

FISHERIES.

Report of the Honorable J. H. Gray on the operation of the Fishery Laws in Charlotte County.

Saint John, December 31, 1851.

SIR,—Having been appointed by Minute of Council, in conjunction with the Hon. Mr. Hazen, a Committee to report upon the operation of the Fishery Laws in the County of Charlotte, I have to state, that it being inconvenient for Mr. Hazen to visit that County, I proceeded thither accompanied by M. H. Perley, Esq., who was invited to assist in making the necessary inquiries.

I have now the honor to report, that I reached Welch Pool on the 18th November last, on which day the first "Fish Show" was held there by the Campo Bello Fishing Society.

The Show was a very fair one; the samples of fish exhibited, both dry and pickled, were of excellent quality, and generally well cured. The greatest deficiency appeared in the dried cod, many of which were not well split. Sufficient care had not been taken in removing the back bone, and consequently some blood remained, discolouring and injuring the quality of the fish. The attention of the fishermen present was directed to this defect, and it was promised that more perfect fish should be produced at the next Show.

The pickled and smoked herrings were particularly fine and very well cured.

A return of the several descriptions of fish exhibited, and of the premiums awarded to the successful exhibitors, is appended to this Report, marked No. 1.

After the Show, the fishermen met me at the School House, where an interesting discussion took place, on various propositions and questions which I submitted to them.

WEIRS.

With regard to the herring weirs at Campo Bello, it was stated that for one weir on the British side the Quoddy River, so called, there were at least five on the American side; and that any regulation, to be fully effective, should be equally in force on both sides of the boundary.

It was also stated by the fishermen, that spawning herrings were not taken in the weirs, or if so, but very rarely.

It was likewise stated, that when herrings were taken by "driving" with torch light, as many small herrings were destroyed as are now destroyed by the weirs.

Upon the question whether the weirs were, or were not, injurious to the fisheries, the meeting divided in opinion; about one-third of those present considering them injurious.

One fisherman who spoke in opposition to the weirs, (Josiah Patterson,) said it would be of no use to put down the weirs on the shores of Campo Bello, unless those on the American side were put down also. He admitted that the weirs of Campo Bello were very useful to the fishermen, as from them they procured their supply of bait for the line-fishing. He had seen a great many herrings destroyed by "driving;" but of late years very few had been destroyed by the weirs, although many were destroyed when the weirs were first built, from the want of proper attendance. He had signed a petition against the weirs some years ago, but that was on account of their taking young pollack, few of which they now take.

It was admitted by those who did not consider the weirs injurious, that some regulation was necessary, with reference to size of gates in weirs, and the material of which such gates should be composed.

Much depends on the situation of the weir, as to the size of the gate required. If a weir is dry only at low water, and is placed where there is a strong current setting,

a small gate only will be necessary, if opened in sufficient tide-time for the escape of the fish. But when a wier is built upon a long flat, or becomes dry at half-tide, a much larger gate is required.

It was suggested by the meeting, that the size of the gate should be regulated by the Fishery Wardens, according to the extent and position of each weir; but that no gate should be less than nine feet in width, and should be closed with net, or such other material as the Warden for the district should direct.

Complaints were made that in several situations, but more especially at Grand Manan, weirs were placed in passages between small islands, and in narrow channels, where they not only obstruct navigation, but also prevented the fish from resorting to their usual in-shore feeding grounds, to the injury of the fisheries generally. It was proposed to remedy this grievance by giving enlarged powers to the Fishery Wardens, so that they might without delay cause the removal of weirs which thus became a public nuisance, under proper restrictions, and the necessary safeguards for the protection of private rights.

GURRY GROUNDS.

The injury to the Fisheries, especially near Grand Manan, from throwing over upon the fishing grounds the heads, bones, and other offal of the cod and scale fish, technically termed "gurry," was represented, and the necessity of establishing proper places for depositing such offal, usually called "gurry-grounds," was strongly urged.

It appears that the Act 58 G. 3, cap. 2, was passed expressly for the purpose of preventing this mode of injuring the Fisheries; and it was made perpetual by the Act 3 G. 4, cap. 2. But both these Acts were repealed by the Act 13 V. cap. 30, which confers on the General Sessions of the Peace, the power of making the necessary regulations.

The General Sessions of Charlotte not having made any regulations whatever in relation to the Fisheries, there is at present no means of preventing the throwing over of "gurry" in improper places, where it causes very serious injury. It was proposed, that this evil should be remedied by Legislative enactment, giving power to the Wardens and Overseers of Fisheries to mark out and establish "gurry grounds" in proper situations.

It was urged, that these "gurry grounds" when established, should be buoyed out, or otherwise distinctly defined, and that great care should be taken in their selection, so that they should not interfere with the in-shore Fisheries, and yet afford every convenience to fishing boats and vessels. It was said, that unless a stringent law on this subject was enacted, and vigorously enforced, the in-shore fisheries would in a short time be wholly destroyed.

It was subsequently stated to me, that the decay of the Fisheries on the shores of the New England States, once so plentiful, was attributed in a great degree to the want of a proper "gurry" law, and its vigorous enforcement. Intelligent American fishermen say, that the want of fitting "gurry-grounds," combined with the absence of laws for the protection of fish during the spawning season, have combined to injure the New England Coast Fisheries very seriously, and in many localities have destroyed them altogether.

PROTECTION OF THE SPAWNING GROUND.

The fishermen at the meeting agreed in opinion, that it was necessary, as well for the preservation of the herring fishery, as of the line fisheries, that the spawning ground at the Southern Head of Grand Manan should be strictly preserved during the spawning season, say from 15th July to 15th October. A large majority of those present were in favour of extending the limits of the spawning ground as defined in the Fishery Act of last Session, so as to include the whole of Bradford's Cove; and Mr. John Alexander, the Fishery Warden who was stationed at the Southern Head last season, was also of opinion that the "close time" should commence on the first day of July, instead of the fifteenth, as now provided by law.

That the protection of the spawning ground at the Southern Head during the past season only, has been already beneficial to the fisheries generally, can scarcely be doubted. In the Report of Capt. A. F. Kynaston, of H. M. Sloop "Persian," dated

4th September last, it is stated that one of the "Persian's" boats had been placed at the Southern Head, at the disposal of Mr. M'Laughlin, the Overseer of Fisheries residing there; and that the good effects of preserving the spawning ground was apparent, even early in September. At that time vessels had good cod fishing within two or three miles of the land, when three weeks previously they had sorry fishing at the distance of seven or eight miles. Capt. Kynaston says, it was evident to him that the preservation of the spawning ground, and a slight check upon the weir system, would form "the sheet anchor of the fisheries." He strongly recommends an extension of the limits of the ground to be preserved to Pandora Head, so as to include the whole of Bradford's Cove.

Since the close of the spawning season and up to the present moment, the cod fishing at the Southern Head, close in shore, has been excellent, where no such fishery has existed for a number of years. Great quantities of young herrings from three to six inches in length, have been recently observed near the shores of Grand Manan, and around the small islands in its vicinity. It has been certified to me by seven respectable fishermen of Grand Manan, who are persons of much intelligence and observation, that these fry are the young fish produced from spawn deposited during the past season. The original certificate stating this fact, dated the 18th instant, is appended to this Report, marked No. 2.

Capt. Kynaston recommends, as do also the Fishery Wardens, that boats sufficiently manned should be stationed at Grand Manan during the fishing season, to protect the spawning ground, and enforce any enactments or regulations which may be made relative to "gurry grounds;" as also to prevent the weirs from becoming a nuisance, by obstructing the navigation, or being improperly fished. These boats would also prevent American fishing vessels from intruding upon the in-shore fishing grounds, where they have no right, and compel them to keep at a proper distance, by which the Provincial fishermen would be spared some annoyance, and be much benefited.

The injuries which flow from the destruction of herring on their spawning ground has excited much observation in Scotland, and attracted the earnest attention of the British Fishery Board for some years past. The great spawning ground of the herrings which frequent the Clyde, and that celebrated fishing place Loch Fyne, is upon a bank opposite to Ballantrae, in Ayrshire. This bank lies about three miles off the shore; it is about a mile and a half in length, and three quarters of a mile in breadth, with nine fathoms water over it. There the herrings, during the spawning season, congregate in incalculable numbers; and the spawn lies on this bank (precisely as at the Southern Head of Grand Manan,) to a very great depth, so that the smallest net ropes which are let down, are hauled up of the apparent thickness of cables, from the immense quantity of spawn that adheres to them. The Commissioners of the British Fisheries say, in their Report to Parliament for 1847, that the herrings taken during the spawning time are in the worst possible condition as human food, and much more likely to be prejudicial and to spread disease, than to be nutritious. It is quite impossible, the Commissioners say, to calculate the extent of loss arising to the Clyde and Loch Fyne fisheries, by the improper mode of fishing there pursued, which must bring comparative scarcity on the really sound, productive, and wholesome fisheries, carried on at the proper season in the Clyde and Loch Fyne.

In their report to Parliament for 1848, the Commissioners again allude to the destruction of spawning herrings on the banks of Ballantrae. They state, that they had received numerous petitions from fish curers, and fishermen, deeply interested in the fisheries of the west coast of Scotland, complaining of the reckless destruction of spawn, and the fry of herrings, by which myriads of these useful creatures are annually destroyed. The banks of Ballantrae are stated to be well known as the nurseries of the herrings visiting the western coast, and if the indiscriminate destruction which takes place there, is allowed to continue, the Commissioners say the fishermen on that coast will be ultimately ruined, and many thousands of industrious fishermen, around the various Lochs, reduced to poverty, while the immense capital invested in boats and materials would be rendered wholly unproductive.

Like the banks of Ballantrae, the spawning ground at the Southern Head of Grand Manan, would seem to be the great nursery of herrings at the entrance to the Bay of Fundy, and perhaps in the Bay generally. The destruction there of the spawning herrings,

herrings, and the spawn itself, will not only destroy the herring fishery, but also be of the greatest injury to the valuable line fisheries of the Bay of Fundy, which so greatly depend on a regular and full supply of young herrings, and from the want of which, those fisheries have of late years suffered so seriously.

THE POWER OF FISHERY WARDENS.

Whatever enactments may be made, or regulations established, for the protection and preservation of the fisheries, should be enforced by prompt and summary proceedings. At Grand Manan there are not a sufficient number of Magistrates to enforce any Fishery Law; and in other localities, Magistrates reside at such distances from the fisheries, that before application can be made to them offenders wholly escape. In revising the Fishery Laws therefore, it may be expedient to give greater power to the Fishery Wardens, for the enforcement of fines and penalties; and perhaps under special circumstances, or in particular localities, to invest them with powers and authority of a Justice of the Peace.

MILL DAMS.

In the Fishery Act of last Session it was provided that in every dam then built, or thereafter to be built or placed across any of the various rivers and streams of the Province, a proper and suitable fishway should be made and kept, and proprietors were allowed until the first day of October last to make the required fishways.

It has been suggested to me that it is not necessary to have fishways in dams upon all streams without exception, as there are many streams which fish did not ascend before the dams were built and the current was wholly unobstructed. A modification of this enactment might therefore take place, requiring fishways only upon such streams as fish were accustomed to ascend, and did ascend, prior to dams being placed across them.

GENERAL FISHERY LAW.

In the Fishery Law of last year some inaccuracies and omissions have been discovered, which render several of its provisions almost inoperative.

The Act 13th Victoria, cap. 30, for consolidating the Laws relating to Counties, Towns and Parishes, repealed a number of local and general Acts relating to the fisheries, and conferred the power of making new regulations upon the General Sessions of the Peace in the several Counties. So far as I have been able to learn, no fishery regulations have been made in any County of the Province, since the passing of the Act which repealed so many previously existing laws, and various useful and necessary regulations (as in the case of "gurry-grounds,) have ceased to exist. It would therefore be exceedingly desirable that a Fishery Law, taking up all matters of general interest, and making the necessary provisions in every case, should be carefully prepared, and submitted to the Legislature at its approaching Session.

INSPECTION LAW.

It is certain that the cure of fish will not be rendered so perfect as it ought to be, until efficient persons are appointed, under Legislative authority, to inspect all fish intended either for home consumption, or for exportation.

The bill introduced last Session, for a complete system of inspecting dry, pickled, and smoked fish, throughout the Province, with some alteration in details, will probably be found to answer the purpose. The leading feature of this bill, as printed, appears to have been generally approved; and with some alterations and modifications, in matters of detail, may be rendered a most useful and necessary measure.

I have ascertained that the size of boxes for smoked herrings should be the same as those required by law in the State of Maine, for greater mercantile convenience in exportation.

The sizes of barrels for the several descriptions of pickled fish, differ in various localities in this Province, and are also different in size from those used in Nova Scotia. On this point, information can be obtained from practical fishermen in different parts of the Province, as to the sizes which would best suit the various fisheries, and tend to increase the sale of fish in foreign markets.

It has been suggested to me from Charlotte County, that any general law for the inspection of fish intended for exportation, which required that the packages should be branded, should not pass, as it would prevent the illicit exportation of fish from that County to the United States, by rendering them easily identified there as smuggled goods. But no consideration of this kind should prevent the passage of a general measure, which would greatly tend to raise the character of New Brunswick cured fish, and enhance their value in every foreign market, besides rendering them greatly superior for home consumption.

VALUE OF THE FISHERIES IN CHARLOTTE COUNTY.

I am indebted to John Alexander, one of the Fishery Wardens, for the following statements of the quantities and value of fish, taken in one season, by the fishermen of Campo Bello, in decked vessels, boats, and fish-weirs, owned by them. This estimate is made upon the quantity actually taken in the year 1850, corrected by the catch of 1851, so far as it had advanced up to November:—

1,522 quintals	Codfish,	@ 13s. per quintal,	£989	6	0
6,169 do	Pollack,	7s. 6d. do	2,313	7	6
223 barrels	Mackerel,	35s. per barrel,	390	5	0
679 do	Pickled Cod, &c.	10s. do	339	10	0
4,577 do	Herrings,	12s. 6d. do	2,860	12	6
5,526 gallons	Fish Oil,	2s. 6d. per gallon,	690	15	0
18,511 boxes	first quality Smoked Herrings,	2s. 3d. per box,	2,082	9	9
6,591 do	No. 1 and No. 2 do	1s. 3d. per box,	411	18	0
Total value Campo Bello Fisheries, 1851,			£10,078	4	6

The information upon which the foregoing statement is founded was collected by John Farmer, Esquire, while engaged in taking the Census of Campo Bello, during the past season, and I am assured that it may be relied upon as correct.

Mr. Alexander has also furnished me with a statement, made up from information collected by himself, of the quantities and value of the products of the fisheries caught during the season of 1851, by the fishermen of Grand Manan, in decked vessels, boats, and fish-weirs, owned by themselves, as follows:—

3,900 quintals	dried Codfish,	@ 12s. 6d. per quintal,	£2,437	10	0
7,024 do	" Pollack,	7s. 6d. do	2,634	0	0
5,356 do	" Hake,	6s. 3d. do	1,673	15	0
66 barrels	Mackerel,	32s. 6d. per barrel,	107	5	0
250 do	pickled Cod, &c.	10s. 0d. do	125	0	0
2,216 do	Herrings,	13s. 9d. do	1,523	10	0
15,069 gallons	Oil,	2s. 6d. per gallon,	1,883	12	6
32,000 boxes	Smoked Herrings, scaled,	2s. 3d. per box,	3,600	0	0
6,000 do	do No. 1 and 2,	1s. 3d. do	375	0	0
Total value Grand Manan Fisheries, 1851,			£14,359	12	6

It has been stated to me that the quantities and value of the products of the fisheries at West Isles in 1851, did not differ materially from those of 1850, as stated in the Report of Mr. Perley on the Fisheries of the Bay of Fundy; they were thus summed up:—

20,800 quintals	Pollack and Hake,	... ..	£5,720	0	0
3,750 do	Cod,	... ..	2,109	7	6
3,500 barrels	Herrings,	... ..	2,187	10	0
800 do	pickled Cod and Haddock,	... ..	400	0	0
450 do	Oil,	... ..	1,462	10	0
5,000 boxes	Smoked Herrings,	... ..	375	0	0

Estimated value West Isles Fisheries, 1851, £12,254 7 6

The value of the products of the sea fisheries in Charlotte County in 1851, exclusive of the shore fisheries from L'Etite passage to Point Lepreau, of which no account has been taken, may be thus summed up:—

Grand Manan,	... ..	£14,359	12	6
Campo Bello,	... ..	10,078	4	6
West Isles,	... ..	12,254	7	6
Total,	... ..	£36,692	4	6

But besides the fisheries prosecuted to the above extent by resident fishermen, the fisheries are also prosecuted in the vicinity of Grand Manan by fishing vessels from Nova Scotia, and from the United States. During the past season Mr. Alexander, while stationed at Grand Manan, was enabled to collect some information, from which he has made up the following estimate as an approximation to the number of vessels not belonging to New Brunswick, their tonnage, and the quantities and value of the fish caught by their crews, during the season of 1851 :--

28 vessels averaging 55 tons each,	1546 tons.
15 " " 30 " "	450 "
50 " " 20 " "	1000 "
36 " " 15 " "	540 "
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119 vessels, amounting to	3,536 tons.
First fare of 119 vessels,	28,288 quintals	Codfish @ 12s. 6d.				£17,680 0 0
Second fare of do	28,288 "	Pollack @ 7s. 6d.				10,608 0 0
" do	940 barrels of Oil,	@ 75s.				3,525 0 0
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						£31,813 0 0

Mr. Alexander states, that the number of vessels belonging to Grand Manan is about thirty, of all sizes ; and he has learned from undoubted authority, that no less than one hundred and seventy eight sail of fishing vessels have been counted fishing on the "rippings" at one time during the past season. He says it is well known, that eighteen fishing vessels from the small Town of Trenton, in Maine, the largest seventy four tons, and the smallest thirty three tons, make two fares in the vicinity of Grand Manan every season.

The foregoing approximation is believed to be rather understated than otherwise ; and it will be observed, that the value of fish caught by other than New Brunswick vessels near Grand Manan, is nearly equal to the whole value of the Island Fisheries in the County of Charlotte ; and leads to the belief that practical measures may be devised for increasing the quantities and value of the fish caught by resident fishermen.

FISHING SOCIETIES.

A resolution of appropriation passed at the last Session of the Legislature, placing five hundred pounds at the disposal of His Excellency the Lieutenant Governor, for the encouragement of the fisheries--"the said money to be advanced in the same way, and in like proportion as the money at present granted for the encouragement of Agricultural Societies." In consequence of this appropriation, no less than three Fishery Societies were established in the County of Charlotte ; one at Grand Manan, another at Campo Bello, and the third at West Isles. The members of each of these Societies subscribed and paid into their Treasurer, a certain sum, not less than twenty five pounds, and thereby became entitled to a Warrant on the Treasury, for three times the amount so paid in, no Societies having been formed in any other part of the Province.

These Fishery Societies have each adopted a constitution for its guidance, and each has had a "Fishing Show" the past season, at which premiums were awarded for the best cured fish, as at Campo Bello. The fishermen have by means of these Societies been induced to meet together and discuss in a friendly spirit, and business like manner, various matters of deep interest in their calling, with the view of devising measures for the more successful prosecution of the fisheries generally, as also improved modes of curing all descriptions of fish. A bond of union may thus be said to have been established among the resident fishermen, in the several localities mentioned ; and they already begin to understand, that much may be effected for the advancement of the fisheries by combined efforts, and by reliance upon themselves.

It would be desirable therefore, that the Societies already established should be encouraged to proceed with the useful measures they have already commenced, and be induced to extend their exertions in the most beneficial direction ; and also that the formation of Societies in other sections of the Province should be promoted by all legitimate means, in order that the fishermen every where should learn the benefits of self-reliance, in all local matters which may be best controlled and regulated by themselves.

I have the honor, &c.

Hon. J. R. Partelow, Provincial Secretary.

J. H. GRAY.

Enclosure No. 1.

CAMPO BELLO FISH SHOW.

The first Annual Show of the Campo Bello Fishing Society, was held at the Government Store, Welchpool, on Tuesday the 18th day of November 1851, when Premiums were awarded to the following persons, for the undermentioned kinds of fish:—

For 1st best dry Codfish,	D. Ludlow,	£2 10 0
2nd do.	N. Ludlow,	2 5 0
3rd do.	Jer. Wilson,	2 0 0
For 1st best dry Pollack,	O. Brown,	2 5 0
2nd do.	J. Patterson,	2 0 0
3rd do.	G. Young,	1 15 0
For 1st best dry Hake,	W. Ludlow,	1 5 0
2nd do.	Wm. Tucker,	1 2 6
3rd do.	O. Ludlow,	1 0 0
For 1st best dry Haddock,	O. Ludlow,	1 5 0
For 1st best barrel Mackerel,	R. Beman,	1 10 0
2nd do.	J. M. Parker,	1 5 0
For 1st best Quoddy River Herring,	James Calder,	2 10 0
2nd do.	D. Mitchell,	2 5 0
For 1st best Smoked Herring,	A. Flagg,	2 12 6
2nd do.	Price Flagg,	2 5 0
3rd do.	Thad. Stinson,	2 0 0
For best Smoked Haddock,	A. Flagg,	0 17 6
For best 2 boxes Yarmouth Bloaters,	D. Mitchell,	0 15 0

Eleven barrels pickled Herring exhibited; the Judges could not decide as to the best; and the Committee awarded to each competitor £1.

D. BENNETT, *Secretary.*

Enclosure No. 2.

WE, the subscribers, hereby certify, that there have been large schulls of herring fry playing along the shores this last fall; they are from three to six inches in length, and from our long knowledge of fish and the fisheries, we believe them to be the fry from the spawn of the herrings deposited in this vicinity in the month of March last, and late in the season of this last spring and summer.

DANIEL M'LAUGHLIN,
CHARLES D. WILCOX,
ROBERT F. RUSSELL,
GEORGE HARVEY,
WARREN INGERSOLL,
WILLIAM HARRINGTON,
JOEL INGERSOLL.

Grand Manan, N. B. December 18, 1851.