

**A VIEW OF THE PRESENT
STATE OF THE SALMON
AND CHANNEL-FISHERIES:
AND OF THE STATUTE LAWS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649069552

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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PREFACE.

It is fortunate for a person who publishes a book wanting in its title-page that passport to public favor which lies in a *name*, that his subject requires no such adventitious aid.

On certain subjects of an elementary and scientific nature, a writer's name has great weight; but with a work of this kind, consisting of a mere detail of facts, and a chain of reasoning, and therefore resting upon its own intrinsic merits, a name ought to have no more influence than in a court of justice is allowed to character against clear and positive testimony. *Facts* are substantiated by evidence, not by opinions; and *reasons* are enforced by principles and comparison. This work aspires to no

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other merit than facts and reasoning possess; and as far as the interests of the subject are concerned, it is, perhaps, better that it should have no weightier or more specious recommendation. A name may promote circulation, but it should never command confidence; nothing should be taken for granted; and a habit of admitting the dicta of others, rather than of judging for ourselves, is and has been productive of interminable mischief. The student of human nature has a problem to solve which will furnish him with employment and vexation all his life, or terminate in disappointment. The question in the present case is, are the facts true of false? — is the reasoning just or incorrect? Of this every one can judge for himself. Let not, then, the public be cheated of their own judgment by the naked opinion of any man, however bright his reputation for literature or science. With respect to those points which constitute the leading features of this undertaking, whatever may be advanced to legalize the fish-locks and stake-nets, or to prove that salmon peel are not young salmon, let the public rather judge of these questions by the evidence of facts, experiments, and comparative reasoning, than be influenced by assertions without proof, and opinions without au-

thority. The following pages are written by one who has not only long witnessed the scenes of abuse which they expose, but who, if he did not first kindle the flame that is now blazing from one end of the kingdom to the other, has contributed, he believes, to light it. He has, nevertheless, no other motive in having so done, and in publishing a true state of the case, than that some good may arise out of it to the community. If this cannot be effected to the extent of procuring a new law, at least it may be partly obtained, by putting the old ones in force, *as far as they are practicable*. Still, legislative authority without executive power, is like a highly finished lock without a key, for want of which it can neither be opened or shut, or applied to any practical advantage. I have said thus much, in order to prove that as the name of a person who is unknown would neither further the credit of this work, nor propagate its circulation; so it ought not to be less worthy of consideration from being *nameless*.

Let me now seriously call the attention of the public to the propriety of forming *County Associations*, for first ascertaining *the meaning and extent of the present laws*, and then for *putting them in force*. I do not here descant upon the advantage which

would arise from such a society, as I have sufficiently, though briefly, explained myself upon this self-evident proposition in the body of the work. I am, however, informed, that there are some independent and public-spirited men in Exeter, (and I hope it is true, because they are a rare commodity in the country,) who are likely to associate for such a purpose. Individuals, exclusively of the odium which attaches to the character of a public informer, cannot be expected to incur the trouble and the expence of multifarious prosecutions, by which they have nothing to gain, and every thing to lose; where the difficulties are so great, the powers so loose, the legal offences so undefined, and the remedies so unsatisfactory, uncertain, and indécisive, that no man in his senses will venture upon the undertaking. To be convinced of this truth, we have only to recollect the determination of the last sessions for this county, where the conservator, from a sense of public duty, instituted a prosecution for obstruction of the passage of the salmon fry. The parties were convicted;—they appealed;—the appeal was dismissed; but, though the blunder was committed on the part of the appellants, the court refused the prosecutor his costs, and he returned home with victory on his side

and 40*l.* less in his pocket. Who will ever attempt this again? The power of the magistrate to convict and enforce the laws is gone for ever; and the salmon fisheries left to the mercy of any individual who may think proper to abuse them.

The river Dart, and other rivers in this county, are to be seen blocked up with fish-locks in the face of open day; in defiance of all law, they may be seen, not merely drawn, but swept, the water being absolutely strained through a net of a one inch mesh, when the law requires that such mesh shall be never less than two inches and a half broad. No other notice is taken of these outrages, than that persons look at them, cry "Shame!" and so dismiss the matter. But if these trespassers were vigorously resisted by a powerful body united for the purpose, such flagrant abuses would speedily cease.

To shew the perplexity and contrariety of the present system, it need only be remarked, that by one act the remedy is by indictment; by another, by information at the suit of the King; under others, by summoning a jury and *qui tam*. All these difficulties create entanglements, and are dismaying; no individual will ever embark in

such a sea of trouble, expence, and danger. No position is, indeed, more true than the homely one, that that which is every one's business, is no one's. I well know the difficulty of bringing persons forward on public undertakings, where there is not some strong incentive of private interest—something which operates more powerfully on the mind than principle; but on the present occasion it may be said, that the *city of Exeter is particularly interested* in the success of this question; for the principal part of the salmon and sea-trout which are taken in the river Dart, are sent thither at a very exorbitant price; when, if these fish were as plentiful as they would be if the laws were put in force, the metropolis of Devon, with a very great and still rapidly increasing population, together with the whole county, (and what is said of the river Dart and the county of Devon applies to every other river and county in the kingdom,) from such an example, would have abundance of this rich fish, at a reasonable and moderate price. At present, as Mr. Heald lately observed of the practice of the Court of Chancery, "*It is enough to make a man's blood curdle in his veins, who has a head to think or a heart to feel,*" to see the wanton and wicked devastation that is every day