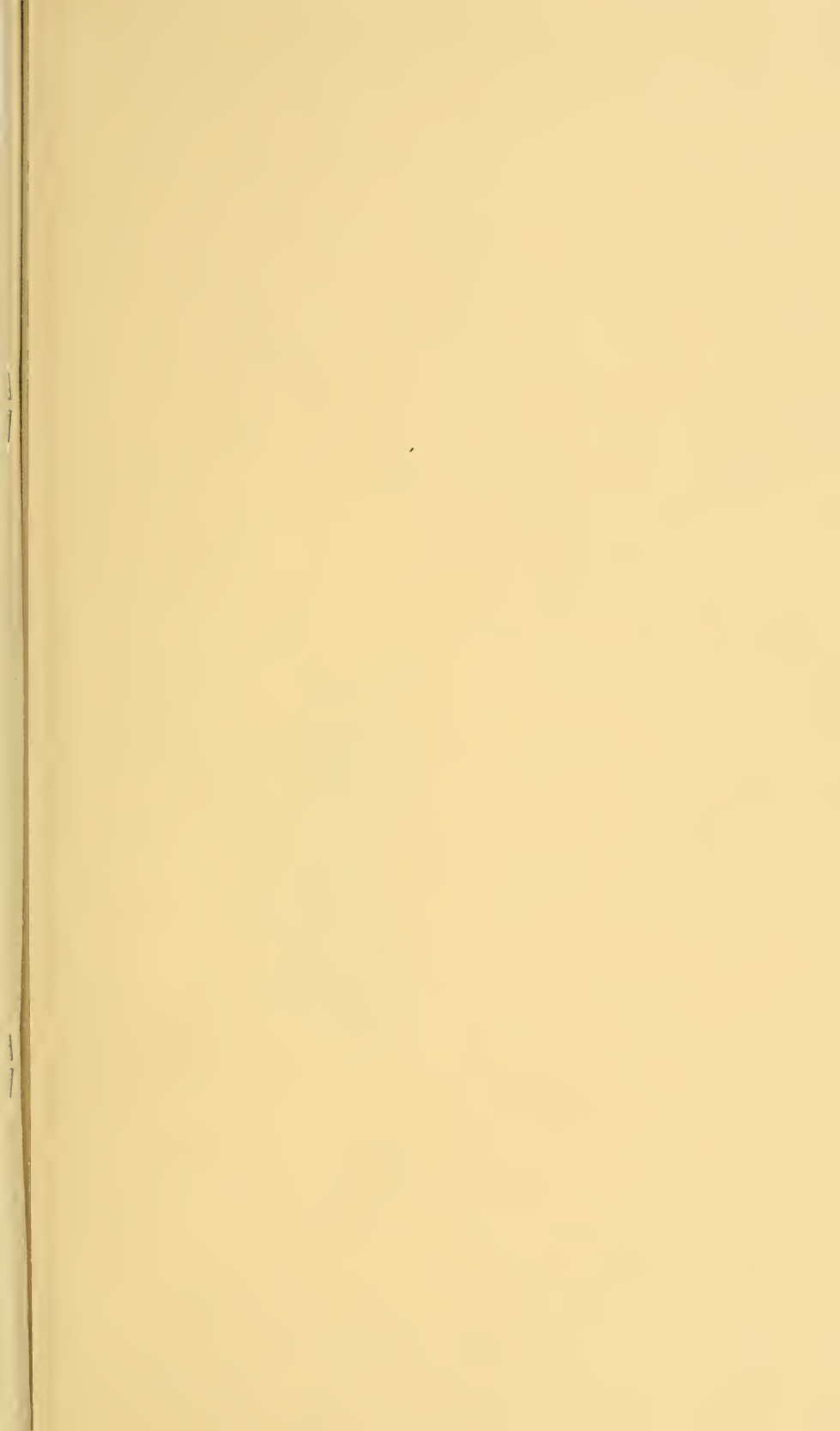


LIBRARY OF CONGRESS



0 002 890 148 3





LIBRARY OF CONGRESS



0 002 890 148 3

