

No. 2.

REPORTS

OF THE COMMISSIONERS APPOINTED BY THE HOUSE OF ASSEMBLY TO PROCURE INFORMATION RESPECTING THE STATE OF

THE HERRING FISHERY AT GRAND MANAN.

THE subscribers having been appointed by the Honorable the House of Assembly to procure information respecting the state of the Herring Fishery at Grand Manan, and to ascertain the effect produced on it by the Acts of 1831 and 1834, repaired to the said Island, and made such enquiries as they thought requisite, in order to the conflicting views entertained by the inhabitants on this subject being placed before the Honorable House, and with the detailed evidence then taken, the subscribers also beg leave to present their own opinions in the following

REPORT.

The observations of the persons examined, shew that two ideas regarding the Herring Fishery divide the Island, but however widely the parties vary in their views and statements, the subscribers have no doubt all of them gave their evidence from the most perfect conviction of its accuracy. The whole difference will be found to turn upon the point of whether the herring returns annually to particular spawning grounds, and where, probably, it was itself spawned; or whether it is to be classed with the wood pigeon, and other irregular visitants, which for years repair in countless multitudes to a particular district, and then for a long period, entirely, or in a great measure, abandon that place, and resort to others.

It will be seen by the evidence that many of the oldest fishermen are fully of opinion, that all net fishing, save with the short and small meshed nets for bait, is most pernicious and destructive to the Herring Fishery; urging, in confirmation, that so long as torch fishing only was pursued, there was no scarcity of herrings around Grand Manan, and that the only way to retain the remnant of a fishery yet left, will be by continuing the law as it now is, or rather by making one more strict, so that the long nets may not disturb the mother fish while depositing their ova on the spawning grounds in Seal Cove, and other parts around Grand Manan.

To the subscribers it has appeared that the parties entertaining the above views, have been too deeply influenced by the recollection of their fishery having been abundant, so long as torch fishing only was generally used, and its having fallen off on the netting system having been introduced—and feeling the change, and being unable in any other way satisfactorily to account for the scarcity of fish, they pronounce the one practice salutary, and the other destructive, even though many of their neighbours prove that the lately commenced, but more lucrative fishery for mackerel, has grown in proportion as herrings have been more scarce, (a matter of necessity, as the mackerel prey upon the herring, and drive them off shore,) and that no reliance can be placed upon the regular appearance of herrings on their coast, in particular places, or in regular quantities.

If herrings do return to certain places to spawn, as is given in the evidence of William Gubtail, James Flag, Etheil Smith, Richard Foster, William Gatcomb, Samuel Chaney, Joel Ingersoll, and Asa Foster, then must any disturbance with nets, on such spawning grounds at that period, be an evil, so far as the loss of young herrings likely to result from the spawn, is considered; but when we find that one herring casts so many ova, no fears, in our opinion, need be entertained of the consequences, and particularly as the first writers on the subject of the fisheries state, that the herring generally spawns at a time of the year later than when the fisheries are followed at Grand Manan.

“The Laws, both in England and Scotland, as they regard the packing and sale (of herrings) are exceedingly strict and even vexatious. Massachusetts has enacted many laws from time to time on the same account, but the Legislature has been particularly distinguished, in imitation of the Mother Country, for enactments for the preservation of the species, as though the race were in danger of being exterminated, unless immediately protected by the conservatory laws of the General Court.” And at page 157—“It is needless to advert to the many laws enacted by the Legislature of this Commonwealth for the protection of the *Alewives in Taunton great River*. Such laws have never been, nor can they be, of the least possible advantage; they are perfectly useless, unphilosophical, and at variance with the great scheme of nature.” And also at page 151—“It has been computed, that if a single herring were permitted to multiply in its characteristic manner, together with its offspring for twenty years, their united bodies would ten times exceed the bulk of our globe.”—[*Smith on the Fisheries of the State of Massachusetts*.

In opposition to the views of the persons noted above, it must be allowed, that if no dependance can be placed on the regular return of herrings to any particular coasts, though for years previous they have done so, then is the evidence of Daniel Gatcomb, James Drake, John Cunningham, Wilford Fisher, Esquire, John Kenny, and Josiah Flag correct, and it will ever be an act of common prudence, to secure, while we can, all fish of a merchantable quality which can be taken from the sea.

It is not fully ascertained that gregarious fishes, even of the same genus, deposit their spawn at one general period of the year, and it is believed by many that they spawn frequently in twelve months.—Herrings and pilchards are caught at all seasons full of roe, and the evidence of John Cunningham shews, that of net caught, or full grown fish, not more than five or six containing ova are to be found in a barrel. The most eminent Ichthyologist of the day, however, (Yarrell,) at vol. 2, p. 113, says:—“Our common herring spawns towards the end of October, or beginning of November, and it is for two or three months previous to this, when they assemble in immense numbers, that the fishery is carried on, which is of such great national importance.”—The Grand Manan herring fishery usually commences with long nets about the 5th to the 10th of August, and terminates when the season is so far advanced as to render fishing in such unprotected places as Seal Cove, &c. unsafe—or about the 5th to the 15th of October; so that if Mr. Yarrell is correct, the fish are very properly caught while fat and in good condition, and prior to the general spawning season.

Many other motives besides the preference for particular spawning grounds (the scarcity of food in their exhausted winter haunts, the desire for increased oxygen near the shores, as stated by Sir H. Davy, in his *Salmonia*, pages 80 to 86—the prevalence of winds from one point, and our west or summer winds always bring fish to the coast—the appearance of masses of hostile fishes driving them towards the shore) may account for the appearance of the herring, the mackerel and other migratory fishes, on the more shallow parts of our coast, although we are nevertheless of opinion, that the herring does often seek for spawning grounds in more shallow and aerated waters, than can be found in its usual haunts.—So little is with certainty known of the habits of deep sea fish, and so peculiarly difficult must it ever be to know much, that we need not pursue this topic further.

It was long the opinion of naturalists, that the herring yearly resorted to the Arctic Seas, and returned again in the Spring, and such an idea is yet generally entertained; but our own experience, and the evidence of William Gubtail and James Flag, regarding the appearance of herrings at Grand Manan, in winter, confirm the more recent opinion of British writers, that no such extensive migrations take place; and that Herrings, Mackerel, &c. are to be found around the shores of Britain at all seasons of the year.

After having given the subject a good deal of attention, we beg leave respectfully to state our opinion as being decidedly in favour of the view, that no reliance is to be placed on the re-appearance of large masses of Herrings on any particular coast. Convinced that the differences regarding the laws of 1831 and 1834, spring from this point, and convinced also that the Legislature, in considering the propriety of continuing the present system, will have to view this matter with care, we think it will be proper to shew,

I. That on the Coast of Britain, where the Herring Fishery is so extensively and advantageously carried on, and where they have the accumulated experience of ages, net fishing alone is in every case followed.

II. That fishing by torch-lights is discouraged, and the taking of young fish by nets is checked.

III. That nothing like a belief in the return of herrings to a particular station is there generally entertained.

1st.—“The net, thus deposited, hangs suspended in the water, perpendicularly, 20 feet deep, from the drift rope, and extending from three-quarters of a mile to a mile, or even a mile and a half, depending on the number of nets belonging to the party or company engaged in fishing together.”—*Yarrell, vol. 1, p. 127—Mackerel.*

“The fishery for pilchards is carried on by drift or driving nets, and with seines. The outfit of the former which somewhat resembles that already described for mackerel, consists of a number of nets, great in proportion to the wealth of the proprietor and size of the boat, but commonly about twenty, each from 18 to 20 fathoms long, and 7 fathoms deep, so that a string of driving nets will sometimes reach three-quarters of a mile.”—*Ibid, vol. 2, p. 99—Pilchards.*

“The mode of fishing for herring is by drift nets, very similar to those employed for taking mackerel and pilchards, with a slight difference in the size of the mesh. The net is suspended by its upper edge from the drift rope, by various shorter and smaller ropes called buoy ropes, and considerable practical skill is required in the arrangement, that the net may hang with the meshes square, smooth, and even in the water, and at the proper depth; for according to the wind, tide, situation of their food and other causes, the herrings swim at various distances below the surface.”—*Ibid, vol. 2, p. 114—Herrings.*

Our reasons for stating the form and extent of the mackerel and pilchard nets as above is, in order that the description of the herring nets which follows may be understood; and the Honorable House will thus see, that *all nets* for catching such fish on the coast of Britain, *extend in proportion to the means of the persons using them*, even to one and a half mile in length for one net.

2dly.—In “Report from the Select Committee on the Salmon Fisheries of the United Kingdom,” “ordered by the House of Commons to be printed, 30th March, 1825,” it is stated as follows:—“8th—Resolved, That the use of lights in taking Salmon, or any other species of Fish, ought to be declared illegal, and to subject the parties offending to a penalty.”

The Honorable House will remember the testimony of John Cunningham, John Kenny, James Flagg, &c. concerning the evils of Torch Fishing, and the indifferent sort of Fish so procured. To shew how fully those persons are borne out by the experience of older countries, regarding the catch of Fish too small to be cured, (save, in this case, for bait,) we beg to add an extract from “Report by the Commissioners for the Herring Fishery of their proceedings year ended 5th April, 1828—being fishery 1827—presented in pursuance of the Acts 48, Geo. III. cap. 110, sec. 7—and 55 Geo. III. cap. 94, sec. 4—ordered by the House of Commons to be printed 18th February, 1829,”—and approved by the Treasury:—

“Information having been received that Herrings in considerable quantities were taken in Loch Broom, so small in size as to induce the belief, that the meshes of the nets in which they were caught could not be of the dimensions required by Law, the Commissioners gave immediate orders to the Officer of the district to seize such illegal netting as he should find used for the taking of herrings, and directed the naval superintendent to proceed to Loch Broom, to co-operate with him, and to protect him in the execution of that part of his duty. Several nets were in consequence seized, condemned and burnt, and orders were given to the Officers of the ports to which small herrings were brought, to refuse bounty for them, as being unworthy of the official brand, even although the nets used in taking them had been of the legal construction. These orders were strictly obeyed, and as the Commissioners fondly hope, that the shoal of herrings which has this year appeared in Loch Broom, will

“lead the way to the revival of the Fishery in that part of the country, where it used formerly to be so abundant, they trust that the refusal of the bounty for small fish, and the measures they have taken to prevent the use of illegal nets, will have a beneficial effect on its future success.”

Before proceeding to offer extracts regarding the uncertainty of the return of herrings to a coast, we cannot refrain, while thus treating of the torching system, to draw the attention of the Honorable House to a peculiar feature in the evidence procured at Grand Manan, and to point out the consequences which would follow from its being acted on, *if netting is prohibited*. Many there, as has been seen, attribute the decay of the Fishery entirely to netting, while others admit, that not over two-thirds of torch-caught fish, (J. Flagg,) and others again not over one-tenth, are fit for use; (J. Cunningham.) J. Kenny, and, as has been shewn, the Scotch Commissioners, decry the taking of small fish *in toto*. It is rather surprising, however, to find the evidence of some, proving that herrings cannot now be taken by torch-light, and Richard Foster says, that the large or mother fish will not rise to it. *If large herrings will not be taken by torch-light, and small ones, even if taken, are worthless, it follows that the Herring Fishery, as now practised, is in a most deplorable state, and also that all large Herrings must die off from old age, contrary to the intentions of Providence, without being of any use to man.* Into exactly such a deplorable state do we consider it to have sunk, and, from information received since our visit to Grand Manan, we believe the whole catch of this year, by all the inhabitants of that island, would not in value equal one-half the estimate of that excellent fisherman, Daniel Gatcomb, as the average catch—and so the total value be reduced to £150, to £250—while, on the contrary, the few Saint John vessels which repaired there, properly and fully prepared with long nets, &c. for their occupation, made good fares.

3dly.—“Whereas the migratory shoals of herrings do not every season return to the same shores or bays, where they are usually expected, and sometimes, for years together, are found not to resort to any part of the shore of even an extensive line of coast, as is said to have taken place on the north-western coast of Ireland, and more recently in the Frith of Forth, in both of which situations the herrings, after having for several years appeared in great abundance, seemed wholly to have deserted that part of the coast.”—[*Fraser's Review of the Domestic Fisheries of Great Britain and Ireland*—page 80.

“The Herrings approach the coast in great Shoals, at particular seasons of the year, and are uncertain as to the time of approach, and as to the time of their continuance; and although they are generally in greater or less plenty in some part or other of the coasts, yet they will sometimes not return to particular situations for several years together.”—*Ibid*, Second part—p. 36.

“This fishery,” (the deep-sea herring fishery,) “is certain, and can be carried on every year, although the herrings do not every season come near to the particular shores or bays, where they are usually expected,”—*Ibid*. p. 102.

“Mr. Townsend gives a similar account respecting the County of Cork. Herrings and other fish, which were once found there in abundance, have disappeared, so that there is now no fishing worth being mentioned.”—*Ibid*, p. 59.

“On this subject,” (scarcity of fish,) “Thaarap remarks, that fish cannot be equally abundant in all years, as natural events, the state of the weather and the atmosphere, have a considerable influence, and are often the cause of failure.”—*Ibid*, p. 61.

The very fact of large masses of Herrings, (not the Gaspereaux,) having, within the last few years, regularly repaired to, and around the shores near to, the harbour of Saint John, shew how uncertain they are in their habits—for it is only of late that they have done so; and the evidence of James Flagg shews that he cannot account for this fact, though he ascribes the falling off in the Grand Manan Fishery entirely to the want of opportunity for them to breed there, owing to the use of long nets. Mr. Kenny's evidence proves, that such nets have, at Saint John, been used for very many years, and that no decrease from such mode of fishing has taken place.

We will conclude our extracts with two from Yarrell, although we could supply a variety of such from various authors, regarding all gregarious fishes; but we conclude

that the varying plenty and scarcity of such visitors must be well confirmed in the minds of the Honorable House.

“Like the other species of the genus *clupea*, (the herring,) the sprats are wanderers; the shoals are capricious in their movements, and exceedingly variable in their numbers. Upwards of a ton weight of sprats was sold in our market last Saturday, (*Taunton Courier*, January, 1832.) It is nearly fifty years since this useful fish visited the neighbouring coast, and they now appear in exhaustless shoals, close in shore, on the south coast of Devon.”—[*Yarrell*, Vol. 2, p. 122.]

“The Herring is, in truth, a most capricious fish, seldom remaining long in one place, and there is scarcely a fishing station around the British Islands, that has not experienced, in the visits of that fish, the greatest variations, both as to time and quantity, without any accountable reason.”—*Ibid*, p. 112.

In conclusion—Having thus given our views at greater length than the present extent of the fishery demanded, and proportioned rather to what it might be made than what it is, we must observe, that the want of capital and enterprise among the inhabitants of Grand Manan, is the main cause of the paltry state of the Herring Fishery; and that not having the requisite nets or means to take the fish, (as is admitted in the evidence,) they are not, possibly, well content to see persons coming to the Island from a distance, and doing what they cannot, though living on its shores. The Herring must be followed by the Fisherman, in like manner as are the Cdd, Scale, &c. whether they appear at Whale or Seal Cove, at Long Island Bay, or on the Rips, and if this does not comport with the views of the half-Fisherman, half-Farmer, (save for his family use,) he will have to abandon the pursuit in favour of such as will do it, and are prepared to fish to advantage with proper nets.

We would respectfully recommend, as the best mode of calling into life and activity this most valuable privilege, held, but not prosecuted, by the inhabitants of Grand Manan, that the Law be so altered that neither driving by lights, nor fishing with nets, having meshes less than 1½ inches, be allowed on the shores of Grand Manan, or the islands near it, *except for the purpose of procuring bait for the deep-sea fishery*, and that any persons found acting contrary to such law be fined. Also, that such regulations be continued regarding the Fishery as have been found of advantage, but stating no time as to when it is to begin or end.

All which is respectfully submitted by

JOHN ALLEN,

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THOMAS BARLOW,

JOHN WARD, JR.

LAUHLAN DONALDSON.

Saint John, 1st November, 1836.