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APPENDIX N^o. 10.

REPORT

ON THE

FISHERIES

OF

NEW BRUNSWICK,

1862.

LAI D BEFORE THE LEGISLATURE BY COMMAND OF HIS EXCELLENCY
THE LIEUTENANT GOVERNOR.



FREDERICTON:

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REPORT
ON THE SALMON FISHERIES
IN CERTAIN RIVERS OF NEW BRUNSWICK,
1862.

TO HIS EXCELLENCY THE HONORABLE ARTHUR HAMILTON GORDON, C. M. G.
Lieutenant Governor and Commander in Chief of the Province of New Brunswick,
&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to instructions received from Your Excellency, directing me to make an enquiry into the present condition of the Salmon Fisheries in this Province, I have the honor to submit the following Report.

The late period of the season at which I received Your Excellency's directions to commence this enquiry, rendered it impossible for me to visit as many of the Rivers, and as much of the Coasts as I should have wished, and, indeed, the present Report has almost exclusive reference to the Restigouche, Nepisiguit, and Miramichi Rivers, but the actual condition of the Fisheries in those great streams may probably enable Your Excellency to form a tolerably correct estimate of the manner in which the Fishery Laws and Regulations are generally enforced.

RESTIGOUCHE.

I arrived on the upper waters of the Restigouche in the middle of July. I had heard from various quarters that spearing Salmon and fishing with drag or "drifting" nets was frequently practised on the Quatawankedgwick, or Tomcaguadavic River, but the first evidence I perceived of any infringement of the Fishery Laws, was on Sunday the 20th July, when encamped about eight miles up that River. I then saw three canoes with two men in each, all well provided with spears and drag nets, passing up the River. The parties who are in the habit of fishing this River generally come, I believe, from the upper waters of the Saint John. They ascend the Grand River, cross the portage, and descend the Restigouche, thus avoiding the vigilance of the Restigouche Fishery Wardens—(supposing there were any on the River, which at the time I have just alluded to, there did not appear to be)—unless they happen to be on the Tomcaguadavic itself. All fishing for Salmon above the junction of the Tomcaguadavic with the Restigouche is very properly prohibited, by the Fishery Regulations of that County, nor does there appear to be any carried on, except by the sort of occasional parties I have described.

From the mouth of the Tomcaguadavic to a few miles above the Upsalquitch there are but very few settlers, of whom only some appear to fish. One of them, of the name of Flint, who lives on the Canada side of the River, about eight miles above the Upsalquitch, had two nets set, one from each side of the River, opposite to each other; the one going across, the other down the stream. Were the end of the latter taken across, instead of down, it would more than reach the former, and so go completely across the River.

From about three miles above to a little below the mouth of the Upsalquitch there are numerous settlers, and though I only saw one net to which objection could be made, I have reason to believe that considerable injury is done to the fishing there by sweeping the

River with drag nets, a practice to which, without great watchfulness on the part of the Wardens, or Overseers, it is difficult to put a stop. Several of the nets which I saw hung up along the Bank were long enough to reach across the whole River in many places.

But the chief injury to the fishings on the Restigouche is done in the neighbourhood of the Islands above the tide-way, and for some little distance below that point. On both sides of Long Island there were bushes, and stakes, in some places across the whole channel, and in one or two cases the nets were still there. On the north side were eight sets of stakes, three of which went across the channel, with the exception of a small opening on the Canada side. From an Island known as Tom Murray's Island, nets were set across the channels on both sides—towards the North, and towards Duff's Island. I should take the latter to be the main channel, but I am not prepared to state certainly that it is so.

Although at the time of my visit to that portion of the River which is just below the tideway, almost all the nets and pickets were taken up and piled away on the bank of the River, I could still see enough to show how much damage is done to the fisheries there; and I was informed on the most reliable authority that the nets, though the proper distance from each other, are always set over-lapping each other, so that the inner end of one is in a line with the outer end of the one below it—like the steps of a stair—so that a fish when ascending is sure to fall into one of them, unless it makes a zigzag course all the way up. Though this does not appear to infringe any of the Regulations, it is clearly contrary to their spirit, as, to afford the fish any fair chance of escape, it is evident that at least one straight channel should be left open.

In the autumn, tow boats or scows, drawn by horses, are sent up the Restigouche and its tributaries with provisions, &c. for lumbermen. Far up the streams these scows are dragged over the shallows and bars, (which are the chief spawning grounds of the Salmon,) and immense quantities of the spawn, which is deposited and covered up there, is trampled and destroyed. This was assigned to me by several people as the chief cause of the decrease of Salmon, and though I do not consider that it is so, yet I have no doubt serious injury is thus done.

On the 28th July I had an interview with Mr. Barclay, one of the two Fish Wardens for the County of Restigouche. He stated to me that he had refused to act this year as Fishwarden because the Overseers would not act with him; he believed that only one of them had qualified himself, and that one refused to do anything without the others;—another reason assigned by Mr. Barclay for his refusal to act was, that he had not received any pay for two years past.

In answer to various questions, Mr. Barclay informed me that, while he acted as Fishwarden he used to go up and down the river continually during the Summer, but had no fixed times for doing so; that he had not been up the river since last year; that he found no difficulty in enforcing the law, but that since he held office he had never directed a prosecution, having only warned offenders to be more careful for the future.

Mr. Barclay informed me that the nets in the Restigouche were never taken up from Saturday night to Monday morning, but remained in the water during the whole of that time, and that in his opinion he could not interfere, because no rule forbidding such a practice is to be found in the Fishery Regulations of the County.

The Fishery Act (Rev. Stat. Cap. 101, Title 22, Sec. 10,) provides that "no Salmon shall be taken on the coast, in the Rivers, &c. &c., between sunset on any Saturday night and sunrise on the following Monday morning," and it appears that this has by some been construed simply to mean that no fish shall be taken out of the nets. This interpretation is peculiar to the Magistrates of the County of Restigouche, as in all other parts of the Province the Act

is understood according to its obvious intention ; but though the interpretation is manifestly untenable,—for a fish is no doubt taken (*captus*) when deprived of its liberty, (that is to say at the moment on its entering the net, as a bear or beaver is said to be “taken” on entering a trap,)—it might, perhaps, be well so to modify the wording of the Act as to leave no doubt on this point. At present, (even supposing that persons do not occasionally look at their nets on Sundays,) more harm is done to the Fisheries by the nets being left down all Sunday and the fish allowed to accumulate in them till Monday morning, than if the nets were fished as usual ; because—(especially at the mouth of the river)—besides the fish caught, many are scared and frightened away.

It is impossible to over-estimate the harm that would be done to the Fisheries, both of the Rivers and the Coast, if on one day at least in the week the Rivers were not left perfectly open for fish to ascend.

Mr. Barclay was of opinion, that it would be better if Fish Wardens were appointed for certain Rivers, and certain stated portions of the coast, rather than for the whole County. Thus, in Restigouche, where two Wardens are appointed, instead of both being supposed to look after the whole of the River and Coast Fisheries, one would take charge of the River, and the other of the Coast and Bay. I have since learnt that Mr. Barclay and Mr. Cook do make some such arrangement.

Mr. Barclay was also of opinion, that it would be advantageous if a Warden were enabled to delegate his power to properly nominated persons along the course of the River. He complained of the irregularity with which those connected with the protection of the Fisheries were paid, and wished to suggest that a law should be passed, to impose a certain tax upon nets,—say £1 per annum on every 100 fathoms of net—to form a fund for the more efficient protection of the Fisheries. He believed that the fishers themselves would willingly pay such a tax, in order to have the laws enforced.

Mr. Cook, also Fish Warden for the County of Restigouche, was absent when I reached Dalhousie, and only returned, I believe, on the day that I left, so that I had no opportunity of seeing him ; but in reply to a letter which I addressed to him, he gave me the following information.

That he had generally visited the course of the Restigouche River twice a year during the fishing season, but that he had not visited it as Fishery Warden since the Summer of 1861, his services having since been directed to the Coast Fisheries and lower Rivers, Mr. Barclay attending to the Restigouche River.

That there is some difficulty in enforcing the laws, in the absence of strict regulations under the Act.

That the law in his opinion is sufficiently well adapted to carry out the desired object, if, under it, the Sessions exercise the power given them by the Act.

That he had prosecuted nine persons for violations of the law, four of whom were discharged, and that those prosecutions “have not been attended with results so desirable as is necessary.”

That he was not aware of any law relative to the taking up of nets on Sundays ; but that at the last meeting of the Legislature, about 250 of the most respectable inhabitants of Restigouche petitioned for the enactment of a law to prevent the desecration of the Sabbath Day by Fishermen. In 1860 the Justices of the Peace met in Sessions at Dalhousie, and made new Rules and Regulations under the Act 23 Vic. cap. 62, relating to the Fisheries in the County of Restigouche, which were sent back unsanctioned in consequence, Mr. Cook believes, of their recognizing certain ancient privileges claimed by parties in front of their lands, as in Canada ; and also on account of some supposed interference with the provisions of the Reciprocity Treaty.

Since writing the above, I have seen a copy of Mr. Cook's reply to the Circular addressed by Your Excellency's order to the Fish Wardens of the different Counties, in which, in expressing his regret that he is unable to furnish a formal Report, he says,—“I have not done any thing officially in the discharge of my duty as Fish Warden during the present year, from a conscientious conviction that I could not carry out the much desired object of the law in the preservation of the Fisheries in this County, in the absence of sufficient Regulations.” If some others, who have done quite as little as Mr. Cook, would come forward and say so in the same straightforward way, and give their reasons for their inability to act, instead of professing to protect the Fisheries, the future prospect of this Province, with regard to this branch of its industry, would be considerably better than it is.

The late Mr. Perley, in his very able and valuable Report on the Sea and River Fisheries, written in 1850, says with respect to this River :—

“The Restigouche is about 220 miles in length, and it has four tributaries, each more than 60 miles long; with its numerous affluents it is supposed to drain more than 6,000 square miles of territory. * * * It is probable that for a long period after British settlers established themselves on its banks, no River in North America, (except perhaps the Columbia,) yielded so large a supply of Salmon as the Restigouche. But its character in this respect is fast passing away; the numbers have fearfully diminished of late years; and if the present state of things continues, very likely a brief period only will elapse ere the Salmon Fishery of the Restigouche will be numbered among the things that have been.”

The accuracy of Mr. Perley's anticipation has been amply proved by the event. In twelve years from the date of his Report, the Salmon Fishery of the upper part of this River may be said to have become virtually extinct; whilst those in the lower waters and bay have so dwindled away as to be now comparatively worthless; and if, as now, scarcely a fish is allowed to reach the spawning beds, they will necessarily soon be extinct also.

Partly from the timidity and carelessness of the local authorities, partly from individual selfishness, which seeks to obtain a large immediate profit without regard to its duration, or to the general interests of the community; this River, which might have been, (and might still be made,) a source of great wealth, not only to those who live on its banks, but to the people at large, has been reduced to its present condition.

I may here mention, that no regular provision is made for the Restigouche Wardens. The Sessions will not, as they are empowered to do, raise £40 for the purpose of paying them, and therefore the Government do not give the £40, which is granted only on condition that the Sessions provide an equal sum.

Before finally taking leave of the Restigouche, I may be permitted to call Your Excellency's attention to the very efficient manner in which the Salmon Fisheries on the Metapediac, one of the tributaries of the Restigouche, are protected under the Regulations of the Canadian Government. It has there been found necessary to prohibit net fishing altogether; and though I ascended the Metapediac for ten or twelve miles, I did not see a single trace of illegal fishing; whereas on all the New Brunswick Rivers that I have visited, and especially on the Miramichi, the remains of torches, &c. in canoes, and along the banks, and various other signs, but too plainly showed the way in which the laws are broken.

GLOUCESTER.

On the 1st of August I arrived at Bathurst, and on the 2nd had an interview with Mr. MacLauchlan, one of the Fishery Wardens for the County of Gloucester.

He said, he believed one of the chief injuries to the Fishery, was the using of certain traps, of which there were three on the coast this year. I went with him to see one of

them, a little way outside the Alston Point, in the Bathurst Basin. These traps consist of a long net, set at right angles to the shore, sometimes almost a mile in length, with wings, and ending in a sort of large pound, with an inner chamber of network of small mesh. This chamber is closed both on the top and bottom, and on all the sides, with the exception of the opening from the larger chamber or pound. When the fish are passing along the coast, as I believe Salmon generally do previous to ascending their respective Rivers, those of them which do not get caught in trying to force their way through the net, go out to seaward along it, and get into this pound; the inner chamber or bag, having a bottom, is then lifted up by a pulley, and all the fish both large and small taken out. I understand that immense quantities of fish of all sizes and kinds, Salmon, Grilse, Sea-trout, Mackerel, &c. are caught together in these machines.

Some of the large fish curers on the coast refused to take these traps, (which were offered to them by an American Company), because they considered them so injurious to the fishing, and in contravention to the Laws of the Province. It is unnecessary to state that these traps are stationary, and I should consider that they are prohibited by the XI and XVI Sections of the Gloucester Fishery Regulations; but Section 9, in the Rules in the Appendix would, I think, make a more complete and better Law on the subject.

Mr. M'Lauchlan also informed me that very great injury is done to the fishing on the Nepisiguit River by spearing, which is carried on almost entirely by Indians. The Regulation with regard to spearing (Gloucester Regulations, Sec. III.) is, "that spearing for Salmon *for the purposes of trade and commerce* is altogether prohibited, &c.," and, "that it shall not be lawful to buy, sell, or barter, any speared Salmon, &c." This Regulation is framed with a view to allow the Indians at a certain season to spear Salmon to feed themselves and families only, and if this privilege were not abused there could be no reasonable objection to it; but, in point of fact, under colour of this permission, vast quantities of Salmon are speared, not for the subsistence of the Indians, but for sale; and in many,—if not most—cases, the Indians are actually employed and paid to spear fish, and a regular traffic in speared Salmon is, I fear, carried on by those who ought to be using their influence to put a stop to such a practice. In the event of Indians, or others, being still permitted to spear for their own use, I would suggest that a very heavy penalty should be inflicted upon any person who "received" speared Salmon, and that the Fishery Wardens should, as in Canada (22 Vict. Tit. 4, Cap. 62,) have power to enter the premises of any one whom they have reasonable cause to suspect of receiving speared fish, for the purpose of ascertaining if such is the case. The marks of the spear are so plainly visible upon a fish captured in this manner, that it is impossible to suppose that they could ever be purchased ignorantly; indeed, so well known are they, that there is a regular current price for speared Salmon, at a lower rate than that paid for those taken in the ordinary way, because speared fish are supposed not to keep so well. It may be a question whether this results from the spear marks alone, or from the fact that the Salmon are generally speared on the spawning beds, when ready for spawning, and so almost unfit for use.

Mr. M'Lauchlan stated that it was impossible for the Fish Wardens to effect any improvement unless they received better and more certain pay. The expense of hiring men and a canoe, without which it is impossible to look after the Fisheries on this River, is very considerable. At present no provision at all is made for the Gloucester Fishery Wardens, the Sessions refusing to give anything.

It cannot be expected in a Country like New Brunswick, where there are few people with large means and no occupation, that any one will perform the duties of a Fishery Warden properly, without receiving remuneration.

Mr. M'Lauchlan stated that the nets between Carron Point and Bathurst, (there were only two there this year), are always taken up on Sundays, but he believes the nets outside along the coast, are constantly left down.

On the 4th of August I went to Caraquette, and saw M. Paulin and M. Landry, Fishery Wardens.

M. Paulin informed me that he understood his duty was only to look after the herring nets on the bank off Caraquette; that he had never received a copy of the Fishery Regulations, the only instruction that had reached him being a note to the effect that he was to take up any herring net that was wrongly set on the Bank; that he had never visited any of the Rivers, and did not consider that he had any right to interfere with the traps on the coast; that he had received no pay from Government, but understood that he would get half the fine in case of prosecution; he had never yet prosecuted; but had only recently received his appointment.

M. Landry informed me that he had only chanced to see his appointment in the Gazette some three weeks before I saw him; that he had received no official notification of his appointment, although such notification was addressed to him from the Secretary's Office, on the 1st of July 1862. He appeared to have little or no idea of what he was expected to do, but candidly admitted this, and said that as soon as he should receive instructions, &c. he was prepared to carry them out. He was not aware whether he was to be paid or not.

It is worthy of note, that both M. Paulin and M. Landry live at Caraquette, where there is little or no Salmon Fishery to look after, whilst one of them being a fisherman, and the other, I believe, the owner of a mill, they are not likely to be prepared to leave their occupations and go constantly to the distant parts of the County. The two places in the County where the services of a Warden are most required, so far as regards Salmon, are on the Tracadie and Nepisiguit Rivers, both far from Caraquette.

The services of M. Paulin and M. Landry are no doubt valuable at Caraquette, in the protection of the Herring and other Sea Fisheries; but these Fisheries on the Bank off Caraquette appear to be more easily protected, and to require less constant watchfulness, than the Salmon Fisheries, which are not so open to observation, and are liable to more varied forms of injury. M. Paulin and M. Landry at present receive no salary, and I would venture to call Your Excellency's attention to the manifest unfairness in making the County, or the Province at large, pay for the protection of one small portion of the Fisheries, when so much is left unprotected.

I was unable, owing to the limited time at my disposal, to go up the Nepisiguit River. Although this River is from 80 to 100 miles long, Salmon only ascend as far as the Grand Falls, twenty miles above the tide, which, from their height, present an insurmountable barrier to the fish. But in this twenty miles of River, Salmon were so plentiful, that for many years the Nepisiguit was considered one of the finest fly fishing streams of North America; and I am assured it was no uncommon thing, (even within the last few years,) to see hundreds of Salmon lying side by side in the pool under the Falls; but so rapid has been the decrease, that a gentleman who has been in the habit of spending, every year, a few weeks there fly fishing, told me that during his three weeks stay this Summer, he only once saw as many as twenty two Salmon, where he used daily to see hundreds.

Netting is altogether prohibited in the Nepisiguit above Bateman's Brook; but such is the character of the stream—a succession of rapids, with here and there shallow clear pools—that spearing and sweeping with hand nets, can be, and is, carried on with deadly effect, as there is no possible chance of escape for the fish in such places.

MIRAMICHI.

On the morning of the 5th of August I arrived at Chatham, and subsequently visited that part of the Miramichi River which is below that place. From the lateness of the season, or other causes, few nets remained down there, and I saw nothing to complain of in those that remained. But I may here remark, that it is extremely difficult in most cases for a stranger to say whether the nets in the tidal waters of the Miramichi are set in accordance with the Rules or not. The Rules generally specify, that, to and from such and such a person's ground, or Lot No. so and so, so many fathoms of net are allowed to be set, and therefore one must know the numbers of the different lots of ground, and the names of the occupiers, as well as the exact low water line.

Near Sheldrake Island and below it, I understand the nets are always set overlapping each other in a similar manner to those which I have described near the mouth of the Restigouche, compelling the fish to take a zigzag course up the River.

I visited the coast as far as Neguac, and made a round among the Islands opposite that place. Many complaints had reached me of the damage done to the fishing all along the lower part of the Miramichi, and about those Islands, by the extreme length of the nets and by their crossing the channels by which the fish are said always to ascend. But as the fishing ends on the 15th of August, and was consequently almost over at the time of my visit, (only two nets remained down at Portage Island,) it was useless for me to remain to find out all the channels, currents, banks, &c., and without a personal knowledge of these things, as well as seeing the nets set, it is impossible for me to say anything further on the subject, than that the length of net set down in the Regulations generally appeared to me too great.

One suggestion I should wish to offer with regard to the fishings about the Islands, namely, that if the Fishing Stations on the Islands which belong to the Provincial Government were let for a term of years, and measures taken efficiently to protect the same, not only would a new source of Revenue to the Province be opened, but it would also tend to improve the Fisheries, as it would be the interest of any one having a lease for a length of time, to do all in his power to increase the number of fish.

On the 6th of August I proceeded up the North West Branch of the Miramichi, and am sorry to have to report, that there I found more illegally set nets than on any other River which I have visited. Whether this was in any measure owing to the fact that on that River alone was my visit wholly unexpected, I am not prepared to say.

Till I came near the head of the tideway, there did not seem, at that time, much to complain of, most of the nets being up; and for the reasons I have before given, it would have been difficult for me to decide whether a net was or was not too long. But about the top of the tideway, and above that point, the nets were such, that it is a matter of surprise to me that a single Salmon can reach the spawning beds through them.

The first net on the north side of the River, that was decidedly wrong, was John Howes', which was set from opposite his house, or a little above it, to within three or four feet of a bar or bank in the middle of the River, and the end of the net allowed to float down from thence; virtually, it was across the whole channel. He is properly allowed 30 fathoms; but with this (at the place where his net was set,) the bar interferes, as the whole channel is not above that width. From Bass Point to Dunbar's Point, I am unable to say from the Regulations (Northumberland Reg. page 73-74,) whether some of the people are allowed 30 or 60 fathoms. One of them, (Ducie), who had two long nets out, claimed 60; and I am inclined to think that his nets extended more than that distance from low water mark.

Near Matchett's, a little higher up, there were several sets of stakes, from which more net might be set than is allowed; but as the nets were up at the time, I cannot say that this was the case, though I entertain little doubt on the subject. A little higher up, I found a net across nearly the whole channel at low water, belonging to a man of the name of Tozer, who informed me that he had been,—(and I have been told since that he still is),—an Overseer. He acknowledged that his net was wrong, but excused himself on the ground that he had only his proper length of net, and that if he set it lower down, where the channel is wider, it would be within the prescribed limits of Matchett's net; and that as every one else broke the Regulations, he did not see why he should not do so also.

Almost opposite this, near the mouth of the Little South West Branch, Alexander Mullins had a net set across one of the channels to a bar, and set also from what I believe is, properly speaking, an Island. I explained the rule with regard to nets set to, or from, an island, bar, &c., and he ultimately acknowledged that his was wrong, and promised to alter it.

Nets belonging to Hoylan, and M'Kenzie, further up the River, were far too long for the width of the channel where they were set. In fact, all the way from Matchett's to John Ryan's upper line, the number of fathoms allowed to be set is much too great for the width of the River.

The Northumberland Regulations, page 74, provide that between those two places "no net is to extend into the River more than 25 fathoms." But this 25 fathoms is more than the width of the whole channel in many places, and there is a subsequent Regulation to the effect that "no net to be set in any of the Branches of the Miramichi River, by virtue of these Rules, or in any other River of the County of Northumberland, not hereinbefore provided for, shall extend more than one-third part across the said branch, or River, any thing herein contained to the contrary notwithstanding."

I should consider from these two Rules, that where 25 fathoms would cover more than a third of the River, nets must extend the said third only, and not the 25 fathoms. But the people seem to claim the 25 fathoms, and the Fishery Warden allows it. If they are thus permitted to set 25 fathoms it is manifestly most unfair for the inhabitants just above them, where the only rule in force is that the nets must not extend more than a third across the stream. For instance, on the south side, James Johnston is the highest up who is allowed by the Regulations (p. 74,) to set 25 fathoms: this 25 fathoms reaches almost, (I believe in one place it would altogether,) across the River. His next neighbour higher up, although close above him, and with almost the same breadth of water, is only allowed to set a third, which is probably not more than ten fathoms. It is clear that this short net of ten fathoms set above,—and within fifty or one hundred yards of,—the long one of 25 fathoms, and on the same side of the river, is not likely to catch any fish whatever. And so it is with the others, though perhaps in a different proportion: for supposing that the number of fish which a net catches bears the same proportion to the number that ascend the River at that place, as the length of the net does to the breadth of the River, (which would not however be quite the case,) a man who sets 25 fathoms where the River is 30 fathoms wide, would catch five-sixths of the fish, while his neighbour higher up would only have one-third of the remaining sixth. I am bound to say that some of the people higher up, make up for it, when they can get the chance of doing so, by setting their nets simply from side to side of the river, and as a natural result the Salmon are rapidly getting killed out of the North West Miramichi.

This year there seemed to be still a good many grilse, but on examining some caught with a fly, I found scarce one that did not show marks of having come through nets—but too plainly proving that there is little chance of any fish getting up which is too large to pass through the meshes of a net.

Some way above Johnson's I found a net set from the north side which reached to the shallow water on the south; with some difficulty I ascertained that it belonged to Paul Lyons, who lived on the south side; he said that he had got leave from Mr. Hutchison, to whom the land on the other side belonged, to set it from thence, but as he at first denied all knowledge of the net, I am not inclined to depend upon his statement. But whether he had a right to set the net from that side or not, it was illegally set, for it was so completely across the channel, that I could not pass up in my canoe without passing over it. Eventually when I explained the rule to Mr. Lyons, he took down the net and promised that it should not be again set there.

A little above this, and below Tom Waden's house, there were pickets across the channel, the net being up at the time, but on my calling attention to the fact, the pickets were removed before my return down the river.

Just above this house were pickets, said to belong to East or Eastie, across the whole River at the top of a rapid.

In the neighbourhood of the "Deep Hole" there were objectionable pickets and buoys, some of which were also taken down.

I saw Mr. Thomas Smith, the Overseer for the Parish of Northesk, and informed him of the nets I had seen that appeared to me illegally set.

He complained of the inexpediency of appointing Overseers for one year only, and suggested that they should be appointed permanently, and a small sum allowed them; as the fines were so uncertain, that it really was impossible for a laboring man to leave his work at all hours, with so small a chance of being repaid for it. He said that it was a difficult matter for him to prevent the nets being set illegally, for that as soon as he went out to look after them, the word was quickly passed up or down the River as the case might be, and all the nets speedily taken up.

I believe that considerable injury is done higher up the North West Miramichi, and on the Little South West where the waters are shallow, and the fish have little chance of escape. I was unable to go higher up, as the waters were so low that it was impossible for a canoe to ascend higher.

From every one to whom I pointed out any irregularity about their nets, (with one solitary exception,) I received the utmost civility, and perfect readiness was expressed by them to set their nets according to the law, if only every one else was obliged to do the same. The constant saying was, "Well I know I am wrong, but if every one else up and down the River sets his net as he likes, what am I to do"? **In fact, on the North West Miramichi, as well as everywhere else, there is a universal wish that a better system should be introduced for the protection of the Fisheries.** The settlers are quite intelligent enough to see that if there were good regulations justly and well carried out, they would be able to catch more fish legally than they now do illegally, because there would be many more fish in the Rivers to catch. But in the meantime, the people near the mouths of the Rivers complain of the injury done by the settlers high up, near the spawning grounds, and the people high up complain of those fishing about the mouth, and each have about equal cause of complaint.

At Newcastle, I saw Mr. Salter, the only Fishery Warden for Northumberland. He informed me that during the Summer he was in the habit of going about wherever he thought his services were most required, but that he finds it extremely difficult to find the illegally set nets down, because the minute he starts from home, the word is passed along, every one conveying it to his next neighbour, and the nets are taken up before his arrival.

He finds considerable difficulty in carrying out the law, because the Magistrates are often reluctant to enforce its provisions with stringency; and in cases where, in his opinion,

the full penalty ought to be inflicted, constantly discharge those who are brought before them, on payment of a small fine of a few shillings; and he has even had on more than one occasion to complain of Magistrates themselves for illegal netting.

He thinks that the Government ought to take the protection of the Fisheries entirely into their own hands, for that as long as it depends upon the Magistrates, the regulations will never be rigidly enforced.

He stated that he had not directed any prosecutions this last year, but that there were a great many the year before; that a fine of ten shillings, instead of five pounds, is usually all that is inflicted on the parties, so that the result is far from satisfactory; he believes, however, that the law with respect to taking up nets on Sunday is strictly observed. Mr. Salter complains, and I think with good reason, that the extent of fishing he has to look after, is far too much for one man. When the length of the Miramichi River is considered, and the number of its branches, (and even in the smallest of those branches immense damage might be done by killing the spawning fish,) it is clear that one man cannot visit it all very often.

On the 14th of August I proceeded up the South West Miramichi. About Barnaby's Island, and up to Indiantown, there are a good many nets, some of which are set with each end slanting downwards from their centre like the two sides of a triangle: this I think is objectionable, in the first place, because, without being more than a third across the River, net may cover far more than its proper share of the water by having the end hanging down the stream, and secondly, because Salmon would naturally go up the way the net slants, on seeing it, and so would not have a fair chance of going outside the net. Some of the other County Regulations expressly provide that nets shall be set from the shore towards the thread of the stream, and it would be well if a similar rule were enforced generally.

In the Renous River near its mouth at Indiantown, I perceived numerous indications that fishing with drift nets, and spearing by night, are of frequent occurrence. These are practices which it requires great watchfulness to prevent, and I fear that in the Renous River much harm is done by them.

Returning again to the South West Miramichi, for some distance I found few nets; here and there were pickets considerably more than a third across the River, but no nets were on them at the time I passed, and the owners always promised to take down some of them, or if they were not satisfied that they went too far out, to measure them off afresh.

At Long Island (near De Cantlin's) there were pickets which looked as if a net was usually set from the Island, and in this vicinity also there were many signs of spearing, &c.

For some six or eight miles below Boiestown I found the River set with pickets at almost every turn—generally across the whole River, and almost always across the main channel.

From information I received I understood that there is a regularly organized body of men, who fish all that part of the River, without the slightest regard to the Regulations. I am unable to furnish the names of any of them, but most of them belong to Boiestown itself, I believe, and I cannot say whether any of the inhabitants along the River belong to this association, or "concern," as it is called by those residing on the bank of the River, or not. From almost every one of whom I made enquiries concerning the pickets opposite their ground, I got the same sort of answer,—“that they did not belong to them, that some men come and set nets there, but they don't always know who they are.” Whether the nets were all up by accident when I passed, or whether it was known that I was sent to make an enquiry into the subject, I am not aware; I am inclined to think the latter was the case. Such a practice as this would be much more easily put a stop to were there a

law, (as their is in most Counties a regulation,) to the effect that all nets must be legibly marked with the owner's name. I will mention a few, and but a few, of the worst cases, though I find it difficult to describe the exact places.

Above Wilson's bar, about six miles below Boiestown, pickets extending more than half across the River.

A little higher up pickets across the whole of the main channel to a bar.

Opposite Richard Price's land pickets across the main channel; Price denied all knowledge of them. Just above, at Price's Island, were pickets clearly meant for setting a net across the whole stream.

A little higher, pickets from both sides, one side being from an Island, and at one end some net with a small mesh.

At the head of the Island above this (about four miles from Boiestown) a net across the whole of one branch.

About a mile higher up there were again pickets across between two Islands; and again a little above, pickets from an Island across the main channel.

The character of the River here is such as to make it very easy to catch every fish that tries to ascend; for there are a great many Islands dividing the River into small shallow channels, and by setting nets across these channels, as it appears is done, in direct contravention of the Regulations, there is not a chance of a Salmon getting up, as long as the nets remain there.

There are several nets above Boiestown, which I saw early in the Summer, one or two of which appeared to cross the main channel, particularly one belonging to a man of the name of M'Leod, which simply crossed the River from one bank to the other. I understand that frequent complaints have been made to the Magistrates, of this very net, but that no steps have been taken to punish the offender; indeed, as the law now stands, I am doubtful whether he could be punished. The general Laws make no provision about the length of a net; and although a Fishery Warden has power to enforce *the law* on any River beyond the boundary of his proper County, he cannot enforce *Regulations* beyond the limits of the County to which they belong. If then, as I have been informed, Mr. M'Leod's net was above the County Line, and in the County of York, the Northumberland Fish Warden would have no power to prevent his setting any length of net, and in York there appears to be neither Warden nor Regulations.

This is an instance which shows, what cannot be too strongly urged, the great want there is for more general laws with regard to the Fisheries, or for greater uniformity in the local Rules. Here is one particular spot where a man has it in his power to capture every Salmon which, on any day except Sundays, attempts to ascend that part of one of the best Salmon Rivers in the Province, and there is no law, rule, or regulation, that can prevent him from doing so.

The Northumberland Regulations I consider, on the whole, to be remarkably good; and if they were only carried out properly, there would be few finer Salmon Rivers in the world than the Miramichi. But it is just one of those cases which show of how little use regulations are, if they are not enforced. Sections two to six are, on paper, all that could be wished with respect to the appointment of Overseers, their fees, penalties, &c., and yet what is the result? Practically, with one or two exceptions perhaps, they seem to do nothing at all, at any rate not after they have measured off the nets for the season, and in one case, as I have above stated, I found an Overseer himself an offender against the Law. Whether the Sessions, the Rate-payers, the Magistrates, or the Overseers themselves, are to blame for this, I am not prepared to state; all I can say is that the Laws and Regulations are not enforced.

I consider the length of net allowed in the North West Miramichi, from Matchett's up to John Ryan's, ought to be reduced, as I have mentioned in a previous paragraph.

The Rule concerning the size of mesh might be amended, and made as in the Appendix.

The Rule requiring that nets should be legibly marked with the name of the owner, is very much wanted; and a Rule respecting traps also.

In the event of County Regulations remaining at all as they are now, I would suggest that, if possible, an arrangement should be entered into between the Sessions of the Counties of Carleton, York, and Northumberland, whereby the Fisheries on the upper part of the Miramichi, which is in York and Carleton, should be rendered subject to the same Rules, as the lower or Northumberland waters.

The River Miramichi was but a few years ago famous for its Salmon Fisheries throughout its course. The quantity of Salmon which still resort to the mouth of the River, continue as yet to render the fisheries on the lower part of the River remunerative; but I fear so few Salmon are now allowed to reach the spawning grounds, that the Fisheries on the upper portion are well nigh destroyed, and as a natural consequence those nearer the sea will soon be so also. At places where a short time ago hundreds of Salmon were annually caught, hardly one is now even seen. In a very few years more, if cut off from their spawning grounds, the Salmon will cease to enter the River at all, and the valuable Fisheries at its mouth, with all their expensive establishments, must come to an end.

The fishing season terminated before I could visit any other Rivers, and indeed, before reporting to Your Excellency I should have liked to have spent more time on those Rivers that I have visited. But it is so essential that some immediate steps should be taken to provide against the entire extinction of these valuable Fisheries, that I do not hesitate to submit this Report, fragmentary as it is, to Your Excellency.

Before concluding, I should wish to submit to Your Excellency some general remarks on the measures to be adopted.

With regard to the Salmon Fisheries generally, I need not bring before Your Excellency the vast importance of taking measures, in time, to prevent the total destruction of Salmon in the Rivers of this Province. We have only to look what has been done in Great Britain and Canada, and profit by their experience.

In Canada, for a long time the protection of the Fisheries was much neglected; but at last the Government and Legislature of that Province seem to have become alive to their value, and have not only made strict regulations for their protection and preservation, but have also caused these regulations to be practically enforced. Before this could be done however, so great had been the destruction, and so rapid the decrease of Salmon, that in many Rivers which formerly teemed with these fish, they were almost extinct; consequently it was necessary in many places to adopt very stringent measures, such as the prohibition of all netting, &c. except in certain places.

Had these protective measures been adopted some years ago, before the Rivers were clean swept out, they might have been done with quite as little, if not less, trouble and expense, the laws might have been less prohibitory, (i. e. it would not have been necessary in so many places to forbid all netting,) and, above all, there would have been a plentiful supply of Salmon in Rivers where now there are scarcely any.

In England, the Salmon, through entire neglect, have gradually decreased, and in many Rivers become altogether extinct. In Scotland and Ireland, where more care has been taken to regulate them, the fisheries are now proportionately more valuable. Last year Commissioners were appointed in England by the Government to enquire into the Salmon Fisheries of that country. In their Report will be found much interesting and very valuable information on the subject; many of the things that they have found most injurious

do not exist here,—at any rate to such an extent,—as fishing weirs of all sorts, fishing traps connected with mills, pollution of waters by manufactures, gas works, &c., poisoning by mines, and so on; but it is only by timely legislation that they are to be prevented. Had sufficient laws been introduced in England years ago, mill dams would not have been built without sufficient fish passes, and ladders;—manufacturers, &c. would have been obliged, as far as was possible, to take steps to prevent the pollution of the waters by the refuse matter of their works. All this at the time would have been a simple and easy thing. Now it is no easy matter; for besides the removal of all these artificial obstructions, many Rivers have actually to be restocked with fish, at a very considerable expense.

But while the evils just mentioned are less common in this country, there are others which are more common. The immense extent of Rivers with few or no inhabitants along the banks, the clearness of the shallow pools, &c., render illegal fishing both by nets and spears, an easy matter; and it is to prevent this chiefly, that strictly enforced laws are required. The practice of throwing sawdust into rivers and streams is also a most serious evil. It has been said that it would interfere too much with the rights of mill owners and lumberers to prohibit this practice; but as all mill owners, &c. in Saint John are compelled to burn their sawdust, and as the same thing is done at several of the large mills on the North Shore, I think it would be only fair that others who have large saw mills on Rivers frequented by Salmon, should be made to do so also.

One of the most serious difficulties the English Commissioners had to overcome was the obstacle offered to the passage of fish by mill and other dams. In the Rivers that I have visited this evil scarcely exists, but in some of the other Rivers of the Province I believe much harm has been done by them. In Ireland the difficulty is in course of removal by affixing to the weirs or dams, passes or ladders whereby the surplus water is made available for enabling the fish to surmount them, whatever their height may be. That which has been generally adopted in Ireland is taken from the model of one which was put up on the River Teith, in Scotland, by the late Mr. Smith, of Deanston; and the average cost of putting up one of these contrivances is stated as £60. In this country, where wood, &c. is so plentiful, it would probably be very much less. This measure has been recommended both in England and Scotland, and is said to have been successfully adopted in Canada.

I would therefore recommend that any person or persons who shall, after this time, erect or alter a weir or dam on any River where Salmon resort, shall be compelled, at their own expense, to affix thereto, and maintain, a Salmon ladder, to the satisfaction of the proper authorities.

With regard to dams already in existence, it might be considered a hardship if the owners were compelled to provide the funds necessary for erecting ladders over them. In these cases ladders might be erected by the local authorities, when the funds at their disposal for the protection of the Fisheries are sufficient to enable them so to do. But in any case where such dam has been erected, or altered, in contravention of any existing law or regulations, it should be lawful for the Lieutenant Governor in Council to cause the owner of the same to erect a sufficient fish pass at his own expense.

I will here quote a part of the Report of the English Commission of Enquiry, which would equally apply, or will at an early day apply, to this Province:—

“ We desire humbly to represent to Your Majesty the conviction impressed upon our minds by all that we have seen and heard, that a national property, of great value and importance, which was, in early times, watched over and encouraged by the Legislature, has, through improvidence and neglect, been suffered to decline; and unless timely measures be adopted for its recovery, is threatened at no distant period, with total ruin.

“ It is worthy of remark that the Salmon Fisheries both of Ireland and Scotland, though smaller in extent, and not superior in actual capabilities, to those of England and Wales, have each received much more care and attention in recent times, and are at the present moment far more productive.

“ Among other causes which have brought about this result, it may be that the greater development of other sources of wealth, especially of manufacturing industry, in this part of the kingdom, has induced a disregard, and in some cases even a sacrifice, of the Fisheries. But we are convinced that it is neither prudent, on the one hand, to neglect what might become a fruitful source of revenue and employment, neither is it in any wise necessary that the cultivation of one class of interests should involve the destruction of another.

“ Under judicious management, we have no doubt that the Salmon Fisheries of England and Wales may be made to yield a large commercial value, and they are capable of supplying no inconsiderable amount of valuable food for the consumption of the people. Under the circumstances of the present time, we venture to think that the last consideration is by no means to be overlooked. While the population of the country is rapidly increasing, and every effort to augment the stock of food barely suffices to keep it up to the demand, it becomes of the utmost importance that no source of increased supply should be neglected. The sea coasts and rivers of England are furnished by nature with a rich provision of animal food, which requires neither expense to maintain, nor labour to cultivate it, but needs only to be spared during a certain season in order to increase the store, and to be allowed freely to follow those instincts which are essential to its production. The improvement of the Salmon Fisheries is a matter which concerns the public at large far more than any individual proprietor. To the latter, the decrease of numbers may be compensated by increase of price. To the former, it involves a decrease of food. The causes which have reduced the Fisheries to their present state of exhaustion are clear and palpable, and they admit, to a great extent, of being remedied by legislation. By the adoption of such measures as we have felt it our duty to recommend, subject to whatever modifications the wisdom of Parliament may determine, we feel confident that an important addition to the sum of public and private wealth may be made from this source, and an enlarged field opened at the same time to the industry of a valuable class of Your Majesty's subjects. Whatever sacrifices for this end may at the outset be required on the part of individuals are more apparent than real, and will in the course of a few years be amply compensated by the result. Every fact elicited during our enquiries bears witness to the conclusion that an open river is the best for all, and that a recurrence to the ancient and clearly pronounced policy of this country, by the removal of obstructions from the waters, is the sure and only road to the restoration of the Fisheries.”

The case is almost the same in this Province, only, if sufficient measures are at once taken, the Fisheries, (except in a few Rivers,) will have to be preserved only, not restored as in England.

I regret that I have been unable to obtain such Statistics as would show exactly the quantity of Salmon exported from this Province. In the accounts returned from the different Ports, of the fish exported, the classification does not show the Salmon separately, but the following will give some idea of the value during the last two years:—

	Value in Sterling.		
	1860.		
	1861.		
Fresh Salmon,	£4,265	0 0	£1,590 0 0
Fish, preserved and spiced,	18,478	0 0	12,049 0 0
Smoked fish,	6,406	0 0	3,606 0 0

Of the above "fish preserved and spiced," nearly all were Salmon, a large portion of which were put up in tin cases, hermetically sealed; the "smoked fish" were nearly all Herring, the rest Salmon. It is to be observed that the above does not include salted Salmon, a few barrels of which are annually put up.

The decrease shown by the above figures in one year is a subject for very serious consideration. The falling off, (in the fresh fish especially,) may be partly owing to the effects of the War in the United States; but it is worthy of note that of the preserved fish, the decrease was greater in the quantity exported to Europe than in that to the United States, a fact that seems to suggest a falling off in the supply rather than the demand.

In one house alone during this Summer, up to the beginning of August, about 120,000 lbs. of Salmon were put up, (hermetically sealed,) for exportation. Besides the fish exported, it must be remembered there is an immense quantity of Salmon consumed in the Province; indeed in many places, the more remote settlers live almost entirely on Salmon in the Summer season, and also cure some for their own use in Winter.

Without proper care and protection, therefore, not only will Salmon, as a valuable article of commerce, cease to exist, but a large supply of food will be lost, and numerous families of poor settlers will be deprived of one of their chief means of subsistence.

There is no doubt that the Salmon are decreasing at a very rapid, and rapidly accelerating rate. Several settlers, to whom I have spoken on the subject, have said "Well, sir, if the laws are not better carried out, you may just as well tell us to take up our nets altogether, for the Salmon are getting so scarce that it is not worth our setting them." In some Rivers there are now no Salmon, where they used formerly to be plentiful. I may instance, for example, the Nashwaak; I believe that in it, as in some other Rivers, the saw mills have been the chief cause of the mischief, partly by preventing the fish from getting up, and partly from the immense quantity of sawdust thrown into the water. It is also worthy of remark, in connection with this case, that there are no Fishery Regulations for the County of York.

The few recommendations which, in conclusion, I consider it my duty to make, are in principle in exact accordance with those offered by the English Commissioners, and most of the measures suggested have been proved by experience in England, Scotland, and Ireland, and I believe also in Canada, to be eminently successful.

The first is, that the Regulation of the Salmon Fisheries should be under the control of a Central Board, or Government Department, as in Canada.

It is to be observed that this is the first recommendation in the Reports both of the Lords Committee on Scottish Fisheries, (1860,) and the English Commission of Enquiry. The same thing was adopted in Ireland, and in all cases it has been found to work remarkably well. The English Commissioners in urging this proposal, say—

"We are well aware that objections will be raised *in limine* against the proposal to constitute a new body of Commissioners. In the first place, such a measure will naturally be viewed with jealousy, as imposing a fresh charge on the public purse. It is true indeed that if the measures about to be recommended, should have the effect we confidently anticipate, of producing, in the words of our Commission 'an increased supply of a valuable article of food for the benefit of the public,' the force of this objection would be much diminished. It may, however, be alleged that the advantage gained by an increased supply of Salmon, though extending to a large part of the community, would not come back in a tangible pecuniary shape to the Treasury. To make the Public Revenue participate directly in the increase of the commodity may indeed be somewhat difficult; at the same time it cannot be doubted that the indirect effect of an addition to any branch of the national wealth must be to augment the Revenue. Regarding the Salmon Fisheries

“ as an article of national property, hitherto deplorably neglected, but capable of restoration, and pregnant with great value, we are persuaded that a moderate annual cost incurred for their reclamation would be amply compensated to the State.”

The force and truth of these remarks, (with regard to New Brunswick as well as England,) is such, that it is unnecessary to comment upon them. I would suggest that the duties of such a Board, and the regulation of the Fisheries generally, should be vested in the Lieutenant Governor in Council.

I would also suggest that there should be an Inspector, (or two if it is considered necessary,) appointed for the whole Province; whose duty it would be to see that the Fishery Wardens and Overseers are properly appointed, and sworn in, and in fact to see that the law is carried out. This officer should make an annual Report to the Lieutenant Governor in Council, concerning every thing that has been done towards preserving the Fisheries during the year.

The next question that suggests itself is the mode of providing the funds necessary for the management of the Fisheries. In Ireland they are raised by a twofold method, viz: by a rate upon the occupiers of the several Fisheries; and, secondly, by a licence duty or tax upon all engines used in the capture of Salmon, including nets of all kinds. This plan is found to answer well, and meets with general approbation, and there is no doubt of the correctness of the principle, that those who benefit by the protection should pay for it. Now, it may fairly be urged that the public at large benefit to a certain extent by the preservation of any article of commerce, and of food, and therefore that there is no reason why the Province should not also to a certain extent contribute to that object. But in addition to any grant that may be made for this purpose, I would also recommend that a fund should be raised—(to be used exclusively for the protection of the Fisheries.)—1st, by the Government granting leases, for a term of years, of the Fishings which still belong to the Crown; 2nd, by a tax upon nets according to their length, and on fishing engines of all sorts. As regards the first, the Lieutenant Governor in Council has already power to lease “ Fishing Stations on ungranted shores, beaches, or islands, &c.” And I have no doubt a small tax upon nets would willingly be paid by every one, if it was to ensure, as it ought to do, efficient protection for the Fisheries. This willingness was generally expressed on the part of such persons interested in the Fisheries as I have seen. By these means—(to quote again from the Report of the English Commissioners)—“ all parties who use or derive benefit from a Fishery are made to contribute, according to a regular scale, and subject to a maximum fixed by statute, to the expense of protection.”

I would also urge the very great importance of having, as far as is possible, uniform laws for all the Rivers and Counties in the Province. The simplest method of accomplishing this appears to me to be the adoption of a general Act or a code of General Regulations applicable to all Rivers, and Coasts, leaving it to the Sessions of each County to make such additional bye laws, as they may consider necessary for particular localities; such for instance as the number of fathoms of net to be allowed at certain places on the Rivers, &c.

Appended to this Report will be found a code of General Regulations, compiled almost entirely from those at present in use in the different Counties, from the Imperial Act of 1861, “ to amend the Laws relating to Fisheries of Salmon in England, (24 and 25 Vic. c. 109);” and from the Canadian Act, which will, at any rate, serve as a foundation for such a code as I have suggested.

I would also recommend the total suppression and prohibition by law, of all traps or fixed engines on the rivers and sea coast. It appears difficult to define exactly what are, and what are not, traps or fixed engines. The definition given in the English Act, is, that “ for the purposes of this Section, a net that is secured by anchors, or otherwise temporarily

“fixed to the soil, shall be deemed to be a fixed engine.” This, it appears to me, will be found sufficiently accurate and just, if a provision is made that it shall not include the ordinary straight stake net generally used in this Province. I have already stated that I should consider the traps to which I have referred in the neighbourhood of Bathurst, to be prohibited by the Fishery Regulations of the County of Gloucester, but it would of course be better that they should be prohibited by a general and clearly laid down law, to be enforced throughout the Province.

In conclusion, I desire respectfully, but earnestly, to urge upon Your Excellency, that if any measures are to be adopted to prevent the extinction, within a few years, of the Salmon Fisheries in this Province, they must be adopted at once, and without delay. Every year adds tenfold to the difficulty of the task. Every year of indiscriminate destruction inflicts an injury not to be measured by the mere number of the fish destroyed, and hurries on the period at which they will wholly disappear from the waters of New Brunswick.

It ought to be,—and no doubt is,—an object of anxiety to those who have at heart the welfare of the Province, to preserve in existence an article of commerce, the taking, preparation, and exportation of which, provides employment, and furnishes wages for a large number of men, the sale of which is highly remunerative, and which supplies the people with a wholesome and nutritious food.

But, unless this wish is strong enough to lead those who share it to take active and energetic steps for its accomplishment, the interests and desires of the community at large will soon be irremediably sacrificed to the gratification of individual and inconsiderate selfishness.

All which is respectfully submitted to Your Excellency.

D. WILSON.

Fredericton, 31st December, 1862.

APPENDIX.

PROPOSED REGULATIONS.

The following Regulations have been taken from the English, Scottish, Canadian and Nova Scotian Acts, as well as from the Act and the different County Regulations at present existing in New Brunswick.

In the margin will be found notes opposite each Regulation, showing where the same rule, or one of a similar character, has been introduced.

1. No person shall fish for, catch, or attempt to catch, or kill Salmon on the coast, or in any bay, river, or fresh water stream, between the 1st (or the 15th) day of August and the 1st day of March ensuing, by any means or device whatsoever, except only that it shall be lawful to fish for Salmon with a rod and line, in the manner known as fly surface fishing, from the 1st of April to the 15th of September: Any person acting in contravention of this Section, shall be subject to a penalty of not more than \$—, and not less than \$—, and shall forfeit all fish caught by him.

Annual Close Time.

Eng. Act, 24 & 25 Vic. c. 109, s. 17.
Close time 1st Sept. to 1st Feb.

Canada Act, 22 Vic. Title 54, c. 62.
Close time 1st Aug. to 1st Mar.

New Brunswick R. S. 22, c. 101.
Close time 31st Aug. to 1st Apr.

Co. North'd. Reg. S. 2, 31st Aug. to 1st Apr., & 15th Aug. to 1st Apr.

Possessing or selling Salmon out of season.

Eng. Act, 24 & 25 Vic. c. 109.

New Brunswick R. S. c. 101.

Co. Northumberland Reg. s. 7.

2. Any person who shall buy, sell, or expose for sale, or have in his possession, any Salmon between the 20th of September and the 1st day of March following, shall be subject to a penalty of \$— for each fish so bought, sold, or held; but this Section shall not apply to any person buying, selling, or having in his possession, Salmon cured, pickled, or dried, or any fresh Salmon caught beyond the limits of the Province; nevertheless, the burden of proving that the same have not been taken in contravention of this Section, shall rest upon the person in whose possession such Salmon are found.

Pickets to be removed.

Eng. Act, 24 & 25 Vic. c. 109.

Canada Act, 22 Vic. Title 24, c. 62.

Co. Northum'd & Gloucester Reg.

3. Any person who shall for fishing purposes have placed in any river, (or in the sea near the shore,) any stakes, pickets, or other timber, shall remove the same within eight days from that on which they have been last used, under a penalty of \$— for each day that they shall remain beyond the prescribed time.

Weekly Close Time.

Eng. Act, 24 & 25 Vic. c. 109.
(12 o'clock noon on Saturday, to 6 A. M. on following Monday.)

New Brunswick Act, R. S. c. 101.

Reg. of Northum'd, Gloucester, &c.

4. No person shall fish for, catch, or kill any Salmon, nor shall any nets be set, or allowed to remain set, between sunset on Saturday night and sunrise on the following Monday morning; and any person acting in contravention of this Section, shall forfeit all fish so taken by him, and in addition thereto shall be subject to a penalty of \$—, in respect of each Salmon so taken.

Mill rubbish, sawdust, poisonous substances, &c.

Eng. Act. 24 & 25 Vic. c. 109.

Scotland Act, 25 & 26 Vic. c. 97.

New Brunswick R. S. c. 101.
(Mill rubbish only.)

5. Any person who causes or knowingly permits to flow, or be put into any river containing Salmon, any liquid or solid matter poisonous or deleterious to Salmon, or any mill rubbish, or sawdust, shall be liable to a penalty of \$— for the first offence, and a further penalty not exceeding \$—, for every day during which such an offence is continued.

But no person shall be subject to the foregoing penalties for any act done in the exercise of any right to which he is by law entitled, if he proves to the satisfaction of the Court before whom he is tried, that he has used the best practical means within a reasonable cost to dispose of, or render harmless, the liquid or solid matter so permitted to flow or be put into the water.

Future Mill Dams.

Eng. Act, 24 & 25 Vic. c. 109, s. 25.

Canada Act, s. 23.

New Brunswick R. S. c. 101.

6. Every person who constructs a new dam, or raises or alters so as to create increased obstruction to the fish, any dam already constructed, in any waters where Salmon are found, shall attach, and maintain attached thereto in an efficient state, a fish-pass or ladder, of such form and dimensions as may be considered necessary by the Inspector of Fisheries; and if he do not do so, such person shall incur a penalty of not less than \$—, nor more than \$—; and it shall be lawful for the Lieutenant Governor in Council, to cause to be done any work by this Section required to be done by such person, and to recover the expense of doing the same in a summary manner, from the person in default.

7. Where mill dams already exist, the General Sessions of the County in which they are, may out of the fund at their disposal for the protection of the Fisheries, erect fish-passes or ladders; and the owners of any mill where such ladder has been erected, shall maintain the same in an efficient state, under a penalty of \$— for each offence. But in case of any dam which has been erected in contravention to any existing law, the owner of such dam shall erect a ladder or pass at his own expense, under a penalty of not less than \$—.

Existing Mill Dams.

8. No person or persons shall under any pretence whatsoever erect, build, make, or set up, or make use of, in any river, bay or coast, any brush, or wooden, weir or weirs, trap or traps, for the purpose of taking Salmon, under a penalty of not less than \$—, or more than \$—, for each offence.

Brush or Wooden Barricades.

Northumberland Regulations, s. 8.

9. No fixed engine or trap of any description, shall be placed or used for catching Salmon in any river or on the coast; and any engine or trap used in contravention of this Section, may be taken possession of or destroyed, and together with any Salmon taken therein shall be forfeited, and in addition thereto the owner of any engine or trap used in contravention of this Section, shall incur a penalty of not less than \$—, or more than \$—, for each day of so placing or using the same; and for the purposes of this Section, a net that is secured by anchors, or otherwise fixed to the soil, in the form of a pound, or any way other than the ordinary stake net in general use now in the Province, shall be deemed to be a fixed engine.

Fixed Engines or Traps.

Eng. Act, 24 & 25 Vic. c. 109, s. 11.

10. No drift-nets, or sweeping-nets, shall be used for catching Salmon in any river, stream, or harbour, except in the outer Harbour at Saint John. Any person using the same, shall be subject to a penalty of not less than \$—, and not exceeding \$—, together with the forfeiture of such nets, and of any Salmon caught therein.

Drift or Sweeping Nets.

Northumberland Regulations, s. 11.

Gloucester Regulations, s. 11.

11. No person shall do the following things, or any of them, that is to say,—

(1.) Use any light for the purpose of catching Salmon or Grilse:

Spearing Salmon: persons equipped for spearing Salmon.

Eng. Act, 24 & 25 Vic. c. 109.

(2.) Use any spear or other like instrument for catching Salmon or Grilse:

N. B. Act, and County Reg. &c.

(3.) Have in his possession a light, or any of the foregoing instruments, under such circumstances as to satisfy the Court before whom he is tried, that he intended at the time to catch Salmon or Grilse by means thereof, and the burthen of disproving any such intention, shall be upon the party having such instruments in his possession.

Any person acting in contravention of this Section shall incur a penalty of not less than \$—, and not exceeding \$—, and shall forfeit any instruments used by him, or found in his possession, in contravention of this Section, together with any Salmon caught by means thereof: But notwithstanding this Section, it shall be lawful for the General Sessions of any County, if they think it necessary

so to do, to permit Indians to spear Salmon *solely for their own use*, in certain stated places, between the 1st of April and the 31st of July inclusive,—these stated places not to include any place where Salmon are in the habit of spawning.

Selling speared Salmon.

Co. Northumberland Reg. s. 10.

Co. Gloucester Reg. s. 3.

12. No person shall directly, or indirectly, buy or sell, or offer or expose for sale, or barter, or have in his possession any speared Salmon or Grilse. Any person who shall act in contravention of this Section shall incur a penalty of not less than \$— and not exceeding \$—, and in all prosecutions under this Section the seller shall be a competent witness against the buyer, and the buyer against the seller.

Taking the young of Salmon.

Eng. Act, 24 & 25 Vic. c. 109, s. 15.

13. No person shall do the following things, or any of them, that is to say,—

- (1.) Wilfully take or destroy the young of Salmon ;
- (2.) Buy, sell, or expose for sale, or have in his possession the young of Salmon ;
- (3.) Place any device for the purpose of obstructing the passage of the young of Salmon ;
- (4.) Wilfully injure the young of Salmon, or disturb any spawning bed, or any bank or shallow on which the spawn of Salmon may be :

And any person acting in contravention of this Section shall forfeit all the young of Salmon found in his possession, together with all engines or instruments used in committing any of the above offences ; and shall also for each offence pay a penalty of not less than \$—, and not exceeding \$—. But nothing herein contained shall apply to any person who may have obtained such young of Salmon for artificial propagation or other scientific purpose, and nothing herein contained shall prejudice the legal right of any owner to take materials from any stream.

Disturbing spawning Fish.

Eng. Act, 24 & 25 Vic. c. 109, s. 16.

14. If any person wilfully disturbs, or attempts to catch, Salmon when spawning, or when on, or near, their spawning beds, he shall for each offence incur a penalty not exceeding \$—, and not less than \$—; but this Section shall not apply to any person who may catch, or attempt to catch, Salmon for the purposes of artificial propagation or other scientific purposes.

Salmon Roe.

Scot. Act, 25 & 26 Vic. c. 97, s. 12.

Eng. Act, 24 & 25 Vic. c. 109, s. 9.

15. Any person who uses Salmon roe for the purpose of fishing, or has in his possession any Salmon roe for sale or for the purpose of fishing, shall for every such offence be liable to a penalty not exceeding \$—, and shall forfeit any Salmon roe found in his possession.

Size of Mesh.

Eng. Act, 24 & 25 Vic. c. 109, s. 10.

Canada Act. s. 25.

(Five inches knot to knot.

Northumberland Reg. do.

Gloucester do.

16. No person shall take, or attempt to take, Salmon or Grilse with a net having a mesh of less dimensions than two inches in extension from knot to knot, (the measurement to be made on each side of the square,) or eight inches measured round each mesh when wet; and any person acting in contravention of this Section shall forfeit all nets and tackle used by him in so doing, and shall for each offence incur a penalty of not less than \$—, or more than \$—; and the placing two or more nets behind or near to

each other, in such manner as to practically diminish the mesh of the nets used, or the using any other artifice so as to evade the provisions of this Section with respect to the mesh of nets, shall be deemed to be an act in contravention of this Section.

17. All Salmon nets shall have the name of the owner legibly marked, branded, or scribed, on three pieces of wood or metal attached to the same, and such marks shall be preserved on the said net during the fishing season, on penalty of not less than \$—, or more than \$—, against the owner for each day such net shall not have such marks appended, and forfeiture of the net.

Nets marked.

Gloucester Reg. Sec. 8, &c.

18. Before any Salmon net shall be set in any river or stream, the owner or person interested in such net, shall cause a memorandum in writing, setting forth the name of the owner or person interested, the length of the net, and its particular intended location, to be filed in the Office of the Clerk of the Peace, who shall thereupon grant a certificate of the facts; and any net set before such Registration, shall be deemed to be illegally set and liable to forfeiture.

Nets to be Registered.

Gloucester Regulations, Sec. 9.

19. All nets for taking Salmon set above the rise and fall of the tide, shall be set from the shore, or edge of the channel, toward the thread of the river; but no net for taking Salmon shall extend more than one third of the distance in a straight line across any river, stream, or watercourse, such third not to include the main channel; and no net shall be set to or from any bar or island in any river; but where a river is divided into small channels by such bar or island, all nets shall cover only one third of the channel where they are set.

Nets, how to be set.

N. S. Act, R. S. T. 25, cap. 95, s. 5.

Gloucester Regulations, Sec. 7.

Northumberland Regulations.

Any person acting in contravention to this Section shall be subject to a penalty of not less than \$—, and not exceeding \$— for each offence, and shall also forfeit any net which is set contrary to the provisions of this Section.

20. No seine, stakes, weir, or net, or other contrivance for taking Salmon, shall be set or used within one quarter of a mile next below any mill or dam, or natural fall, where Salmon cannot ascend; and no person shall take or attempt to take, except with rod and line, any Salmon immediately below any mill dam, or in any head race or tail race of any mill; and any person who shall act in contravention to this Section, shall incur the forfeiture of any nets or instruments used thereby, and also shall be subject to a penalty of not less than \$—, and not exceeding \$—, for each offence.

Catching Salmon at Mill Dams or Falls.

Eng. Act, 24 & 25 Vic. c. 109, s. 12.

N. S. Act, R. S. Title 25, c. 95, s. 5.

21. The Inspector of Fisheries, or any Magistrate, may search or grant a Warrant to have searched any vessel, house, or place where he may have cause to believe that any fish taken in contravention of these Regulations may have been concealed, and any person knowingly having in his possession any Salmon caught in contravention of these Rules, shall be subject to a penalty not exceeding \$—.

Search may be made by proper authorities.

Canada Act.

Report from Mr. Drake, Fishery Warden for the County of Charlotte.

Grand Manan, Nov. 25th 1862.

SIR,—In answer to the letter from R. Fulton, Esq., (Assistant Secretary,) of the 21st Oct. inst. with the request that I would, for the information of His Excellency the Lieutenant Governor, report to that Office all I have done in the discharge of my official duties as Fish Warden for the present year, before the 1st December next, &c., I would say, that I have been from home for some time past, and having just returned, hereby submit for His Excellency's perusal the following hastily written statement of my proceedings, with an Account attached of the Sales of Nets, and the names of persons complained of, for the violation of the Law, &c.

I have from year to year kept up notices of such Sections of the Law for the protection of the spawning ground, as was most important, and pointed out the penalties for its violation, with such additional enactments as have been made from time to time; yet previous to this year I have been placed in a position in which I found it very difficult to afford any real protection to the spawning ground, as never in any one year since I have been a Warden, has there been an Overseer of the Fisheries appointed. The Magistrates said they had not the power, and as they do not attend the Sessions, none are specially appointed, &c. Finding the majority of the inhabitants hostile to the law, I formed the plan this year of hiring a man to watch it, and selected Henry McLaughlan, (the most efficient and energetic man I knew at Seal Cove,) and agreed (confidentially with him) to give him one half my salary, (whose appointment was afterwards approved by His Excellency,) and he went to work at once taking up nets and reporting to me the names of such ones as he found setting nets in violation of the Law, and keeping as strict a watch night after night as it was possible for one boat to keep up, &c., until he completely stopped all trespassing on the ground. I have been with him in the boat, but have seen neither nets set nor any boats around; but it was quite different on some nights when he was out surrounded by a large number of boats, having nets on board, and acquainted with many of the people in them, and having neither power to drive them away, nor fine them, had to row over the ground all night and watch them, with many miles of ground to watch, and the fact that but a few minutes would suffice (at times) to take from five to ten bbls. of Herrings; and when the nets are once in the boat and Herrings in them, they can still remain there if they chose, not being fineable nor nets seizable, unless the Warden can actually prove the nets had been set or taken up on the spawning grounds. You can at once see at a glance the difficulties attending its protection, yet the vigilance of the Overseer was such that after a few nights they gave up the attempt as too hazardous, and but little trespassing took place afterwards; occasionally a few vessels would anchor over, under the two Islands, which were boarded by the Overseer, and finding not much "sight" for getting "a haul," would leave. At times when the wind would blow strong from the eastward, and vessels harboured over, under the two Islands, they, as well as the inhabitants, could set their nets, as the Overseer could not, in consequence of the heavy swell, leave the western shore, &c. But this seldom occurs. In the complaint made by Captain Helms (one of the oldest offenders that ever fished round the Island) that "he saw a man set a net in open daylight, in front of the Overseer's door, and no notice taken of it," said net was set over under the two Islands, a distance of above two miles from the Overseer's house (as Captain Helms himself informed me, but withheld his name,) and could be said with equal propriety "in front of the Overseer's House," had it been set on the Nova Scotia shore.

Several additional enactments are necessary for the better protection of the ground, such as fining the owners of boats, or seizing the boats and nets found on the spawning ground at night, rowing round watching for an opportunity to set in violation of the Law; also taking up all those persons (where suspicion exists) found at their different landing places in the morning with boats having nets in them filled with Herrings, and make them either prove on oath that the Herrings were not taken in violation of the Law, or make a seizure of them; also to fine the Captain of any vessel anchoring about Seal Cove after Herrings, that will neither shew the vessel's name, nor tell the Captain's name, &c. And also Overseers of the Fisheries should be appointed in all parts of the Island, (as formerly) which could be done at the yearly election of Parish Officers, &c., as their chances for seeing any violation of the Law on the spawning ground, or the offal of fish thrown overboard on the different fishing grounds, are generally better than the Warden can possibly have, as they are a good part of the fishing season either in schooners or boats on the different grounds themselves; none would require pay except such ones as should be called on to watch with the Wardens or Deputy Warden at night, &c. The Fish Warden should be before the Fishing Committee in the House of Assembly, or Governor in Council, whenever any new enactments are made, and explain the many "loop holes" through which the inhabitants (although they petitioned for the Law) find ways to violate it, &c.

Complaints have been filed against the following persons for setting nets in violation of the Law, on the spawning ground, and for whom warrants have been taken out, &c.; only one however, Leonard Gatcomb, has been arrested and brought to trial, fined thirty dollars with costs, and who absconded to Nova Scotia, leaving the fine as yet unpaid with the costs. The others left the coast and have not since come within reach of the Law.

Benjamin Small, Schooner "Union."
 Leonard Gatcomb, " "Diligent."
 ——— Moore, " "Mechanic."
 James Hickey, Boat "Lettre of Marque."
 Elijah Greenlow, Schooner "Undaunted."

Some of the foregoing persons I think I will be able to get hold of next year. There was a complaint lodged with me against the Schooner "Romp," for heaving over "gurry," but I could not get hold of the Captain, and one other complaint was lodged against a Vessel to a Magistrate; the Captain was fined, but the case did not come under my cognizance.

I beg you will excuse this hastily written statement of facts, and if it is not drawn up in form, you will please give me such instruction for the future (with Blank forms of Returns) as will enable me to comply more closely with the requisitions of such Returns; we have no chance here for information in such matters; but my trust is to act promptly and justly in my duties as Warden, as far as I am able.

(Signed) I have &c.

LORENZO DRAKE,
Fish. Warden.

To The Honorable Provincial Secretary, Fredericton N. B.

Account of Sales of Nets at Auction by Lorenzo Drake, Fish Warden at Grand Manan, Aug. 30th and Oct. 1st A. D. 1862.

Aug. 30, '62.	1 Net sold (Ebenezer Gaskill)	...	\$3 25	
	1 Do. Do.	...	4 25	
	1 Do. Do.	...	4 25	
	1 Do. Do.	...	9 50	
	1 Do. (Lorenzo Drake)	...	5 00	
	Net Warp, Do.	...	1 25	
	" Buoys, Do.	...	0 15	
	2 Anchors, (Barnabus Doyle)	...	1 80	
				\$29 45
Oct. 1, '62.	1 Net (Barnabus Doyle)	...	\$12 50	
	1 Do. Do.	...	5 50	
	1 Do. Warp, (Lorenzo Drake)	...	0 75	
	Net Buoys, Do.	...	0 10	
	1 Net Anchor, (Samual Thomas)	...	0 82	
				19 67
				\$49 12

Expenses of Seizure and Sale.

Aug. 30, '62	Horse and Waggon hire, (Warden)	...	\$2 00	
	Advertising and Sale,	...	0 50	
	Paid Geo. M'Donald, (with Overseer)	...	2 00	
	" Thos. Cook, services do.	...	1 00	
	" Walter B. M'Lauchlin, do.	...	1 00	
	" Boating Nets to North Head,	...	2 50	
				\$9 00
Oct. 1, '62.	Hauling Nets to North Head,	...	\$0 75	
	Advertising for Sale,	...	0 75	
	Paid John Cook, services (going in Boat with Overseer,)	...	1 00	
	Horse and Waggon hire, (Warden)	...	2 75	
				5 25
				14 25
				\$34 87
	Less Costs paid in suit with Leonard Gatcomb,			8 65
	Amount subject to the order of the Overseers of the Poor, &c.			\$26 23

True Copy.

(Signed) LORENZO DRAKE, Warden.

Grand Manan, November 25, 1862.

Justice's Bill of Costs with Leonard Gatcomb.

Evidence, {	Justice's Fees,	...	...	...	...	\$4 00
	Constable,	...	...	...	...	2 65
	Henry M'Lauchlan,	...	...	...	...	0 95
	George M'Donald,	...	...	...	...	1 05
						\$8 65

Report from Mr. Maclauchlan, Fishery Warden for Northumberland.

To His Excellency The Honorable Arthur Hamilton Gordon, C. M. G. Lieutenant Governor, and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to the instructions received from Your Excellency in reference to the Fisheries of this County, I beg to submit the following Report:—

In the Autumn of 1859, the evils, now unhappily becoming more apparent, began first to be prominently noticed, and in conversations with some of the principal takers of Salmon, (persons disposed to be governed by salutary regulations,) I fully ascertained the principal cause of complaint, and advised that the co-operation of the Sessions should be secured in bringing the matter under the notice of the Government. The then County Members, both Magistrates, on my representations, appeared to take much interest in the matter, and a draft of Petition was prepared by one of them, submitted to, and I believe unanimously adopted, by the General Sessions in January 1860, except the clause respecting Sunday fishing, and I have reason to believe, officially laid before the Government. I send herewith a copy of the Petition—I presume the original is on file in the Secretary's Office—I am not aware that any action was taken upon it. I beg leave to state to Your Excellency that the experience of the years 1860, 1861, and 1862, has fully shown that the apprehensions I then entertained were not groundless; and I beg most respectfully to state my opinion, that a couple of years more of the indiscriminate slaughter now practised, will nearly, if not entirely, extirpate the Salmon. This, Your Excellency, is in reference to the outside fishing.

The Salmon being a fish which naturally seems, in a manner, to place itself under the protection of man, by performing the great object of its creation in pools and holes comparatively shallow, it is obvious that in those pools and holes it should enjoy an immunity from the effect of those engines from which it cannot escape. Netting and spearing in such places should therefore be totally prevented. I would allow no reservation in favour of Indians, because the good suggested by humanity in such cases is greatly overbalanced by the evils arising from indirect violation of the General Regulations. The injury done by the use of the artificial fly in such places is very trifling, and indeed it is a subject of doubt whether an actually breeding fish will take the fly. But the general advantage of attracting strangers to this sport compensates a hundred fold for any harm done.

But, may it please Your Excellency, Rules and Regulations are worse than useless unless properly enforced, and the proper enforcement of those regulating the River Fisheries requires an expenditure of money, which the authorities of this County have never thought fit to make—perhaps because an appropriation of that kind might be considered partial,—the Salmon fishing being confined to the upper part of the County, and the Sea fisheries in the lower part, not (in the opinion of the Justices,) needing the attention of a Warden.

If the Salmon Fisheries in the Nepisiguit were granted to the County, and could thereby be made a source of County revenue, under such regulations as would prevent indiscriminate slaughter—regulations, however stringent, would become popular, as being known to be a means of preventing assessments for County purposes.

In the mean time, I beg most respectfully to suggest that the pound nets, which the enclosed describes, and netting and spearing any where above the head of the tide, should be prohibited under any circumstances, and under such penalties as may be certainly and summarily recovered.

I think those Rules and Regulations should contain provisions encouraging information leading to the detection of their violation, and also provisions ensuring simplicity of procedure.

I have the honor to be, Sir, Your Excellency's most obedient servant,

D. G. MACLAUHLAN,
Fishery Warden, Gloucester.

[Enclosure in the above Report.]

To His Excellency The Honorable John Henry Thomas Manners-Sutton, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c. in Council.

Her Majesty's Justices of the Peace in and for the County of Gloucester, in General Sessions convened—

Most respectfully represent, that they have applied themselves at the present January Session, to the revision and amendment of the Rules and Regulations for the protection of the Fisheries in the several Rivers, Creeks and Harbours of this County, and having adopted a series of Rules, beg leave to submit the same, in obedience to the Act of 19 Vic. Cap. 38.

That the Fisheries on the sea coast of this County, to regulate which, Your Excellency in Council has sole authority under the amendments of the 101st Chapter of the Revised Statutes, are at present under no Regulations whatever, and therefore in imminent danger of being much injured, if not altogether annihilated.

That hitherto the great extent of the nets required for carrying on the Salmon fishery on the sea coast of this County, involving an outlay within the power of but few persons, prevented much of the evil consequences of unregulated sea coast fishing; but within the last three or four years, salmon has become so important and valuable an article of commerce, that many persons are now engaged in the sea coast salmon fishing; and it is the opinion of the Sessions, an opinion sustained by petitions laid before them at the present Session, and unanimously and respectfully signed, that the time has arrived when this trade of industry should be placed, for its protection, under stringent regulations. A new kind of net has been lately introduced, which is self-acting—never open for the escape of fish, and calculated to catch fishes of all sorts and sizes. The injurious results consequent on the general use of such an instrument are incalculable; it not only takes all salmon, both large and small, but also all the inferior species of fishes, by whose migrations, it is supposed, salmon are attracted to our shores and rivers, seeking those small fishes for food. These devices are generally known as "stake nets," and consist of a wall net stretching from the shore far into the Bay, those entering the middle of, and terminating a foot or two within the open door way of a large circular net, which has another door way opening into a smaller chamber, from which no fish of whatever size can escape, and the whole of this apparatus is made of net of a very small mesh, closely and firmly fixed to the bottom.

The Sessions are of opinion, that no net whatsoever, whether fixed to stakes, floats, or pickets, should be permitted to be used on the sea coasts of the County of Gloucester, during the Salmon fishing season, of a mesh less than five and a half inches in extension from knot to knot; and that no fish weir should be allowed on any part of the coast.

That no net suspended from pickets or supported by floats should be allowed to remain set from sundown every Saturday to sunrise on the following Monday morning; the tenth Section of the Act before referred to merely prohibiting the taking of Salmon during that period.

That every stake net, or stationary net, by whatsoever name designated, should have a flap or door in the minor chamber, towards the sea, not less than one foot square, which shall be left open for the free egress of all fish from sundown on every Saturday to sunrise on the following Monday morning.

The Sessions also beg leave to submit the draft of a Bill respecting the Salmon Fishery in the Nepisiguit River, to which they most respectfully pray Your Excellency's favourable consideration.

Bathurst, January, 1860.

Report from Mr. Salter, Fishery Warden for the County of Northumberland.

Newcastle, 13th December, 1862.

SIR,—I have the honor to acknowledge the receipt of your Circular of the 21st October, in reference to the duties performed by me as Warden of the Fisheries of this County for the present year.

You are no doubt aware that the River Fisheries of the County are regulated by the General Sessions of the Peace, and the outside Fisheries by Rules and Regulations of the Lieutenant Governor in Council; which Rules and Regulations are made in pursuance of the Acts of the General Assembly, and are enforced by fines imposed, and in some instances, re-seizure and confiscation of nets illegally set. These Regulations define the length of the nets, and the localities allowed for fishing. The different Parishes appoint Overseers of Fisheries, who act under direction of me as Warden.

The Fishery season commences on the 1st May in each year, and from that period my time and attention is devoted to the protection and preservation of the Fisheries under the existing Regulations.

When I was first appointed, a great amount of illegal fishing was pursued, the Overseers in the various localities were not disposed to interfere, as their services were gratuitous; but I am now happy to say that the evils and injuries then existing, have to some extent been removed; but it is quite impossible for one person, with an extent of County one hundred miles, and intersected with many Rivers, can possibly supervise the whole, and prevent altogether illegal fishing. If the Fisheries are to be thoroughly protected, assistance greater than now existing must be granted by the Government or by the localities. Then again, when the fish pass out of the County to their spawning grounds, especially the Salmon, are not unfrequently pursued and destroyed. This I look upon as the primary cause of the falling off of the Salmon fisheries, and assistance must be rendered to cure this manifest injury.

I herewith enclose a Copy of the Regulations of Sessions for His Excellency's information, which clearly defines my duty, and which I have strictly carried out, and done all in my power to protect the Fisheries, and if any thing further is required, assistance is absolutely necessary.

The Grand Jury have thrice recommended that I should have the assistance of five men, but as the Sessions would not assess the County for their services, it left me without the support that I required.

I have the honor to be, Sir,

Your obedient Servant,

H. SALTER, *Warden of the Fisheries,
Northumberland Co.*

 Report from Mr. Barclay, Fishery Warden for the County of Restigouche.

Restigouche, N. B.

SIR,—I have the honor to acknowledge receipt of your Circular of the 21st October last, directing me to report, for the information of His Excellency the Lieutenant Governor, all that I have done in the discharge of my duties as Fish Warden during the present year. In reply, I beg most respectfully to state, that when called upon, I measured the nets in the tide waters in the River Restigouche, seeing they were set as the Law directs. I did not proceed up the River, as the amount of *salary*, and the difficulty of paying men, and also of obtaining my Warrants heretofore, (being one year's salary in arrears,) would not warrant me in expending a greater sum than one year's salary would amount to.

I feel it my duty here respectfully to remark, that the state of the Salmon fisheries on the Restigouche and its tributaries, more particularly above its tidal waters, and in the spawning resources, call for protection by a more rigid enforcement of the Laws of the Province, and a more *regular* and certain provision for the payment of the officers of Government who are called upon to enforce the said Law, than the mere current annual vote of a Legislature, without which, all Laws, however stringent they may be, for the protection and promotion of so valuable a source of wealth as the Salmon fisheries of this River, will be found to be nugatory.

I have the honor to be, Sir,
Your most obedient servant,

THOMAS BARCLAY.

To R. Fulton, Esq. Acting Secretary, Fredericton.

 Report from Mr. Cook, Fishery Warden for the County of Restigouche.

Colborne, Restigouche, 28th November, 1862.

SIR,—In reply to your communication of the 21st instant, I beg leave to state for the information of His Excellency the Lieutenant Governor, that I have not done any thing officially, in the discharge of my duty as Fish Warden, during the present year, from a conscientious conviction that I could not carry out the much desired object of the Law, in the preservation of the Fisheries in this County, in the absence of sufficient Regulations.

I have therefore much to regret, that I am not enabled to furnish His Excellency with any formal Report.

I have, &c.

(Signed)

ALEX. COOK.

R. Fulton, Esq. Ass't. Prov. Sec'y. Fredericton.
