

E.C.SMITH, PRESIDENT CENTRAL VERMONT RAILROAD,
ST.ALBANS, VT.,OCTOBER 10, 1894.

*General decision
of the situation*

INTERVIEWED BY MR.WAKEHAM AND MR.RATHBUN.

By Mr.Rathbun: Do you think that the fishing of a few nets in Lake Champlain will injure the sporting fishing?

A. I haven't the slightest doubt about it. In the first place, it discredits the people of the whole place, because it goes out to the world that they are catching fish when the law doesn't permit it.

Q. Do you think that the poor man should be made to suffer for the ignorance of other people?

A. It isn't the best thing for him to do an unlawful act, and it is unlawful, because it is unrighteous. I have seen them take out thousands of those fish to manure their

farms with.

Q. Of course, net fishing should not be allowed without proper means of regulating it. The thing stands in this way; you have got two States and Canada bordering on Lake Champlain. Now it is said that the whitefish and the pike go up Mississquoi Bay, and if you take that fishery away from Canada it leaves then nothing at all, and the question is whether you can ask Canada to give up all that fishing.

A. What does it amount to in revenue to the people of Canada as compared with the revenue they would derive from the people who come to this section to engage in sport fishing?

Q. Lake Ontario and New York have cut off practically all ~~illegal~~ commercial fishing by prohibiting the use of nets within a mile of the shore. That was forced through the

Legislature of New York by people interested in sport fishing. Now there is no question but what commercial fishing is carried on without the slightest injury to the sport fishing.

A. Is that not because of the fact that the water area is vaster than it is here? As I look at it, the very fact that a few people in the northern part of Lake Champlain are permitted to put in their seines there and take the fish out of that part of the lake, and rob the southern part, and the middle part and the northern half of it, is a great source of irritation.

Q. But will these men be compensated in any way?

A. I think they will be compensated. I think that the tide of summer travel will swell up and occupy that place and leave money there just as it will in the State of

Vermont.

Q. But none of the parties that we have talked with say that they are benefited by the sport fishing?

A. Of course, they don't; to-day they think they are benefited more by seining. Is it right that a few men should destroy the rights of a hundred times that number?

Q. But there comes in the great question as to whether they do harm it.

A. I think they do harm it. Shortly after I left college I came down to this lake and fished from a boat, and we never came back with less than from 10 to 20 pike and bass.

Q. Do you regard the pike as a good fish?

A. Yes, sir; fishing for them is very nice sport.

Q. Will they fight?

A. No, sir; but then it is the sport that they afford and the number of fish that are

taken. When they commenced this work and let up for awhile on those seines fishing the fishes died out more than three-quarters here.

Q. Are your bass as abundant as they used to be?

A. No, they are not.

Q. Your bass have decreased by the sportsmen themselves, and they acknowledge it; they catch hundreds and hundreds of bass and throw them away. If you restrict the commercial fishermen, don't you honestly think that the sportsmen should be restricted?

A. Undoubtedly I do.

Q. Don't you think that the allowing of many fish which are taken by the seine to remain in the lake destroys large numbers of your black bass?

A. I don't know anything about that; I only know the net result of what I see from the

stand-point of an outsider. I have heard a great deal of discussion in the Legislature by people interested in that thing, and they condemned the seine fishing beyond measure.

Q. Didn't they do it through ignorance?

A. Possibly; but it seems to me that some of the framers of the law know about this thing.

By Mr. Wakeham: We have held in Canada that the pike were fish that preyed upon the sporting fish.

A. That is right, and the fish that I speak of is the pike.

By Mr. Rathbun: Of course, where bass and muskallonge exist you ought to preserve them for sporting purposes.

By Mr. Titcomb: We are willing to gill net sturgeon if Mr. Rathbun is willing to say that the pike shall be considered in all the lakes as sporting fish.

A. The wall-eyed pike would take out one of the principal food fishes of the country.

By Mr. Wakeham: This fishery in Missisquoi Bay was continued under regulations for many years, and it has gone on under the same regulations ever since. Many of the properties along the lake are valuable on account of the fisheries attached to them.

A. Ever since those rights existed as far back as I can remember our people were unfavorable to Canadian fishing there. I have seen car loads of stuff shipped over our road; we cannot stop that. A hundred barrels go through by express night after night. Now to run that under the noses of the people of the State of Vermont is very irritating. There is very little of Lake Champlain in Canada, and it seems unfortunate to our people because it really controls the situation.

Q. Do you really think that it does control the situation to such an extent? It was supposed that the western part of Lake Erie controlled the whole fishing of that lake. Now, in the summer season and until it ends there, is not a whitefish or a herring at the western end of Lake Erie, and it is considered that all the spawning was done at that end.

A. I think that it does control the situation.

Q. Now for the last four or five years there has been practically no herring in Lake Erie--at any rate they have not been catching any in two years, and in the rest of that lake, so far as can be seen to-day, herring are just as abundant as ever.

A. But isn't it a fact that the wall-eyed pike did decrease enormously from 1880 to 1885? That is the understanding here--that the wall-eyed pike was a rare catch here;

and then I think there was more protection given to it for a little while and it came back again.

Q. But Canada coming in with her established fisheries claims fishing rights which, if given up by her, she would not be compensated in any other way.

A. My position is simply this; I am not an expert, and the methods of accomplishing the result must be decided by gentlemen who are experts in the business; but what I think should be done is to have uniform laws; the slipshod manner in which that traffic is carried on to-day is a source of incessant injury, and will produce just what it is producing, a tremendous amount of illegal fishing. We have got roads in Canada, in New York and in Vermont, and I am interested in the development of the passenger traffic to its utmost, and I can see plainly that uni-

form laws in regard to fishing will be of great benefit.

Q. Canada has uniform laws for the whole length of the lakes, varying, of course, wherever it is necessary. In the United States they have more or less peculiar waters, and the thing has not been settled upon a uniform basis, and it makes it, so far as the commercial fishes are concerned, absolutely impossible to protect them.

A. It seems to me that there ought to be a compensation if it is a right, but from our stand-point it is not a right, it is a slaughter and a waste.

Q. In what way?

A. By taking those pickerel and whitefish out of the lake and letting them rot on the shore; the fish in the lake are not the property of the fishermen.

Q. If whitefish and pike bring so much in

the market, a man will not be likely to manure his land with them.

A. It all depends upon supply and demand. If you glut the market with them, they will not bring much.

Q. You cannot supply the demand for white-fish. How do they come to call the white-fish a shad?

A. Because they are so thin.

By Mr. Titcomb: I have come to the conclusion that there is no objection to fall seine fishing under a license, but it is the spring fishing that I object to.

By Mr. Rathbun: The thing is this: you say that fishing of a certain kind might be permissible in certain waters. Now the majority of fishermen say that if you allow one man to fish you must allow all; but that does not follow; you must restrict the amount of your apparatus; the number of nets

is limited.

By Mr. Wakeham: The matter of a close season is all very well, but it don't amount to anything if you take the fish without restriction at any other time, it is the catching of too many fish before the close season.

B.F.KELLEY, ST.ALBANS, VERMONT, OCT.10, 1894.

INTERVIEWED BY MR.WAKEHAM AND MR.RATHBUN.

General discussion
By Mr.Rathbun: We have come to get your views in regard to fishing in this section.

A. I am no fisherman, and I don't fish a great deal, but I have had something to do with the enforcement of the law. The great difficulty is that parties on this side go over to Canada and catch fish with seines over there and skip over on this side and ship the fish. Of course, it is not known in what waters the fish are taken.

By Mr.Rathbun: That, of course, would be rather a criminal proceeding.

A. If the fish were caught in waters here it would be well enough, but if caught in Canada and brought over here and shipped to market from different points, it is not crim-

inal on this side.

Q. Canada wouldn't allow them to fish if she knew it?

A. She would not.

Q. Of course, the main question is the catching of fish by the market fishermen-- whether it should be allowed or not, and whether if it is allowed and properly regulated it would in any way harm the sporting interests or the material interests of Vermont, and, if so, in what way.

A. It would exhaust the fish in time. In Swanton there are a number of Canadians that live by seine fishing and sending the fish to market.

Q. Why should you license Canadians to fish?

A. They are citizens of the United States and live on this side. We had several under arrest two or three years ago; they were doing a wholesale business--one man had sent

15 barrels of pike, bass, and wall-eyed pike to Boston.

Q. How did he get his bass?

A. By seine.

Q. In what particular place was he fishing when he got the bass?

A. Near Mississquoi Bay, but on the Vermont side; near Alburg.

Q. What season of the season was that?

A. In June, I think; fishing is not allowed then.

By Mr. Wakeman: That would be in the spawning time of the bass?

A. Yes, sir.

By Mr. Rathbun: We all fully realize that any sheet of water can be fished out, but under proper restriction how would it be?

A. If you had a law that would be enforced; of course, it might be such a restriction that nobody would find any fault with it.

What that restriction would be, I cannot say. We have in Vermont during the spawning season a great many people from the city that come up here for the purpose of fishing and hunting--people from New York, Boston and Philadelphia and all over the country--and, of course, the fish league of the State has taken a great interest in keeping the waters well supplied with fish, so that these parties can have a little sport in fishing. It isn't so much the fish they are after as the sport.

Q. Without injuring that at all cannot some fishing be allowed without harming them in any way?

A. Do you mean by the regular dealers--the men who make that their business?

By Mr. Rathbun: Yes, sir.

A. Well, I should hate to see anything done which would deprive a man from getting an

honest living, but, in my judgment, it would be a great injury to the league--it would result in taking every fish from the waters.

Q. Why should it? It doesn't in other places?

A. We have a great many people here who devote their whole time to fishing.

Q. Why not limit the number of fishermen?

A. How can you?

Q. Canada limits the number of men, the number of nets, and the size of mesh.

A. In order to do that, you would have to station a regiment of men along the lake shore, because men will fish.

By Mr. Wakeham: It is a question whether you do not do less damage by prohibiting fishing under certain restrictions than you would by prohibiting all fishing.

A. You could limit it.

By Mr. Rathbun: Supposing you don't limit

it. Can you carry out the liquor law of Vermont?

A. You can if the public sentiment will back you. In this town the people are against the enforcement of the liquor law; you take it in a majority of towns the liquor law is enforced; but in large towns like this and Burlington you cannot enforce that law. We undertook to enforce the law in this town by closing every place up, and the places were all closed so that there wasn't a place for a man to stay over night.

Q. Isn't fishing carried on right along every day on the shores of the bay?

A. Very little; I think under the present administration it has been stopped; as near as I can ascertain, it has been stopped.

By Mr. Titcomb: What illegal fishing is done is through these professional fishermen catching some fish for salting down for

their families.

Q. The question is, if you control the fishing by prohibiting all fishing why your laws could not be as much respected as if you allowed some fishing.

A. Where can you draw the line?

Q. You have got to draw it somewhere, of course; you have got to come to some conclusion, and in a measure it will be arbitrary.

A. You take it in the season when fishing is allowed; we have perhaps a thousand people on the lake shores fishing, but not a day during the season will you go to Mr. Sampson's hotel--5 miles from here--but you will find 40 or 50 gentlemen from New York and Philadelphia, and they are fishing from 4 o'clock in the morning until late at night. They come from Burlington and Boston and all the large cities to fish in the lake; and if you let these seines be used without proper

restriction, it would do away with all that sport.

By Mr. Wakeham: We will take the Ridgway lakes, for instance. Now there are thousands of sportsmen who go there fishing and they get good sport, and yet commercial fishing is going on there; the bullheads, the pike, and fish of that kind, are caught there; the same thing in the upper end of Lake Erie; yet you have commercial fishing going on all around you.

A. Commercial fishing has been carried on in this lake to such an extent that my opinion is that the lake is not supplied with fish as it ought to be; there are times when a fisherman will not get a bite.

By Mr. Rathbun: Do you think that that would be injured by fall fishing?

A. Not if it were properly restricted; I believe in fall fishing.

Q. Now supposing Vermont gave up prohibition on liquor; suppose you allowed liquor selling in this city, would you not limit the number of persons selling it; now if you have a right to do that, have you not the right with the fishermen?

A. It would require considerable to enforce such a law; it would take a license to do it. The license in Canada is as low as \$5.00 on nets, and it runs up to \$50.00. They catch all the bullheads any time of year they want to right here in this lake. In the bays that empty into Mississquoi Bay they are fishing there. This year fishing is not allowed there.

By Mr. Wakeham: Do you consider pike a sport fish?

A. I do not; bass is the only sport fish.

Q. Do you get muskallonge here?

A. No, sir. The pike is treated in a large

measure as a sport fish by the people that come here; but with us the bass is a sport fish.

Q. What fish do you get in Lake Memphremagog?

A. Some people call it a trout, they take those trout with a live bait and a deep troll; they call them black salmon.

Q. In Canada they sell the right to fish.

A. With the seine we would give a man the right to fish in a certain locality. Gen. Henry goes up there four or five times a year--to St. Leon--for trout fishing. I was at Montpelier a short time ago, and I was told that some parties were arrested there for illegal fishing; and I was talking with Gen. Henry and he said that they had bought the right to fish.

By Mr. Wakeham: That right they don't buy from the Dominion Government; they lease for

a certain time from the local Government.

There are a great many nets that are leased in that way; they will not allow any one to fish with nets.

Q. Was that trout always in Lake Memphremagog, or was it planted there?

A. I think it was planted there.

By Mr. Titcomb: There were lake trout in this lake a hundred years ago, but they have become entirely exterminated; we don't take much interest in the commercial fishing, but in Swanton they do.

By Mr. Rathbun: There is another thing respecting market fishermen; they generally consider that they have certain natural rights to fish along the coast where they reside, and, of course, that is generally recognized. No man has a right to do what is harmful to the community, and whatever rights we give him or he is allowed to take

must be subject to the laws of the community. Now, as a rule, the Canadian laws have been more thoughtfully worked up for a large area than have those for the United States. Take the whitefish, for instance--you call them shad--they have always a close season for them during the spawning period, and that applies every-where. That is a commercial fish which on the American side has no close season anywhere. We have never sought to protect that fish by giving it a close season. With the lake trout Canada has also a close season for it, and with the pike the same way--a close season during the spawning season. Now we have none of those seasons excepting with sport fish. The sporting men have had an interest in connection with having the laws passed. In case of the commercial fisheries you don't expect the fisherman to seek the passage of any common laws,

and the different commonwealths have either neglected the matter or have not been able to pass laws for the benefit of those fishermen.

The witness: What would be your idea of a license here?

By Mr.Rathbun: I don't think the question of cost of license is one that amounts to anything; it is the fact of registering, and you might fix the cost of license at any amount you please.

By Mr.Titcomb: I am personally acquainted with every fisherman that fished up there, and they all know me, and the fact that they know me makes a difference with them. They say that they didn't know the Commissioner before, and that they were treated as criminals. If that same system were continued the whole length of the lake during the fall--a nominal license--it would give us a

control which we cannot get in any other way. It makes it self-regulating. The influence which you can bring to bear by meeting the fishermen personally is of the greatest importance. We have gone among them and we have received the most courteous treatment from the very worst of the fishermen. If you can approach the fishermen and can educate them--I mean the market fishermen--you can bring an influence to bear upon them that will be of very great benefit.

The witness: Before Mr. Titcomb was appointed Commissioner a very different feeling existed; a fish warden was in danger of his life; but to-day that feeling is changed.

By Mr. Rathbun: The question is whether it is in the interests of the fish and in the general interests of the State to allow any market fishing.

A. There shouldn't be any market fishing

any further than angling, and they shouldn't be allowed to catch any more fish than they can use. This fishing with lines is bad; they string out as many lines as they have a mind to and catch a great many fish.

Q. How about one hook or two hooks attached to a line?

A. A man fishing for his own pleasure, I don't think it interferes.

Q. How about fishermen going to the sporting regions and taking tons of fish?

A. You could put a limit to that.

By Mr. Wakeham: What would you do with the fish that don't take the hook?

A. Take them in limited quantities. I have been told by the oldest residents that away back in early days, when the fish went up Pike River to spawn, that they could grab them right out and throw them into their baskets.

Q. Do the pike spawn along shore?

A. They go up the river to spawn.

By Mr. Rathbun: Don't you think the conditions are so changed that they don't go up the rivers to spawn to the same extent that they used to?

A. I do not.

Q. A great many of these fish that spawn in marshy places used to go with the spring floats and spawn; now it is a different thing altogether.

A. I couldn't endorse that idea. Certain fish, such as the bass, like the shade, and there is no fish that had less protection or fewer hiding places than they used to have. I did business on the Mississquoi River at Richland for 20 years, and I cannot tell that there is much difference about the water. Then there is the question of dams, and the fish don't go up the rivers to the

extent they used to, and that has forced them to spawn elsewhere.

Q. Pickerels and eels will eat the spawn all up; don't you think that the pickerel and these other fish ought to be caught up?

A. I think it would be a good thing to take out all the pickerel.

Q. How about perch?

A. I don't know about it.

Q. How about muskallonge?

A. There are not enough muskallonge here to talk about; but the muskallonge used to go up the Pike River, and they go up the Mississquoi River. My idea is that the conditions are changed. The pike used to go up the river and spawn in marshy places. The pike go up early in the spring and they generally come down as the water falls.

Q. My experience is that large numbers of the pike and bass and bullheads were left

stranded with the retiring floats.

A. There is less in Canada than there used to be in the lake.

Q. The streams are polluted as they were never before?

A. Yes, sir; but since this restriction has been placed on fishing we have caught more fish with the hook and line than they used to when I was a young man. I have seen thousands of fish drawn out just as you cross the bridge up towards that school house in the spring of the year. The bullheads go up in marshes and they breed in the mud; they make their nests around old stumps and things of that kind.

REV. CHARLES MCGLAUF LIN, ST. ALBANS, VERMONT,

OCTOBER 10, 1894.

INTERVIEWED BY MR. WAKEHAM AND MR. RATHBUN.

By Mr. Titcomb: You have lived in New York State, I believe?

A. Yes, sir; I came from Broome County.

Q. Have you had any experience in fishing on Lake Champlain?

A. Only this season.

Shark ✓
By Mr. Rathbun: What is your sport fish here?

A. Bass chiefly, and some pickerel. I went up to Alburg once, and I have fished out here on the bar for pike and had very good success there. I stopped at Mr. Sampson's-- the Lake View House.

Q. Do Mr. Sampson's patrons depend upon the pike as well as the bass?

A. Yes, sir. He had some other sportsmen, and they would not take the bass unless they were just the thing. I went to Franklin Pond, and there were with me two other gentlemen and a Frenchman as my guide; the next morning about 4 o'clock he anchored us on Bass Rock, and I caught eight bass there in succession; I had two on at once. I had bass that measured 20 inches and 21 1/2 inches, and we had a little pike. The next day in the morning we got a bass weighing 5 1/4 pounds.

Q. That is the small-mouth variety?

A. Yes, sir.

net fishing
Q. Have you become familiar with this question which we are investigating of commercial fishing on the lake here?

A. I knew nothing about it until I was at Alburg last summer; they were speaking about the netting of pike in the spawning season,

and how the law seems to clash on the border line, so there seemed to be a sort of rivalry on the line here somewhere. I think it is very unfortunate to catch fish of any variety when they are spawning.

Q. The main question is as to whether any net fishing should be allowed either on this side of the line or on the other. Even if net fishing is allowed, of course, it will be allowed only suitable protection and such protection as you suggest--in the spawning season. What is your opinion as to whether any net fishing should be allowed, and, if so, as to whether it would affect the interests of the sporting men?

A. The only danger that threatens Lake Champlain is net fishing; and, as far as it affects sporting men, I should say no nets; but when it comes to the fishermen, it is a little hard to take their fishing from them;

I don't know to what extent that has been abused.

Q. Now the shad--what is known as the white-fish on the Great Lakes--is a herring and belongs to the salmon group?

A. It will bite only rarely; but it would be a good sporting fish, because many men are supposed to like fishing by sitting on the bank of a stream for a long time without getting a bite.

Q. That fish can only be taken by means of nets. That is a fall fishery that has been carried on during October and November. The fish apparently run up Mississquoi Bay, and with them are not taken many fishes which the sportsman wants. There would be a few pike, no bass. Now, of course, if pike are considered a sport fish here by that method you would take some, but very few. The greatest objection which is raised is on ac-

count of the spring fishing, which is the fishing intended for the pike, and it is a fish which is regarded as one of the most important market fishes every-where. The bass brings a high price in the market, but the fishermen don't get many of them, and so the market fishermen claim a right to fish for the pike. The sportsmen on Lake Champlain regard them as a sport fish, and it is the only place where we have found that they are regarded as a sport fish. Now, if the lake were only surrounded by Vermont and New York, that would be all right; but with the interests of three States and Canada to gain nothing by giving up the whitefish, isn't it necessary to allow some net fishing for that species of fish?

A. That is not done away with in our section.

Q. Canada said she would do away with net

fishing pending this investigation.

A. In the western part of New York we have some natural fishing streams, and we have what is called wall-eyed pike; there was no end of those pike, and you could net them so that hundreds of barrels were shipped away.

Q. You can carry on any kind of fishing and exterminate the fish, but the thing is that net fishing should not be carried on without proper regulations.

A. That is the point, no fishing should be carried on without proper regulations, and those regulations should be enforced.

Q. Now they say that this net fishing has been carried on over 50 years, and many have said that the fish are just as abundant now as ever, but others have said that the fish have decreased in numbers.

A. Another thing: You go out to Alburg and in the spring you get the nicest fish in the

northern part of the lake, but you will not get anything weighing over 4 1/2 or 5 pounds. A little later you get schools, but the majority will average 1 1/2 pounds of pike. You go to Burlington and you get magnificent pike in deeper water. Now I think that that takes out the prime fish and leaves the others there.

Q. It is the mature fish that go to the spawning ground?

A. The Maumee River runs in here, and they would naturally go to those grounds instead of going so far.

Q. Do the majority of the fish go up there to spawn? Are there not other spawning grounds which people don't know so well about? The fact that they get those large fish at Burlington raises the question whether those fish don't belong to schools of fish whose spawning grounds are elsewhere?

A. That is what I think.

Shank ✓
By Mr. Wakeham: Do you consider the pike a game fish?

A. No, sir; they make a nice table fish if you have no bass; but, as far as the fun of catching them is concerned, I would just as soon take a good big perch.

nothing
Q. In different sections of the country the commercial fishermen have very different ideas from the sport fishermen; and, so far as that is concerned, men who ought to be in a position to guide either or both classes know but very little about it themselves; that is to say, we know but very little about the habits of our fishes. I know that during this year, without having a chance for personal observation, I have learned more about the habits of fresh water fishes than in all my life before. We have been among the fishermen and among the sportsmen

since June steadily and done fishing, and there is a question as to whether either side as a rule understands what is best. In many cases isn't it better to allow the catching of fish by nets which may destroy the young of fishes which are desired in that region. In Lake Superior they are catching out the lake trout, they claim that the herring are increasing very rapidly in abundance. The herring is one of the principal food fishes.

A. There are but few of those fish that destroy their own spawn.

Q. We have found the spawn of the trout in the stomach of the trout.

A. I presume that it is with those fish as it is with our quail--it is always an advantage to kill the roosters of the quail.

By Mr. Titcomb: Last year I stripped 210 fish and they ran 70 females and 140 males.

I felt that it was almost a sin to return those males to the water, but the law obliged me to do so.

By Mr. Wakeham: The great trouble with a great many men that call themselves sportsmen is their own gratification.

authentic
The witness: I understand your aim is to make this thing satisfactory between the people of Vermont and Canada touching the matter of net fishing.

Mr. Rathbun: Yes, sir.

The witness: What length of time would that last?

Mr. Rathbun: We don't know. Canada considers the spawning period of the pike is covered by the period from the 15th of April to the 15th of May; that would mean fishing before that time and not after, because the fish have gone. This fishing is by the dragging of the seine; gill nets are not al-

lowed.

Mr. Wakeham: I have thought that used in certain places and at the right times the seine was not a destructive engine.

Mr. Rathbun: We know of places where the seine has taken too many young fish which we considered ought not to be removed from the water. In other places they would be used to sweep the spawning grounds of the bass.

Mr. Wakeham: I don't think the sportsmen ever claimed that they took small fish. The immature fish don't accompany the poor ones onto the spawning beds. As far as the bass is concerned, there has been no question raised before us either by the sporting or fishing side of bass being taken in the seine.

The witness: It is almost impossible to seine a bass; the law aims at prohibition, but it doesn't reach it.