

Ec.H
H4514re

Hector Alexander
Remarks on the
fishings of Scotland.

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R E M A R K S

ON THE

SALMON FISHERIES OF SCOTLAND.

BY

A L E X A N D E R H E C T O R,

ST. CYRUS, MONTROSE,

TENANT OF SALMON FISHERIES IN SCOTLAND AND IRELAND.

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INTRODUCTORY NOTE.

I HAVE been connected with Salmon Fisheries all my lifetime, my experience in Scotland extending over a period of thirty years, during six of which I have also been an extensive tenant of Irish Salmon Fisheries. Several proprietors of valuable Salmon Fisheries in Scotland suggested to me the propriety of replying to the many statements recently put forth on behalf of the River Fishings. It is with some reluctance I have undertaken to do so, as I feel that I am not so competent for the task as a more experienced writer would have been. I trust, however, that my long practical experience as a Salmon Fisher will entitle my remarks to some weight; and, therefore, I have written the following pages in defence of the Sea Fishings, which it is contemplated by the Lord-Advocate's Bill now before Parliament entirely to destroy. While an Act of Parliament was passed so recently as 1842, conferring a right to the holders of all sea-coast property in Ireland to carry on uninterruptedly what it is now contemplated to crush in Scotland; and while stake-nets have been in use there for 40 years, and bag-nets for 29 years—yet the Irish Fisheries are in a flourishing condition; and, in that period of time, if these fixed nets had produced the injurious effects attributed to them, it is to be presumed that they must have caused a decrease as well in Ireland as it is said they have done in Scotland.

Since the following pages were written, I have observed an article in the *Times*, stating that 50 years ago Salmon were to be had at 1½d per lb. This is an old tradition, nearer 100 years than 50, when there was a scanty population and no means of transit, and before the English rivers had ceased to give a supply of Salmon. The *Times* should at the same time have informed the public that, at the period when Salmon was 1½d per lb., beef was from 2d to 3d per lb., and all other commodities in proportion; and that money bore a different relation to the price of labour and value of produce than it does now. The *Times* further states that Salmon have reached such a price as to be beyond the means of people in the middle walks of life. I may state, however, that, by the latest account of sales in London,

the price had fallen to 1s 4d per lb., which cannot be looked upon as an extravagant price, especially when compared with the price paid for all other kinds of fish.

It will be admitted by all Anglers that their applications for liberty to fish have always been more frankly met by Sea Fishers, who were also tenants of rivers, than by proprietors or tenants of rivers only. I at one time held the greatest stretch of River Fishing on the Dee that was ever held by any one before or since. It will be remembered by some in the city of Aberdeen that I issued above 200 cards yearly, for many years, giving a right to angle free and unconditionally, with a right to the Angler to retain all the fish he might catch, and the privilege of a free use of my boats at any station to cross the river. I did the same on the Northesk and Southesk when tenant of these rivers, and continue to this day to give a free right to all to angle on the lower portion of the Water of Bervie, where I am tenant; and I believe every tenant of Sea Fishings, having also River Fishings, does the same.

A. H.

ST. CYRUS, MONTROSE, MAY, 1861.

R E M A R K S

ON THE

SALMON FISHERIES OF SCOTLAND.

DURING the last twenty-three years, there have been twenty-five Salmon Fishing Bills before Parliament: six of these passed for Ireland, two for the Tweed Fisheries, and three for the Scotch.

So frequent and annoying were these attempts to disturb the Fishery Laws of Scotland, that the late Sir Robert Peel deprecated "the continual paltering and pottering with the Fisheries question," wasting the time of the House, and keeping so important a branch of national industry in a state of continual uneasiness.

The existing general Act of Parliament (Home Drummond's) was passed in 1828, after long and patient inquiry, to assimilate all the Scottish Acts of Parliament, and to establish a uniform close time, delegating to the proprietors—without the control of any Central Board—ample powers to govern all matters relating to their Fisheries—each body having jurisdiction and power to assess within five miles from the mouth of each river. The proprietors, therefore, of every river in Scotland for a period of twenty-eight years have formed a Board for every river, the Legislature allowing them to assess themselves in such percentage as would give effect to the provisions of the Act. Those who assessed themselves most liberally—such as the proprietors of the Tay and the Northesk—have reaped their reward by keeping up their Fisheries in a state of productiveness not surpassed at any period within the present century; and those who assessed themselves in a small percentage—such as the proprietors of the Dee and Don—have, in a corresponding ratio, reduced the produce of their Fisheries.

The expense of protecting the fish in close time is generally believed to devolve on the upper Heritors. *It is not so.* The assessment is levied on all proprietors; and as the Sea Fisheries bring high rents, their proprietors (excepting those of the Spey and Tay) bear fully two-thirds of the assessment; in some districts, three-fourths; and in one district—Bervie, Kincardineshire—it is borne exclusively by myself, the tenant, 8 to 10 per cent.; and in the South and Northesk districts the proprietors of what are termed Unchartered Fisheries have paid the same rate of assessment as those who have a Crown Charter.

In 1853, I wrote to the Clerks for the rivers and sea-coast south and north of my Fisheries, and here transcribe the

replies thereto. From these it will be seen that the Fisheries that have been efficiently protected are very productive, and that on the rivers Dee and Don, with an almost nominal rate of about 2 per cent., the Fisheries, as a matter of course, have declined. But there are other causes affecting these rivers, which will appear in a subsequent part of this paper.

Copy Letter Mr ROBERT BUIST to ALEXANDER HECTOR.

“PERTH, 3d September, 1853.

“Mr ALEXANDER HECTOR, Salmon Fisher,
St. Cyrus, Montrose.

“SIR,—Your letter addressed “The Clerk of the Heritors of the River Tay,” was put into my hands to answer.

“I now, therefore, beg to reply, as Superintendent of the River Tay, &c., that my salary is £40 a-year; but I have a great many other duties besides the charge of the water keeping in close time.

“The number employed for that purpose is about 40 men, their wages varying from 8s to 12s per week, according to circumstances. The amount of rental is about £10,000, and the rate of assessment last year was 7½ per cent.

“I am, Sir, your ob. servt.,

(Signed)

“ROBERT BUIST.”

Copy Letter MESSRS JOHN & ANTHONY BLAIKIE, Aberdeen, Clerks to the Heritors of the River Dee, to ALEXANDER HECTOR, St. Cyrus, Montrose.

“245, UNION STREET, ABERDEEN, Aug. 29, 1853.

“DEAR SIR,—We are favoured with yours of 27th, and in reply have to inform you that the Bailiff’s wages for protecting the Don during close season is from £5 to £6 7s 6d, according to length of the portion of river he protects, and the difficulty in doing so. The Bailiffs have no assistants allowed them except in bringing up convictions. The Bailiffs have no regular overseer to compel them to do their duty; but persons of respectability in the districts they watch are kind enough to report any manifest neglect of duty. The Bailiffs are also obliged, if necessary, to continue their vigils until the middle of February, if the fish have not all descended.

“Yours faithfully,

(Signed)

“JOHN & ANTHONY BLAIKIE.”

Copy Letter MESSRS JOPP & SHAND, Clerks to the Heritors of the River Dee, to ALEXANDER HECTOR, St. Cyrus, Montrose.

“ABERDEEN, 1st September, 1853.

“DEAR SIR,—In answer to your letter of the 27th ult., we have to inform you that the upper Bailiff on the Dee is allowed £10 of wages per annum, and £5 travelling expenses. There are seven under Bailiffs, three at £7 per annum, one at £6, and three at £5, besides a man employed about five weeks during the season of the fry at 10s per week.

“Yours truly,

(Signed)

“JOPP & SHAND.”

The Northesk proprietors have a superintendent at £1 per week, and nine watchmen, at 11s per week. Each bailiff keeps a journal of his perambulations, and notes any incident that falls under his observation. Besides having the highest rate of wages in the country, they are allowed free houses and fire, and are under similar regulations with the Coast Guard service. The percentage on the Northesk has been as high as 6 per cent.—threefold that of the Dee and Don—and is never under 4 per cent.; so that it is at least always double. The Tay is nearly treble that of the Dee and Don. The wages on these rivers stands thus:—

Tay—8s to 12s per week, with £40 to superintendent.

Northesk—20s per week to superintendent, and 11s per week

to each man. All give their exclusive time to this duty, and are changed from one part of the river to another—their wives and families being always some miles off.

The Dee superintendent has as wages 10s per week; three men for the 20 weeks of close season, at 7s per week, one at 6s, and three at 5s per week.

On the Don the bailiffs have each from £5 to £6 and £7 6s per season, which is from 5s to 6s 4½d per week—without any supervision. They must have some other means of obtaining a livelihood, so that it is utterly impossible they can give attention to the protection of the river. This is one reason why the Dee and Don have fallen off so much in their produce.

The Northesk is only about half the size of the Dee or the Don. Its length is about 35 miles, or little more than one-third of that of the river Dee; yet there are more water-bailiffs on the Northesk than on the Dee, and the proprietors of the Esk lay out nearly as much money in protecting that river as the proprietors of the Dee and Don together.

Home Drummond's Act therefore has answered all the purposes intended; and if the proprietors neglected to protect their own interests in availing themselves fully of its provisions, that is their fault, nor is it a sufficient reason because they have done so to demand so sweeping a change entirely based on erroneous conclusions, ignoring the real causes of the deficiency in certain rivers.

I quote an instance where similar results followed such neglect in close season, and I could cite many others of a similar nature. Finlay, in his "Treatise on the Game Laws and Inland Fisheries of Ireland," says (Page 170):—

"In the year 1809 Mr Little purchased a share of the river fishing of the Moy, that passes Ballina. The gentleman still holding the other portion of the interest in this fishing happened not to concur with Mr Little in his view of the necessity of hiring waterkeepers in order to protect the breed of Salmon from waste. Accordingly, this fishing, which then produced about six ton of Salmon every year, did not increase, but remained stationary during that year, the next year, and the year 1811. Mr Little, in the year 1811, bought up the interest of the other gentleman, and put in operation the plan of protection which he had before unsuccessfully recommended, and which cost him about £350 a-year. The immediate consequence was, that the fishery, which in 1811 afforded but 6 tons of Salmon (that being the average produce of many years preceding), did, in 1812, produce 44 tons, immediately after 60 tons, soon rose to 100 tons, and stands at an average of 60 tons from the year 1811 to the present day."

What will those who press forward the Lord-Advocate's Bill, under the delusion that Salmon roe lies two years in the river ere it descends to the sea, say to this? Here is an *immediate* result—a rise from 6 tons in 1811 to 44 tons in 1812.

I could cite several similar instances where an increase has taken place after an efficient system of watching was organised.

We have here cause and effect. The whole question hinges on the protection of the rivers and the destruction of the natural enemies of the Salmon, which is followed systematically

in certain districts on the sea-coast of Scotland; and thus an ample supply of Salmon is obtained, both in sea and river, where the river is not polluted by deleterious ingredients.

THE TWEED FISHERIES.

A powerful influence was exerted to carry a Bill through Parliament in 1858 to cramp the Sea Fisheries—in short, to carry, without regard to expense, a measure to increase the facility of angling and to limit the operation of the net. The expense of resistance was so great that the net fishers had to yield in a hopeless and expensive contest.

The Committee who took evidence on that Bill said, in their recommendation to the House of Commons:—"From what the Duke of Richmond has stated as the beneficial result to his Grace's Fishings on the river Spey, by his Grace voluntarily closing the net fishing on the 20th of August, that they (the Committee) recommend to the House to pass the Bill." The result was that the Bill did pass, and the net fishers, being deprived of a productive part of the season, sustained a heavy loss. But his Grace the Duke of Richmond, as soon as the Tweed Bill passed, continued his fishings on the Spey to the last hour the law allowed him, although the Committee acted on his short experiment. I was in London in September, 1859, when his Grace's Salmon arrived—a circumstance that greatly surprised me. Here are the dates and number of boxes:—

August 25.....	10 boxes.	Sept. 4.....	13 boxes.
" 27.....	3 "	" 8.....	3 "
" 28.....	10 "	" 12.....	3 "
" 30.....	8 "	" 15.....	4 "
Sept. 1.....	2 "	" 17.....	1 "
" 2.....	2 "	" 19.....	1 "

His Grace's Fishings of course closed at the legal time (14th September), but some days elapsed ere the produce reached the London market.

MR. ALEXANDER JOPP'S PAMPHLET.

Mr Alexander Jopp, of Aberdeen, is agent for the Proprietors of the Sea and River Fisheries of the Dee and Don. The sole aim he has seemingly in view is the discontinuance of bag and stake-nets. The proprietors he represents would derive the benefit, were they the only fishers allowed to carry on their avocation, which assuredly would be the case if the Lord-Advocate's Bill should pass into law. The fishings in the Bay of Nigg are now worth £800, and will yet rise to be worth over £1000 a-year. They are the property of the city of Aberdeen, from which, and their other properties, many charities are sustained. There was a fishing in the Bay of Nigg before the use of bag-nets, but these being stell-nets, fall under the denomination of fixed ones. The fishings, therefore, in the Bay of Nigg will not be worth one

penny of rent, nor will the coast south of it for a distance of 15 miles, where a small bay then intervenes. The coast is rocky and precipitous for a further distance of 10 miles, when Bervie bay intervenes, which, like Stonehaven Bay and the Bay of Nigg, will also be valueless, although at present I pay £150 a-year for it. The coast is again rocky onwards to the opening of Montrose Bay, a distance of other seven miles. Altogether, there will be an entire cessation from, and utter extinction of, all Salmon Fishing over a distance of 32 miles. There are about 140 men employed on this part of the coast, and above £3000 of fishing materials, which would be totally unfit for any purpose whatever but that for which they are at present used.

Mr Jopp may with equal propriety contend for the shutting up of clothiers' shops, except a favourite one, and assume that such would save expense; and adopt the course of the market gardeners of London in the sixteenth century, who petitioned Parliament "not to repair the approaches to London, nor to open new ones, as it would allow gardeners at a distance to come in with produce, and lessen the value of their produce"—*i.e.*, disturb their monopoly.

Mr Jopp subverts the policy of modern times. The Legislature may as well be asked to bring in a measure to throw husbandry back to the spade instead of the plough, or to draw out machinery from vessels because sailing ships cannot compete with them. In short, its effect will be to silence the machinery of the twine-spinner; to lessen the consumption of Manchester cotton thread, now in general use in the Fisheries since the Russian war; to diminish the boatbuilders' trade; to cast above 150 indigent women out of bread, dependent on the weaving of nets; to withdraw the support given to Industrial Schools, where the weaving of salmon nets for the Sea Fisheries forms a chief part of the employment of the pupils. What has heretofore afforded an endless amount of employment, if now discontinued, will cast many, who are able *now* to support themselves, as a burden on the parishes all round the coast of Scotland.

I cannot, however, believe the Legislature will listen to a measure which is to cast 2000 fishermen out of bread, and reward with the empty oyster shell those who have so readily responded to the call to bear arms in defence of their Sovereign and their country, who form a cordon around our shores, and must be the first to confront any enemy that shall attempt to land.

Mr Jopp opens his case by a reference to the Tay, and states that the stake-nets in that estuary were the sole cause of a decline in the produce of that river. There is another estuary in Ireland, of precisely similar extent, where stake-nets were erected in 1822 by the Proprietors of the river and estuary of the Foyle. These stake-nets were introduced into that estuary about the same time as the stake-nets were used in the basin of the Tay. Were they withdrawn under the apprehension of spoiling the Foyle? No; but were extended, and continued there from that

time to this day, not diminished in size or number, but legalized by an Act of the British Parliament, which allows in Ireland all fixed nets, stakes, bags, and fly-nets, within every estuary, three-fourths of a mile broad at low water. The following is a statement of the produce of the Foyle and the Tay for six years :

PRODUCE OF THE FOYLE, WHERE STAKE-NETS HAVE BEEN IN EXISTENCE FROM 1822 TO 1861.	PRODUCE OF THE TAY, WHERE THERE ARE NO STAKE-NETS.
Year 1839.....43,181	Year 1839..... 48,013
1840.....59,395	1840..... 44,593
1841.....52,582	1841..... 67,078
1842.....83,106	1842.....111,101
1843.....62,348	1843..... 81,101
1844.....49,387	1844..... 64,663
Add the catch of the Marquis of Donegal's fishing, of which two years are given :—	In the Tay and the Foyle the same fluctuation takes place, on a comparison of the seasons; and the Foyle keeps up its produce, notwithstanding the existence of stake-nets in the estuary, and in places similar to those where, in the Tay, they are prohibited by the decision of the House of Lords.
1842—M. of Donegal's fishings...22,517	
Society's fishings.....83,106	
105,623	
1844—Society's fishings.....49,387	
M. of Donegal's fishings...17,757	
67,144	

Now, I would ask—taking mile for mile in breadth of water in the tideway, mile for mile in length of estuaries and of rivers similar in size, as the maps of Scotland and Ireland will show at a glance—if the stake-nets in the Tay destroyed the Fisheries in the very short space of two or three years (while the question was being litigated), how is it that in the Foyle precisely the same description of fixed nets have not long ere now completely extirpated the race of Salmon from that estuary? If the Proprietors who own these stake-nets found them so ruinous to their interest, would they continue them a single day? They adopt the proper remedy. They fish by every means they can contrive—always, however, in strict conformity with law; but they don't fish too long, and when they cease they put on an ample staff of men to guard the whole river, supplementing liberally the amount that is available from the funds raised by licenses; and thus a vast amount of human food becomes available to the country, and hence the flourishing report set forth of the Irish Fisheries, because the more you fish the more you must watch in close season.

The Eel Fisheries of Ireland, in some districts, have for many years been nearly as valuable as the Salmon Fisheries. In Scotland, however, few Eels are caught; and by a wise provision in Nature when the Eels return from the rivers to spawn in the sea, the Salmon are advancing to the shore to spawn in the rivers. Hence while the one is ascending, the other is descending. Were it otherwise—did both spawn in the rivers—every particle of Roe would be devoured and Salmon become extinct, not from bag or stake nets, but from a superabundance of their natural enemies.

When the Wet Dock of Montrose was cleaned, two years ago, there were above six tons of Eels taken out, and carried off in railway trucks for manure. If, then, a space of four acres of a Dock could give such a quantity of Eels, what state must the Dee be in with such stagnant feeders as the lochs of Skene and Drum—the former with some thousands of acres teeming with Eels and Pike. Pike are indigenous to certain rivers; the Dee is one. Pike cannot subsist in salt water, but they could reach the Don by the canal that connected the two rivers, and which was but recently given over to a Railway Company to construct a line of railway on its bed. While I was tenant of the river Dee, I caught in one haul thirty-seven Pike, each gorged with Smolts; and as the Dee is the only river in Scotland that runs from its source to its mouth without a single barrier in the shape of a dam dyke or cruive dyke, there is the greater facility for Salmon reaching the ground most infested with their natural enemies. The wonder is, that the breed of Salmon is not more diminished (in some rivers) than it is, while such destructive elements exist, and for which no remedy has been adopted. The sea fishers south of Aberdeen have not neglected to contrive Seal nets, and many Seals have been taken. The Dee and Don, and many other Scotch rivers, are infested with Otters, yet no means have been taken to capture them. Although all these evils admit of a remedy, they have been neglected. These, with the scanty assessment of about two per cent. levied on Dee and Don—together not equal to the sum contributed for the protection of one river not half the size of either—show that there are other causes, besides the nets complained of by Mr Jopp, for the scarcity of Salmon in these rivers.

In addition to the above destructive agencies, I quote from the *Montrose Standard* of October 12, 1860, an instance of the injury done to the Salmon fishings by the deleterious ingredients that are allowed to run into the Southesk; and the same evil exists on the Don to a far larger extent:—

“It will be seen by an advertisement in another column that the proprietors of the salmon fishings offer £20 for the discovery of the perpetrator of the mischief, and are determined to investigate the affair to the bottom, with a view to bringing the guilty parties to justice. Mr Johnston, the tacksman of the fishings, has presented to the proprietors the following report:—

“Between the evening of Thursday, 27th September, and Friday morning, 28th, there was put into the river Southesk, above the Bridge of Brechin, some destructive material that killed all the fish in the river, of every kind, from opposite the Paper Mills downwards to the Kinnaird dam-dyke. In every part of the water a great number of trouts were spawning, or on the fords. One of the watchmen took out one hundred and nineteen dead trouts; but the quantity that must have been taken out by the parties that committed this act must have been very great. Thousands of salmon and trout fry (some of them only one inch in length) are lying dead over the whole ground. This is certainly wholesale destruction; and it appears as if some party were determined to put an end to salmon fishings, or fishings of any kind, in that river. It is plain that the poisonous matters are put into the water after dark, for the purpose of killing the fish. The damage done cannot be estimated under £1000.”

We understand that this is not the first time that complaints of such doings have arisen.”

Take another river to compare with the Dee and Don, for illustration. The Northesk is closely fished with bag and fly-nets, which in effect may be called stake-nets. Some of the upper fishings of that river yield a higher rental now than they ever did in the memory of any one living. The principal fishing among the upper stations, known as Kinnairdy, let

30 Years ago for	£63	per annum,	to Mr Taylor.
In 1844.....	87	..	to Mr Straiton.
In 1848.....	105	..	to Mr Hector.
In 1854.....	155	..	to Mr Johnston.

Take the next fishing, lower down—Stone of Morphie :—

1833...	£175	per annum...	Mr Wilson.	1847...	£160	per annum...	Mr Straiton.
1834...	175	..	do.	1848...	160	..	do.
1835...	175	..	do.	1849...	160	..	Mr Hector.
1836...	175	..	do.	1850...	160	..	do.
1837...	175	..	do.	1851...	200	..	Mr Johnston.
1838...	175	..	do.	1852...	200	..	do.
1839...	175	..	do.	1853...	200	..	do.
1840...	250	..	do.	1854...	200	..	do.
1841...	250	..	do.	1855...	200	..	do.
1842...	300	..	Mr Hector.	1856...	220	..	do.
1843...	300	..	do.	1857...	220	..	do.
1844...	300	..	do.	1858...	220	..	do.
1845...	300	..	do.	1859...	220	..	do.
1846...	160	..	Mr Straiton.	1860...	220	..	do.

On an average of 27 years it is now.....£209 5 2⁶/₇

Thus, together, the two upper Fisheries yield a rental, in 1861, of £375
30 years ago their united rental only amounted to 238

Increase..... £137

BERVIE SEA AND RIVER FISHERY.

The rate for watching this river is from 8 to 10 per cent., paid by the tenant. The rent of it, 55 years ago, was £50 per annum; it rose to £80, then to £130, and has been let for the last 20 years to me at £150. This Fishery has risen in rental, in this century, 300 per cent. A stake-net has been close to its mouth for 39 years, and three or four bag-nets for more than 30 years.

It will be supposed, from this increase in the River Fishing, that there must be very few nets on the coast near this river. On the contrary, there are more stake and bag-nets in Montrose Bay, and the coast immediately north of it, than in any other fishing, in the same space. The following are the numbers within 5 miles of the mouth of the Northesk :—

48 fly or stake-nets,
70 bag-nets.

118 fixed engines of fishing, with an increase of £137 on the rental of the principal upper fishings, while these nets have been in use for a period of nearly 40 years.

The rental of the Sea Fishings shows an equally favourable result. But there are no pike in the Northesk, no steam-tugs or shipping to frighten the fish, nor is the river polluted by deleterious ingredients from Paper Works, such as those on the Don, the largest, I believe, in the United Kingdom. The Seals on the coast are also destroyed, while the river is guarded in close time by ten men, whose whole time is devoted to this

object. They are well paid, not like those on the Dee, 95 miles in length, which is guarded by eight men, paid with 7s, 6s, and 5s per week; or like those on the Don, with 5s to 6s 4½d per week, without any supervision, and who must, as a matter of sheer necessity, follow some other employment to earn a livelihood. These causes, it must be obvious to every one, are quite sufficient to account for the decline of these rivers.

Mr Jopp further argues that it would be beneficial to the community to have salmon caught as cheaply as possible, *i.e.*, stop all fishing but that of those he represents—that all should run into his *cul de sac*. Suppose the Lord Advocate to succeed in carrying his measure, then the Great Northern Railway Company might rent the Esks, and the London and North-Western Railway rent the Dee and Don, and advertise that they had rented some of the finest rivers in Scotland now exclusively reserved for angling, and that they would issue tickets from and to London, including a month's angling. Such a thing is quite as likely, and even more so, than one would have thought, twenty years ago, that Skate, Cod, and Ling, and even Flounders, would be sent off from Scotland by rail to London. I said so in 1845, before the Committee of the House of Commons; and my evidence was looked upon unfavourably by my brethren of the trade in Aberdeen, but who were among the first to avail themselves of the facility in transit.

Within the last few months one of the finest rivers in the west of Ireland has been let for £30 per rod for twenty-five rods, thus yielding £750; and while Scotland is so much more accessible, will not the same results follow in this country? Net fishing being thus abandoned in the sea, the rivers will be let at fabulous rents, as is the case elsewhere; and how is the country to be supplied with Salmon? From the *tender discretion of anglers, of course!* But will the Legislature so far depart from stern justice as to sacrifice property of the value of nearly £2,000,000—such is the value of the sea fishings of Scotland—and ruin the tenants, who have their whole means invested in what the Legislature has recognised as a lawful pursuit; while valuable leases are in existence between landlord and tenant; and while so many ice houses and fishing houses have been erected for the prosecution of these fisheries? Shall the men, too, be cast out of bread? It is but a few years since an urgent demand was made by Sir Charles Napier for men to recruit his fleet in the Baltic. I was in correspondence with the Government on this subject. My letters were handed by the Duke of Newcastle to the Lords of the Admiralty, who forwarded them to Captain Fanshawe, of the “Cossack,” then at Queensferry; thereafter they were given over to Captain Fraser, commanding the Coast Forces. I had warned the Admiralty that they would not find men from the coast of Scotland to join the navy. After carefully canvassing the coast from Berwick to Montrose, Captain Fraser admitted that he had just got one man; and now to contemplate the suicidal act in a time of apprehension from foreign invasion—to cast 2000 able-

bodied men out of what has always been recognised as a lawful pursuit—would surely be an act of injustice to which the country would not submit, far less to be taxed to carry out the provisions of the Lord-Advocate's Bill, to destroy industry to promote *sport* at so great a sacrifice.

Mr Jopp sets off the late Duke of Richmond's operations on the Spey as a favourable result of withdrawing the fixed nets. The Duke, however, partly attributed the increase in the Spey to the earlier closing of that river. Mr Jopp should have made himself aware of the fact that there are four times the number of stake and bag-nets in Montrose Bay at this moment that there ever were on the coast of Berwick, in the Tay, and the Spey, put together. There was a death-wave swept over this country in 1846-47-48-49. The cholera was sweeping off the human race, and the murrain laying prostrate the cattle. The potatoe rot was another serious calamity, as well as the smut in wheat, all of which prevailed to a great extent during these years. The vines on the banks of the Mediterranean even did not escape. Simultaneously with these calamities, there was a lamentable scarcity of Salmon and other fish, which are not exempt from disease,* for in cutting up over 9000 Salmon the other year, there was scarcely a fish that was not more or less diseased in the gut, from some defect in their food—so much so, that the livers of that quantity of fish did not yield above 6 or 8 gallons of oil, while a like number the following year yielded above 30 gallons. All the rivers in Scotland and Ireland were more or less unproductive at that time. The tenant of the Spey having relinquished that fishing, the Duke of Richmond was lucky enough to step in just as the trade was reviving. The Great Exhibition in 1851, coupled with the demand in Paris, since that year, for Salmon in a fresh condition, and for our colonists in Australia in a cured state, all tended to increase the price. There are many Fisheries now that yield a larger profit than the entire produce did in 1849 and 1850, so that the Duke of Richmond came in for the profit, while his tenant went out of possession with a loss. I instance the Tay as a case in point. The rental in 1853 was £8000; in 1861 it is £14,000. There was a considerable rise between 1849 and 1853. There are as many bag and stake-nets outside the Tay now as there were at the time the Duke of Richmond resumed possession of the Spey. In Montrose Bay, as well as other parts of Scotland, the Fishings improved quite as much as those of the Spey. At the time in question there was no railway to Fochabers, and the Spey fish were carried at greater expense, and not in such good condition as now.

Mr Jopp further asserts that the price of Salmon has risen considerably. So they have; but so also has the price of all kinds of white fish, even greater in proportion than that of Salmon, not because of the scarcity, but from the increased demand.

* The cholera first made its appearance in this country in 1832, and in 1835 great numbers of Salmon were found dead in the nets in Montrose Bay, a circumstance never known to have occurred before.

The following is a list of the prices of various kinds of white fish, with the prices formerly paid for them :—

FRESH FISH.

Haddocks, 20 years ago, at $\frac{1}{2}$ d to 1d each, are now 4d to 6d, or a rise of 400 per cent.

A cod roe now brings more money than cod and roe together did 20 years ago. Lobsters that were 4d to 6d are now 1s 6d to 2s 6d.

CURED FISH.

Herrings, which 20 years ago were 18s to 25s per barrel, are now 30s to 42s. Smoked haddocks that were sold in London 20 years ago at 20s to 25s per barrel, are now 50s to 60s.

Pickled cod that sold 20 years ago for 28s to 34s per barrel, are now 60s to 80s. (I saw these articles sold in London in February this year at these prices.)

Crabs that 20 years ago sold for 1d each are now 3d to 4d; yet 21 tons of these were sent off last fortnight from Fordoun Station (20,000 crabs), and as many from another station on the Scottish North-Eastern Railway.

Could Mr Jopp therefore expect Salmon always to remain at the prices they were 20 years ago, while they are despatched in a fresh state daily, instead of being kept a whole week in ice in Aberdeen?

Mr Jopp also states that there are not so many Salmon sent to London as formerly. This is quite true; but there are more Salmon used now in the Royal Hotel, Aberdeen, on the 1st of February than there were 20 years ago in the whole of that city. Glasgow takes off a very large proportion of the Tay fish, so does Edinburgh, so much so that there are more Salmon used in Scotland on the first day of the season than what are sent to London. Besides there is direct communication to every town in the kingdom, and the fishers send direct to Manchester and Liverpool, the prices in these places being even generally better than in London. Mr Jopp founds his statement on the alleged but erroneous assumption that there are not now so many boxes sent to London as formerly. The box held from 109 to 112 lbs. when water conveyance was the only way of reaching London, now some of the *half* boxes from the Tay contain nearly 180 lbs. of Salmon, and many of the fishers there send as many halves as wholes. He states that he has got the returns from a house in London where a list is kept of the number of boxes coming into market. This information is gathered from the Fellowship Porters of Billingsgate, who learn from Pickford and Chaplain's waggons the number of boxes, but who are ignorant of their contents; and there are not now two boxes alike in weight or quantity, but every box is packed as full as it can hold. Nor are the boxes of a uniform size as formerly, so that it is absolutely impossible to arrive at anything like an approximation to the quantity now sent to London. Besides, there are five curing works in Scotland, taking off, for the purpose of hermetically sealing in canisters, above 400,000 lbs. Salmon for exportation yearly. Mr Jopp just casually alludes to these facts in his pamphlet, without giving them the prominent place they deserved. Every kind of skilled labour is now highly rewarded,

so that money has changed its nominal value in relation to many articles of consumption. Besides, between the periods Mr Jopp sets forth with and closes his statistics, the population has increased in Scotland about one million, hence the consumption of Salmon must be greatly increased, and the quantity sent direct to London much less than formerly. Still London, Liverpool, and Manchester are largely supplied from the Irish Fisheries—not from any great increase in that country, but because boiling of Salmon in kitts for London has been discontinued all over Ireland, except by myself. I am the only one in Ireland who now carries on that mode of cure.

Railways traverse every part of Ireland, so that while, five years ago, Fisheries in my neighbourhood, where the produce was sold by contract for $3\frac{1}{2}$ d to 4d per lb., cannot now be bought under 6d; and the consumption of Salmon has diminished all over Ireland very considerably, it being now sent from the remotest parts in a fresh state to the English markets in ice.

Mr Jopp quotes the decrease in the size of the fish. This is easily accounted for; and let me tell Mr Jopp, as one whose experience extends over thirty years, and has held the largest interest in the Scotch Salmon fishings that any one ever had, excepting only Messrs Hogarth & Co., of Aberdeen, that the Salmon have not, and are not decreasing in size. They, no doubt, are so in the Dee and the Don, which may be set down as twin rivers. The fish pass from the one to the other; if a southerly wind prevails, they are found in and near the Don; in the case of a northerly wind, they are found in and near the Dee. When the water-works on the Dee were erected, in 1831, the quantity of water pumped daily was about 200,000 gallons; now it is 1,200,000 gallons—just an increase of sixfold in thirty years. When the engines ceased, there was a marked increase on the swell of the river, and when they resumed, an evident decrease in size took place. The consumption of water is greatest in summer, when the river is lowest; so that when the river is diminished in size, the larger fish refuse to ascend the stream. With the continual plashing of steam-tugs, and the vast intercourse of the Port of Aberdeen by steam navigation, it is only to be wondered why so many Salmon enter the Dee as now do.* After the period at which Mr Jopp sets out with his array of statistics, the course of the Dee was changed. Its mouth is abrupt, and if it was thrown into the Spill-water, it would improve the lower fishings of the Dee very materially, but injure to some extent those above.

Mr Jopp complains of the fixed nets doing injury to the river fishings. The very parties in whose behalf he complains carry their operations in the river farther than any other fishing in the United Kingdom. No nets are allowed in Ireland to be

* 1829—No. of vessels in Aberdeen, 221; tonnage, 32,858: steam ships, 3; tonnage, 995; tug, 1. 1861—No. of vessels, 249; tonnage, 62,000: steamers, 10; tonnage, 3611; tugs, 4.

fixed to any artificial erection; and I wonder the Harbour Trustees of Aberdeen allow the Raik proprietors to take every fish that comes within a few yards of the pier. The pier is the property of the Trustees of the Harbour, not that of the fishers; and it would have helped the revenue of the city, by increasing the value of the Bay of Nigg, if this practice had been stopped long ago, which the Trustees of the Harbour had a perfect right to do. It is impossible for Salmon to escape landward while such facilities are allowed; but, not content with this, these Raik proprietors, as well as the Midehingle, and even the Pott and Fords proprietors persisted in having fixed nets in the river Dee. There was one fieff net at the Rabble Dyke, one on the Skate's Nose, one at the Craig Lug, and another at the Pott fishing, fixed securely to the land, and remaining so a whole week, week after week, and year after year. There are fieff nets at almost every rock that extends into the river Don, and piers or cairns run out to intercept and turn the fish—fixtures tenfold more injurious to those some distance up the river than are bag and stake nets. While I was tenant of the Dee fishings, I complained often, through the upper Heritors, of such proceedings; and Mr Thomson, of Banchory, who now steps in to laud Mr Jopp for his sweeping stroke against fixed nets in the sea, was the proprietor who backed up my complaint against these fixed nets in the river. Mr Jopp cannot have forgotten the cairn his men were raising at the Fords—casting shingle into the very bed of the river, with horses and carts and harrows for spreading it—when Mr Thomson threatened to raise an action at law, which led to its discontinuance, but not until there was a sufficient accumulation of gravel raised on which to erect a tripod, by which means the upper fishings were greatly injured. Nor can Mr Thomson, of Banchory, forget, notwithstanding his statement the other day as chairman of the meeting of proprietors of the river fishings, that he let to me his shores for bag-net fishing on Clashfarquhar, and held no charter thereon. Nor can he have forgotten that the fishing he holds in the river Dee was let to me for either £11 or £13 (I forget which) so far back as 1834, and that it rose to £25 a-year. This does not show such a decline of the fishing as is now paraded before the public. When Mr Menzies, of Pitfodells, held the Weill and Garth fishing in his own hand, he had no rent at all latterly, *i.e.*, up to 1834. I rented these stations at £60 per annum, and now they are let at £95. The Rnthrieston Fishing was let in 1834 at £41, and now it is let at £78. This is a considerable increase—which took place before the publication of Mr Jopp's pamphlet.

Take the produce of one day's fishing in the opening of season 1858, at the upper stations, five miles from sea, which I extract from the *Montrose Standard* of February 5, 1858 :—

“The fishing opened on Monday, and proved most successful on the Northesk—between 700 and 800 fish having been caught. At one haul alone about 170 fish were taken out of the “Skipper's Hole,” and the take for the day was unprecedented, about two tons of fish having been sent off per railway. The

fishing on the Southesk was not so successful, few fish having been caught. On Tuesday, the ice prevented the fishermen from getting wrought. At the Cruives of Don, Aberdeenshire, sixty fish were got before six o'clock in the morning, and, including a moderate take at Nether Don, the day's take was fully twice that figure. On Dee the ice has been found detrimental to the fishing. The state of the sea does not yet admit of the stake-nets being in operation. Altogether, the commencement is promising."

In the following year, 1859, the number of Salmon was over 600 during the first week, on the same upper fisheries, five miles from the sea, but of larger size than the preceding year.

Recurring to Mr Thomson and the River Dee, I give, without comment, the following sent by him to me in 1839, in which he advocates the erection of a cruive, while he is now so much against the stake and bag-nets:—

"SKETCH OF A PLAN FOR IMPROVING THE REVENUES ARISING FROM SALMON FISHERIES IN THE RIVER DEE.

"It is well known to all Proprietors of Salmon Fisheries on the River Dee, that, for many years past, the Rentals of their Fisheries have been diminishing, more especially of those which are situated above the influence of the tide.

"Various causes may be assigned for this; two appear to be the most important, viz. :—1st, The establishment of Sea Fisheries on every practicable point of the coasts, where the fish are taken on their way to the respective rivers; and, 2dly, The vast supplies sent from all parts of Great Britain and Ireland to the London market, by which the market price has been reduced below its former rate.

"The Proprietors of River Fisheries have thus to contend with two disadvantages—a smaller quantity of fish arriving at their several stations, and a lower price obtained for their fish at market, than in former times.

"Neither of these disadvantages are under their control, for the Courts of Law have decided that Sea Fisheries are legal; and the additional supply conveyed to the London market from all quarters is the natural result of the increased enterprise and capital of the country.

"The question then occurs—Can the Proprietors of the Dee Fisheries do anything to help themselves?

"It is self-evident that if the means can be devised to take as many fish as at present, and, at the same time, greatly to diminish the expense of taking them, then there will at once result a rise of rent to every Proprietor.

"As matters are at present managed, it is notorious that, at least at all the Upper Fisheries, the annual outlay for materials and wages far exceeds the amount of rent paid; and some stations, once profitable, have been entirely abandoned, because the produce does not pay the expense.

"As a remedy, it is *proposed* that the whole Proprietors of the Dee, from the sea to the source, including that portion of the coast which belongs to the Lowest Fishing, shall form themselves into *One Fishing Company*; and that, thereafter, the whole fish shall be taken by means of one or more fixed engines, at a spot, or spots, to be hereafter determined; and that, after the commencement of this mode of fishing, all use of nets and cobbles, *above* the fixed engines, shall cease.

"The following are the principal advantages of this plan:—

"It would save a great part of the annual expense for materials, and almost the whole of the wages, as a very few hands would be sufficient for managing the fixed engines.

"It would thus give each Proprietor an increase of rent, from the saving of expense of fishing, and pay rent to many who have for years past drawn none.

"It would put an end to disputes, often most vexatious, as to rights of fishing in particular spots.

"It would put an end to the annoyance arising from trespassers on the river banks, on pretence of going to and from fishing stations, and thus be a great comfort to all Proprietors whose pleasure grounds adjoin the river.

"By disusing nets and cobbles above the fixed engines, much spawn, now annually destroyed, would be preserved and allowed to come to maturity, and thus augment the fish in future years.

“The Rod Fishing of the Upper Heritors would be much improved, as the fish which passed the engine during the *Saturday slip* would, by this arrangement, be preserved for their use.

“The Upper Heritors would also profit by being saved the expense of conveying their fish for shipment at Aberdeen.

“As it seems generally admitted that Salmon return to the same river, fish of small size ought not to be taken, but returned to the river, to be afterwards retaken of a larger size.

“In a moral point of view, also, the plan is valuable; for our Salmon Fishings, as at present managed, afford a most evil training to the young men engaged in them.

“It would be necessary, in regard to Rod Fishing, that it should be understood that no Salmon caught by the rod should be exposed to sale; but that the Rod Fishing of the Upper Proprietors should be regarded, not as a source of emolument to them, but rather as an amusement to themselves and their friends, and for the convenience of their families—they being, of course, entitled to employ gamekeepers or servants to fish for them. If Rod Fishing be allowed at the fixed engines, then all the fish so taken to be delivered to the fishermen, or paid for, as at present at the *Don Cruives*.

“This plan can only be adopted if all the Proprietors of the river and its tributaries concur. It would, probably, be easy to arrange with Tacksmen, as it is believed that all the more valuable Fishings are under very short leases, or fished by the Proprietors.

“The plan may be tried for a few years, and, if not found to answer, it may be given up, and things restored to their former footing.

“The fixed engines may either be *cruives*, or a machine similar to the sea stake-nets, placed across the river. The latter would be the more convenient, were the plan to be tried only for a few years.

“The engines must be so placed and contrived as not to interfere with wood-floaters; and it is thought they might be made a convenience to them, by being arranged so as to intercept single logs at a convenient place, and prevent them being carried out to sea.

“To carry the scheme into effect, it is proposed to call a meeting of the *Dee* Proprietors, provided the proposal meet general approval; at which meeting a Committee shall be named, to consider further details, and name an arbiter, whose decision shall be final, in proportioning among the Proprietors the share of each, in proportion to the length of his banks—his distance from the sea—the rent drawn—the quantity of fish caught, and all the circumstances of the case.

“The whole river to be divided into 50,000 shares, to be apportioned to each Proprietor by this arbiter.

“The fixed engines may either be let, or fished by the Proprietors on their own account.

“An Act of Parliament may be obtained, if thought desirable; and if no Act be procured, it is necessary that there be an unanimous agreement of all the Proprietors; and that they all consent that, at subsequent meetings, the majority present shall bind the absent and the minority.”

THE CLYDE.

It is no new thing to be told by Mr Jopp that the bag and stake-nets have destroyed the rivers, but it is well known that the Clyde became extinct as a fishery before bag-nets were introduced. The Clyde was once famous for its Salmon, and a Salmon on a tree is the Heraldic Arms of Glasgow.

THE TYNE.

Newcastle-on-Tyne was once famous for its Salmon. There Salmon boiling first began, and to this day, in London, pickled Salmon are sold as Newcastle Salmon. The same causes there have completely destroyed the Tyne—chemical works and steam navigation; but neither the bag-nets nor stake-nets had come into existence when this river was deserted by Salmon. When

shipping increases, and manufactures spring up on the banks of a river (where chemical ingredients are used), the fisheries invariably decline in the rivers, and Salmon desert them altogether. Still, Salmon are to be had in considerable quantity in the sea, but as far from these streams as the poisonous ingredients extend. Hence, if sea fishings are closed, there can be no Salmon got at all in such districts; and these deleterious ingredients are increasing every year in the rivers Dee and Don.

THE DEE OF CHESTER.

The Dee of Chester is a magnificent river, yet very few Salmon are caught there; and most English rivers are in the same condition, because there is no regular close time. There is hardly such a thing known in England as stake or bag-nets on the coast.

The TWEED, the YTHAN, and the DOX, and several other rivers passing through a flat, highly cultivated country, show clearly the effect of thorough drainage and the application of chemical manures. The effect is manifest everywhere on these rivers, yet the bag and stake nets are set down, by common consent, as the sole and only cause of the decline in the Fisheries.

REBATE SALMON.

Mr Jopp is manager for several Salmon fishing Proprietors in Aberdeen. These fisheries are managed in a peculiar manner. The fish are collected and divided proportionately to each respective interest, just as white fishers deal out their catch. Fish that are ent or otherwise injured by Seals, and other fish in the sea, are set down as Rebates. Mr Jopp has fallen into an error in asserting that these fish are injured by bag and stake-nets. Along all the coast of Scotland about one-fourth of the fish are so ent in August, and about one-third in the first fourteen days of September. The question was put by a member of the Committee of the House of Lords to a witness, in speaking of the quality of sea fish in preference to river fish, who referred him to Mr Jopp's evidence on that point; but if any fish are at all damaged by Mr Jopp's fishermen, I fear that the fisheries he represents are carelessly managed, as the fish are not so destroyed at other fisheries. In my experience as a fisher, Salmon are better handled by the sea fishers than they are by the river fishermen.

HOME DRUMMOND'S ACT.

It is to be regretted that such a Bill as that now in force in Scotland had not passed, in 1828, for England and Ireland. If such had been the case, there would not have been so much noise from parties having no connection with Scotland, who have been very officious in running down the fisheries there.

FISHERY BOARD OF SCOTLAND.

There was a very general wish expressed some years ago to abolish this Board ; and justly so. It has outlived its usefulness. Traverse the shores of Scotland, and three-fourths of the fishermen will tell you they do not know of its existence (except in the Crown branding of Herring barrels). The Haddock fishing thrives without any surveillance, and the amount received by Scotland from England for Haddocks is not far short of that for Herrings, most of which are now made reds, with which the Board has nothing to do. The Lord Advocate's Bill seems intended to perpetuate the existence of that Board ; and will also double its expense to the country. It is a pity there are not 300 Joseph Humes in the House of Commons, to ask the Government for a return of the amount of money spent on fishing matters during the last few years. I am surprised the country tolerates such a waste of money as the existence of this Board entails. There is no Fishery Board in Norway, where the produce of the Herring fishing last year exceeded that of Scotland by more than 100,000 barrels ; nor in British America, where the Cod fishing exceeds that of all Europe.

SUPERIORITY OF SEA-CAUGHT SALMON OVER THOSE
CAUGHT IN THE RIVERS.

For many years I had the largest retail trade in Salmon in the City of Aberdeen. My supply was for some time chiefly from the River Dee, but, from repeated complaints of the softness of river fish, I had to bring sea Salmon from Montrose Bay to Aberdeen, to meet the wants of the public, or to relinquish my retail trade. I had, therefore, to bring sea-caught Salmon a distance of 32 miles. I had to send the Aberdeen river-caught fish to London in ice. Preserved Provision-curers will not take river fish if they can get sea fish to preserve.

I annex copies of letters to this effect from salmon-boilers of long experience, and every one that has followed that trade corroborates the statement :—

“Keel of Achill, County Mayo, Ireland, 28th March, 1861.

“I hereby declare that I have been a Salmon-boiler for a period of 35 years ; that I have been in the service of the most extensive Salmon Fishers in Scotland ; that in my experience of Salmon-boiling, where hundreds of Salmon were boiled in a day, and I have cut up 500 Salmon in one day, I hereby declare that I always found the Salmon that were caught in the sea greatly superior to those caught in the river.

(Signed) “ALEX. LEED.”

“Aberdeen, 27th April, 1861.”

“I hereby declare that I have been a Salmon-boiler for upwards of 30 years, and that I have been in the service of the most extensive Salmon Fishers in Scotland ; that in my experience of Salmon-boiling, when I have boiled hundreds of Salmon in a day and thousands in a season, I hereby declare that I always found the Salmon that were caught in the sea greatly superior to those caught in the rivers.

(Signed) “ANGUS ROSS.”

LEGISLATION FOR IRELAND *v.* LEGISLATION FOR SCOTLAND.

It is above thirty-five years since bag-nets were introduced into Scotland, and twenty-nine years since they were introduced into Ireland. The Crown did not seek to disturb those who had no Crown charters, and those who hold them paid nothing for them. A few years ago, in the case of the "Crown *v.* Gammel," the House of Lords decided against the respondent. This obliged all the proprietors of these shores to come to a very sensible arrangement with the Crown, by dividing the rent between them, as the Crown could not carry on a Salmon fishery without the concurrence of the proprietors of the shore. Hence matters have gone on as before between the lessees and the proprietors, the latter giving up half the rent to the Crown. However, the Legislature gave, by the Act of Parliament of 1842, confirmed and strengthened by the five Acts that have subsequently passed for the Irish fisheries, a title as patent as that of a Crown charter. Properties have been sold in the Encumbered Estates Court since the right of Salmon fishing has been thus legalized by an act of the British Parliament, and the question here suggests itself—Whence this toleration to carry on a business so freely in Ireland, and now not only to destroy the unchartered fishings, but the whole sea fishings in Scotland?

Are not the proprietors of the shores of Scotland entitled to ask the British Parliament not only to be allowed to have fixed nets in the sea, but to confer on them a title to the shores, such as has been readily accorded to Ireland?

The following is the number of rods, lines, and nets of all kinds in use in Ireland in 1859 :—

Salmon Rods.....	1638	Fly Nets	17
Cross Lines.....	277	Stake Nets	81
Snap Nets	217	Head Weirs, } Cruives ...	50
Draft Nets.....	504	Boxes, Cribs, &c., }	81
Drift Nets	30	Gap and Eye Nets, &c.,	426
Trammel Nets.....	262	Sweepers	5
Pale Nets	50	Coghills	63
Bag Nets.....	238		

Amount of license duty, £5337 17s 10d; increase over previous year, £315.
Number of fishermen employed, 8709 men.

P L A N F O R
G I V I N G S C O P E F O R A N G L I N G
A N D G R E A T L Y
I M P R O V I N G T H E S A L M O N F I S H E R I E S O F S C O T L A N D ,
W I T H O U T D I S T U R B I N G T H E S E A F I S H E R I E S .

It is a well-known fact that the net fishers on rivers, and especially those farthest from the sea, on the least productive stations, let at a nominal rent, use finnock-nets so small in the mesh that not even a Smolt can escape. It is also well known that in harvest, when young Trout abound in the rivers, these nets do a great deal of harm. There is no resting place for Salmon in rivers; and even were the Lord-Advocate's Bill to pass, the angler would be interrupted at every point, unless the Fisheries in the rivers were rented specially for angling.

I would therefore suggest a plan that I have long thought of—viz., to discontinue all net fishing in every river in Scotland above the tide-way, to abolish all cruives in rivers, and to assess all the other Fisheries in Scotland in proportion to their rental. This would amount, on the river Tay, to $6\frac{1}{2}$, or say 7 per cent.; on the South and Northesks, to 15 per cent.; and on the Dee and Don, to 10 per cent. The river Heritors above the tide-way would then receive larger rentals from anglers, and have their present rentals paid to them in all time coming. The fish would find resting-places, and early spawners could shed their melt and roe in such places as they might select, without being caught or driven off by nets, thus providing a perpetual nursery.

Angling could then commence and close along with the net fishings. The farthest up stations on all rivers—which at present yield nothing in the shape of rent, and never did so even before bag and stake nets came into existence—will then become most valuable, as at present the nets over every available part of the river take every fish before they can reach the upper part.

I give the rental of several districts near to me:—The rental of the Tay for all its fisheries is £14,000, above the tideway, £800 to £1000; North and Southesks £5000, above the tideway £720; Dee and Don and coast fishings £5000, above the tideway £500.

I now give the quantity of fish caught over ten miles of the River Dee above the tideway, viz., about 3000 Salmon and Grilse, and about 2000 Trout; but about half as many as are caught

are driven back to the sea ; and the fish not disturbed by draft nets would thus give for anglers about 7000 to 8000 on the Dee.

An assessment on the rental of the sea and tidal fisheries would raise a fund sufficient to cover the annual loss by the removal of all cruives and the withdrawal of all river nets above the tideway, and would thus compensate the upper Heritors for their loss of rental.

By this method anglers would get all they can reasonably desire—the public would continue to get, at every part of the coast of Scotland, sea-caught Salmon in prime condition—and preserved provision curers their supplies for curing. The ropemaker and twine-spinner, too, would not be disturbed in their yearly work—the clank of the boatbuilders' hammer would still be heard—the women who depend on net weaving would not be cast as a burden on the parish—the tenants would not have their property rendered useless and their fishing-houses laid waste—the shore would still be occupied by these 2000 skilful boatmen, who have come so willingly forward to bear arms in their country's defence—and the proprietors would not have their property rendered valueless.

REMARKS ON THE LORD ADVOCATE'S FISHERIES BILL.

Home Drummond's Act contains 14 clauses, and the Lord-Advocate's Bill 130 clauses. The appendix under the mysterious-looking Schedules A and B is even longer than Home Drummond's Act.

The first 16 clauses of the Lord-Advocate's Bill are required to explain what is to follow, like the Irish Act of 1842, with its 115 clauses, which required five subsequent Acts to explain and alter it; and now a seventh is wanted to consolidate the six Acts, and an eighth Act will likely be required to explain the meaning of the seventh.

At clause 18 begins the dangerous and unlimited powers of the Lord-Advocate's Bill.

Power is asked to make bye-laws from time to time, as the proposed Board shall think fit, with respect to the description, size, length, dimensions, and form of nets to be used in Fisheries, and the size of the meshes thereof.

No man, I believe, will become tenant of a River Fishing under such a law. A tenant may have his nets all made, when the Board may, just as he is about to use them, order another kind, in all likelihood quite unsuitable and unworkable. They will have power to do so from time to time, just as often as they please.

The Board will also have power to order any size of mesh they please, and it may order them to be of such a size as may allow all the fish to pass to the Anglers, who may rent the river above such net-fishing. The Board will also have power to fine the tenant £10 for non-conformity, and burn his nets, as eight were burned in Ireland the other day, belonging to one tenant, because the nets, being in that case made of cotton, had shrunk under the legal size of mesh—boats and every other implement to be destroyed, *i.e.*, burned.

Clause 19.—One month's notice is to be given of any change of the law. If a tenant, therefore, makes nets in conformity with the law in January, he may, when he is about to open the River Fishing in February, have to *destroy* his entire stock, and begin again; and so on monthly, as each fresh fancy is issued by this Board, which is vested with unlimited power to make, rescind, and remake bye-laws. Who is to pay the tenant for the first stock, condemned by the law that a month before approved of it? The Excise laws are mild compared to this.

Clause 20 is copied from the Irish Act, as are most of the other clauses, but it has been rendered more oppressive.

Clause 23.—What is the folly of wasting public money in defining the mouth of a river, as is done in Ireland, when the Bill stops all fixed nets in the sea? The Bill in this respect contradicts itself, and would lead one to believe that when it was written, an after thought put the pen through all fixed nets in the sea, as this clause was evidently intended to restrict the operation of fixed nets.

Clause 26.—This is substituting the clause relating to the election of conservators in Ireland, with a slight alteration, for the simple, efficient clause in Home Drummond's Act, which embraces in a few words all that is contained in this elaborate document, which only serves to confuse what is at present simple.

Clause 27.—This clause ignores the right of any fishings but those having Crown Grants. The Lord-Advocate should consider that, so recently as 1842, there were no rights existing in Ireland for bag or stake-nets in the sea; but an Act of Parliament has granted a title freely and unconditionally to *all* the proprietors of the shores of Ireland to the Fishings on these shores. Within the last six months I have seen gifts of thousands of acres of the bed of the ocean given away as private and exclusive property, on which to form oyster beds. In all cases where application is made, it is granted, if no public oyster-beds exist; and no special Act of Parliament was required in each case, but a general Act for Ireland delegates full power to the Commissioners of Fisheries for Ireland to do so. Scotland! this is the reward for your tranquillity; well may you borrow the Irish phrase—stereotyped in the House of Commons—"Justice to Ireland." When shall we have justice to Scotland?

Clause 29.—£20 is to constitute a vote for election; therefore, supposing 11 members to compose the Local Board, £120 of rental carries a majority. In the case of the Tay, £13,880 of the rental might thus be overruled and outvoted in all matters relating to the appointment of officers, water-keepers, &c. This is another clause, taken from the Irish Fishing Law, by which a person holding no greater interest in the Fisheries than a 10s fishing-rod, and armed with no greater authority than a 10s fishing-license, votes for the election of, and may be elected as, a conservator, with as much power and authority as a proprietor holding one or more several Fisheries, without regard to extent or value. I pay, in one district in Ireland, more than all the other tenants and proprietors together; yet I have, if I take out licenses in one name, only one vote.

Clause 30.—This meeting may be held in Edinburgh or in London. It is a loose affair, like the whole Bill. The proprietors of Sea Fishings lose their right to fixed nets; the river proprietors lose their power of control; the Central Board arrogates the sole administration; and the proprietors become powerless to spend even the assessment they themselves must provide.

Clause 48.—It will be a very easy matter for the persons in the boat who are to have power to moor, anchor, &c., in such

places as *they* may find convenient, to disturb the fish, and destroy the fishing of those who are *not in favour* ; and who is to be the judge “that they do not impede or obstruct any legal mode of fishing?”

Clause 50.—It is almost criminal to be a tenant of Salmon fishings at all, unless an angler. We are to have an endless host of Water Bailiffs, Inspectors, Superintendents, Clerks, Police, and Coast Guard. Is any trade on the face of the earth subjected to such restraints and surveillance?

Clause 54 needs no comment, unless that, as British subjects, we cannot exercise the right of fishing in the sea. The limit here is neglected. The word “sea” embraces the German and Atlantic Oceans. But if the fishers emigrate, and become naturalized subjects of France or any other foreign Power, they can carry on Salmon fishing by any means beyond a league from the British shore, by virtue of international law; thus, as aliens and foreigners, we can do what by this Act we dare not do as British subjects.

Clause 55.—The alterations of dykes, for water power, may exceed the rental of the fisheries—there is no limit. Any Surveyor or Inspector may order an alteration in dam-dykes. While this work is going on, many thousands of millworkers may be laid idle, and machinery stopped; but should a flood come and sweep down the dyke during such alterations, must the Proprietors of the fisheries or the Millowners bear the loss? The Bill does not say. The loss may amount to thousands of pounds in most rivers; and after the passing of this Act no new dyke is to be allowed, unless by the consent of the Central Board. Here is a limit to manufacturing progress in Scotland. But, even after consent is obtained, alterations must always be made as desired by the Board, like the monthly alteration of nets. This sort of dyke may be aptly termed “a dancing cairn.”

Clause 58.—The heck will have to be so often removed for cleansing as to entail an endless expense on millowners, but will afford an ample supply of fish for the millworkers, and become an admirable fixed engine of fishing, without the expense of a license.

Clause 59.—It is a well-known fact that, in weeding gardens, cleansing fields, pruning berry bushes and trees, the prunings and cleanings, if not thrown into the river, are left sufficiently near to be floated down with a moderate flood. This lattice or wire-work is not to be cleansed on Sundays, and it cannot be done under night; it will become as close as a blanket, and stop the supply of water. Moreover, it will entail an endless expense and annoyance on every millowner in Scotland. How is the long grass to be removed from the wire-work, and how is the wire-work itself to be removed when choked up by a coating of tow and garden weedings? It is quite impracticable, as every fisher who has had experience well knows. The Lord-Advocate should let what is well alone.

Clause 60.—Railway companies must feel very comfortable

that they have escaped without hindrance to their trains in crossing a river; but the Lord-Advocate has hit upon a remedy. Railway flags or signals are red or green, so it is only to a white flag that his Lordship objects. There is another comfort in this Bill—viz., that there is to be no hindrance to the erection of new railway bridges, nor to the remodelling of those now erected.

Clauses 62 and 63.—It shall not be lawful to fish with the net after 6 o'clock, but lawful for the angler to go on till 12. The duties of the Water Bailiffs must be so onerous, and the staff so numerous, that the rents of the rivers will be frittered away. Here is a blow at the industry of the country, and a boon to the sportsman. But this is quite in keeping with the whole Bill, and its aim and end are evidently not to benefit the public with a supply of fish, but to create sport to anglers. The plan I suggest—to throw nets out of use in all rivers above the tide-way—would give anglers more sport than any plan yet devised, without the expensive working of this Bill, without detriment to the sea and tidal Fisheries, or injury to the public in withdrawing the supply of Salmon now caught in their prime condition.

Clause 66.—It is something quite new in criminal jurisprudence to throw the onus of proof on the suspected person; but this clause provides for the capture of Salmon for artificial propagation, setting nature aside, and anticipating it by a cruel practice. Oh, shade of Dick Martin, why did not the stripping of roe and melt from fish come within your category of cruelty to animals?

Clause 67.—The Inspector has power to order the removal of nets to any place, at whatever distance, without regard to expense, or whether wet or dry. The power is absolute. The defender may be fined £20—more than, in most cases, the value of the nets of a river fishing altogether.

Clause 70.—It is as criminal to have a Salmon net as contraband goods, within five miles of the sea or river; therefore, no net of any description or form, either for garden fences or sheep nets, can be used now, as ten miles between rivers bring you within the scope of the law, and render any one who has such a net liable to a penalty of £20. There is no part where the Northesk and Southesk, or Dee and Don, are ten miles apart; and many rivers are in similar proximity to each other.

Clause 71.—Any vessel, British or foreign, in any British port, is liable to be searched, and have nets seized. Trawlers and mackerel fishers can, by this clause, be interrupted in, if not prevented from, fishing, as everything is left to the Central Board to be determined.

Clause 77.—Power is given to the Central Board to make bye-laws, determining how nets shall be wrought in the sea and in the river; in short, the Central Board are to be net-makers, and the fishers, proprietors, and tenants are denuded of all power or privilege whatsoever, and kept in continual uncertainty as to what new mode shall turn up next.

Clause 80.—Why fix five miles for the possession of a spear or leister from any river? If it is illegal to possess it within that distance, it is surely as illegal to possess it beyond that; if it is illegal in one place, it should be so in any place.

Clause 97.—This delegates to the Board a power to interfere with the rights of parties in the sea, which is certainly a very dangerous power. The Board may also step in between the Proprietors of the Coast and the Commissioners of Woods and Forests.

Clause 98.—Proprietors and tenants are bound, under a penalty of £10, to give an account of the fish they may catch, the person to whom they sell their fish, what price they brought, what they pay for all materials and wages, and the profit or loss. If they eat one of their own fish, they must tell it; and all this information the Board publishes. The Board must know everything.

Clause 99.—The whole expense of the levelling of cairns, the demolition of islands and removing rocks, advertising, travelling expenses, and the expense of the whole operations of the Board, must be provided for by a first assessment on all the Fisheries of the rivers (as there will be no Sea Fisheries to assess, excepting on strands near the mouths of certain rivers). For what purpose is this tax to be levied? The second assessment—that for local purposes—will be double the rate it now is, as bailiffs must be employed all the year instead of 20 weeks as at present.

Clause 102.—The expense of net-licenses renders the fishing of a corresponding less value, so that the clause will have no beneficial effect. It must be a nice operation, and a very expensive one, to discover who are angling for Salmon and who are angling for Trout—the latter going free. All the revenue for licenses will not cover the expense of enforcing this clause. The license for the net is confined to one particular Fishery; but you may travel over all Scotland with your rod-license. This is an exact copy of the Irish clause, and forms a poor contrast to the brief, simple, comprehensive law now in force, which carries out all that is required in providing for the protection of the rivers in close season—the point on which the whole question hinges for improving the Fisheries.

SATURDAY'S SLAP.

All that has been said on this point appears to be matter of opinion, not of practice. During the last six years I have had to conform to this law in Ireland; and I am therefore able to speak on the practical working of it.

It is impossible to work by one crew of men half so many nets in Ireland as in Scotland, owing to the stringency of this law; and I have frequently taken out nets on Saturday, and not got them into the sea again before the middle of the following

week. I have had to withdraw some of my nets altogether from some remote stations, because of the difficulty of giving effect to this part of the Irish Act; and Scotch overseers are reluctant to go to Ireland, solely owing to the continual anxiety occasioned by this law—a breach of which involves heavy penalties.

SABBATH DESECRATION.

It may be considered that, by leaving the nets in the sea in Scotland, and by taking them out in Ireland, the Sabbath will, in consequence, be better kept in the latter country than in the former; but it is quite the reverse. In Scotland no one is required to look near bag nets on Sunday, in any state of weather; but in Ireland, if the sea is stormy on Saturday, and the nets cannot be removed, they must be removed on Sunday if the storm subsides, and if the men neglect to do so the Coastguardsmen have power to seize the nets. Hence, in stormy weather, all the Salmon fishers must be in attendance, even although the storm has not subsided. So that it often happens that these men are at work at sea, instead of being in a place of worship, and they are compelled to do so by Act of Parliament.

The loss thus entailed I consider to be over 40 per cent. of the rental, and in some cases as much as 100 per cent. If, therefore, a concession has to be made, I would, so far as I am concerned in Scotland, bear an assessment of 15 per cent. on my whole rental to cover the rents of the rivers above the tideway; and, having a river and cruive in Scotland, I should have to bear the loss thereof entirely, as I have the sea fishing for miles in the vicinity thereof. I would therefore advise the proprietors and my brethren of the trade to endeavour to get a Bill framed to give facilities for anglers in this form; rather than bear the harassing anxiety of a weekly close time.

CONCLUSION.

There have been some admissions made as to the hardship of the landlords losing their Fisheries on the sea-coast by discontinuing all fixtures; but there has been little said about the tenants, who have laid out large sums of money in constructing nets suitable for these Fisheries, and which are totally unfit for any other purpose. Some say the proprietors ought to be compensated for this loss, and also the tenants for the loss of their materials and leases; but, should this Bill pass, there is another class that comes in for public sympathy—the operative fishermen. They number between 2000 and 3000; many of them have passed the meridian of life in their peaceful vocation, and are too old to learn another profession; and many of them have laid out their savings in erecting a dwelling-house near the Fisheries which are now threatened with annihilation. The misery that must befall this class of men is too evident. Many of them must fall a burden on their respective parishes

others must emigrate to another country and fish under a foreign flag, where they may follow the pursuit that it is now contemplated to deprive them of in Scotland. The Scottish fishermen, as a body, are well conducted men, both Salmon and White-fishers. During the Chartist outbreak in 1848, there was not a single instance of the fishermen taking any part in these proceedings; there has been no union amongst them to coerce their employers; no strike to extort conditions or terms; no combination for any improper object; and there is scarcely a policeman in any fishing village in Scotland, where the majority are fishermen. In times of adversity, from a prevalence of unpropitious weather, they have borne their privations patiently; and the Salmon-fishers of Scotland now look anxiously for the issue of this question, preferring to remain in Scotland to increasing the numerical strength of any other country with able-bodied fishermen. It is not sought to interfere with the fishermen on the coast of Ireland; why then throw such a valuable body of men in Scotland out of their means of earning a livelihood?

The British Government yielded up a right of fishing in the Bay of Fundy some years ago to the Americans, while America imposes a tax of 4s per quintal on Canadian fish, and allows a bounty of 4s per quintal to United States fishermen.

There is much discontent at this moment along the whole coast of Newfoundland, because the British Government have made concessions to the French Government, to the prejudice of our Nova Scotia fishermen; yet in the recent treaty with France, much lauded as it is, the British Fisheries were quite ignored by France. While this state of matters is going on abroad, a Fishery Bill has been passed for the Tweed, relating to Salmon, which has furnished serious cases for the Supreme Courts of Scotland. An Act was passed last session for preventing the fishermen in the Firth of Forth taking bait. This led to conflicts, and the operation of that law was suspended. We have now a Bill before the British Parliament, threatening to cast helplessly on the world a body of hardy fishermen, who have proved their loyalty to their Sovereign—some entering as volunteers ashore, and others afloat. It is therefore to be hoped that the Government will withdraw or modify, so far as the Sea Fishings are concerned, a measure so serious in its results, especially as Salmon are as plentiful as ever they were, and no change of the law is asked by those whom it most concerns.



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