

III.—ON THE FISHERIES OF NORWAY.*

CHRISTIANIA, November, 1873.

To Dr. SPENCER BAIRD,

President of the United States Commission

Fish and Fisheries, Washington, D. C. :

Of the Norwegian salt-water fisheries, the haddock-fisheries are the most important, and next to them the herring-fisheries.

The largest haddock-fisheries are those of the Loffoden, (Islands,) in the district of Nordland, carried on from the beginning of the year till some time in April.

About the time that the fisheries cease near the Loffoden, another important haddock-fishery commences, in East and West Finmarken, which continues till about the 24th of June.

A third periodical haddock-fishery, which promises to become of considerable importance, is carried on on the coast of the Romsdal district, and partly, also, further north, in the districts of Fosen and Namsdal, about the same time that the Loffoden fisheries are in progress.

Of the herring-fisheries, that of the spring herring, which is conducted in the districts of Stavanger, Southern and Northern Bergenhus, and Romsdal, during February and March, has, so far, been the most important. During late years this fishery has been somewhat irregular. While it has partly abandoned the usual fishing-places, especially in the districts of Stavanger and Southern Bergenhus, it has been confined, to some extent, to places where fishing was formerly not very good. On the whole, however, it has diminished considerably, and during the last four years the number of fish caught has not been half of what it formerly was.

At the time that the spring-herring fisheries began to diminish another large herring fishery was opened up in the northern part of the country, especially in the district of Nordland, and partly, also, in that of Tromsö. The fisheries have generally continued from the middle of October till some time after the beginning of the year. The number of fish caught has been constantly on the increase, and last year it reached 700,000 "tönder," (2,156,000 bushels,) or as much as in former times was considered the result of a good spring-herring season. The species of herring called great herring (stor sild,) has become an excellent article of trade.

* Translation of a printed letter addressed to the United States Fish Commissioner by the authorities of the Norwegian commission, in response to an application for documents relative to the fisheries of Norway and Sweden.

Besides the periodical herring-fisheries mentioned, there may be reckoned scattered fisheries along the coast of the Bergen and Trondhjem districts, all during the summer and autumn. Summer herring and fat herring are caught here, and they constitute an article of food much sought after.

Further information regarding the kinds, results, and methods of our fisheries, is contained in a work on the Norwegian fisheries, published in 1864, by O. N. Löberg, in the official statistics of fisheries; as, also, in the annual reports of the various superintendents of fisheries.

These works will show that besides the fisheries referred to, other regular fisheries are carried on during the year, each of which, considered separately, is not as important as those already mentioned; but which, nevertheless, taken as a whole, play no inconsiderable part in the economy of the country.

Scientific investigations concerning our fisheries have, as far as the herring fisheries are concerned, been made by Mr. Axel Boeck. The results of his investigations are published in a work entitled "On Herring and Herring Fisheries," only the first part of which, however, has been printed. What connection there may be between the decrease of the spring-herring fisheries and the development of the great herring fisheries, is yet an unsolved problem.

Similar investigations regarding the haddock fisheries on the Lofoden, have been made by Mr. G. O. Sars, who has published several reports on the investigations which have led to very valuable discoveries as regards the development and the manner of living of the haddock.

There is no uniform law prescribed for our salt-water fisheries, but there is a number of separate laws for the separate fisheries, or for the various districts.

Attempts, however, have been made to secure some uniformity of principle in these different laws, so that no greater discrepancies exist between them than are necessarily found between different fisheries and different localities. The old laws and regulations undertook to exert an influence on the fisheries as well as on the preparing of the fish, by various restrictions and prohibitions. The new fishing laws, on the contrary, have been limited principally to regulations concerning the maintenance of good order during the fishing season, especially by appointing officers for this purpose; so that the fishermen are allowed, to a great extent, to carry on their fishing operations in any way most acceptable to themselves.

A sea-police has been organized by the law of May 23, 1857, for the haddock fisheries on the Lofod Islands. This police exercises its functions by means of small vessels called "skates," (skóiter,) manned by five or six men, and generally under the command of a naval officer. As to the details of this organization we refer to a resolution of the government sanctioned by the king, October 27, 1858, and contained in the official journal (*Departement tidende*) for 1858, p. 781, sqq. The expenses

of this police amount annually to about 7,000 Norwegian "specie dalers," (\$7,966).

A similar sea-police has been organized for the spring-herring fisheries by the law of September 24, 1851, modified by the amendments of August 28, 1854, March 21, 1860, June 22, 1863, and March 27, 1869. The annual expenses of this police, which formerly amounted to 10,000 Norwegian "specie dalers," (\$11,380,) have been reduced, during the last few years, to 4,000 "specie dalers," (\$4,552.)

It has also been found necessary to strengthen the local police for the great-herring fisheries. There has not, however, been the same amount of inspection for these as for the Lofföden and spring-herring fisheries.

Legislation with regard to the great-herring fisheries is comprised in the laws of April 25, 1863, as amended May 22, 1869, April 20, 1872, and April 5, 1873. These laws apply generally to all herring fisheries, except the spring-herring fisheries, since these are the only ones with regard to which the law of September 24, 1851, with its amendments, is in force.

The Finmarken haddock fisheries are regulated by the law of September 13, 1830, some of whose provisions, however, were annulled by the law of May 18, 1860.

The law of 1830 is based on old and limited principles of fishing; and the question has been raised, since most of its provisions are considered antiquated, whether it would not be better to introduce regulations for the Finmarken fisheries similar to those in force at the Lofföden fisheries.

As will be seen, however, from the report of the committee appointed for this purpose, made August 12, 1868, (published as "Storting," Parliamentary document No. 79, session 1868-'69,) the committee thought it advisable, in deference to public opinion in the district, not to make any changes for the time being.

The above-mentioned law of May 18, 1860, contains some general provisions for all the salt-water fisheries in the districts of Nordland and Finmarken, in as far as these fisheries have not become the subject of special legislation.

In addition to the laws already mentioned a law of February 20, 1869, is in force, making some changes in the regulations concerning fines.

We must consider the law of July 26, 1781, concerning the preparing of so-called "round-fish," (rund-fish,) in the districts of Romsdal and Söndmöre, as nearly antiquated; also the law of December 21, 1792, concerning the haddock fisheries in the district of Fosen; the law of August 21, 1821, concerning the fisheries near Skudesnæs, and the law of the same date regarding the spring-haddock fisheries in the Borgenfjord (bay) of the Söndmöre district.

With special reference to those salt-water bays and inlets which indeed may be considered as inclosed basins, and whose abundance of fish is supposed to be chiefly dependent on local increase, the law of

June 5, 1869, prohibits the use of any implements which, by catching or destroying the young fish, would prove detrimental to the fisheries.

As to lobster-fishing, there is a law of June 29, 1848, still in force, which, however, is destined, at no distant period, to undergo considerable alterations.

As regards the administration of justice at the fisheries it may be well to notice the following; it is a general rule that any differences arising among the fishermen are not referred to any other judicial authorities than those to which they naturally belong, and are treated in no other manner than other matters in law, except that, as far as local circumstances make it necessary, the local police is strengthened, and the local judge is himself either present at the fishing-stations, or sends a substitute.

There are special regulations for maintaining order and for administering justice at two of the more important fisheries, viz, the spring-herring fishery in the districts of Stavanger, Southern and Northern Bergenhus and Romsdal, and the spring-haddock fishery on the Loffoden Islands in the northern district.

A special sea-police has been organized for each fishery, as authorized by the laws which regulate these interests, consisting of from three to four officers and a number of subordinates, all under the command of a naval officer. This police, which, as far as the naval officers are concerned, belongs to the department of the interior and is commanded by the officer who superintends the whole fishery, is under the immediate control of the respective local civil authorities. The higher local authorities are empowered to appoint for each of the two fisheries above mentioned one or, if necessary, several special judges, who, instead of the ordinary judges, administer justice during the fishing season in all matters relating to fishing in the fishing-districts.

This superintendence during the fishing-season consists in the exercise of the usual police functions, and in seeing that the special fishing-laws, the general commercial laws, and the liquor laws are properly observed. In case of violations which can be punished by fines, the superintendent imposes the fine. If this fine is paid, the matter is considered adjusted; if not, it is referred to the judge. The superintending authorities, *i. e.*, the nearest officer present, with two men chosen by him, must also arbitrate in cases of conflict between fishermen. (Law of September, 1851, section 9, and law of May 23, 1857, section 33.)

The special judge must decide in cases where the fine imposed by the superintending authorities is not paid, as well as in other cases of violation of the law which are punishable by heavier penalties than fines. If, however, the case after having been heard by the judge cannot be determined in accordance with existing regulations without the ordinary authorities, (the government of the district,) it is then referred to them to be disposed of in the usual manner. The special judge also arbitrates in private differences arising in fishing or in the fishing trade. He has

also the power, in cases not strictly belonging to the fishing superintendence, to select two men, who, in conjunction with the judge, have power to make a decision.

The period of office of the special judge is limited to the fishing season, and those cases which he cannot finish for want of time are referred for further action to the ordinary judge of the district. The judge also exercises this authority in cases belonging to his jurisdiction, which otherwise belong to the bailiff, such as the carrying out of judgments, arrest, confiscation, &c.

The superintending authorities have, as has been already intimated, some small sailing-vessels at their disposal, on which the naval officers live during the fishing-season; and they sail round to the different fishing-places, while the judge is generally stationed on shore, where he hears and acts upon the cases presented for decision.

As to the right of fishing in salt water, the following statements may be made:

1. All kinds of fishing can be freely carried on in salt water by every Norwegian citizen, whenever he may please to do so, in the sea or along the coast. The state does not reserve to itself any rights in this respect, except the necessary police-regulations for maintaining order. (Regarding the privileges of landowners of the coast see 2.)

2. Free fishing in salt water is not confined to the sea, but also comprises fishing on the coast, except that as far as the coast itself is used in fishing, *e. g.*, for drawing fish on land or for fixing implements, this rule is somewhat modified; and in some places a different law has grown up in course of time, as regards fishing for salmon and oysters.

Fishing from land is the exclusive right of the landowner, and he alone has authority to place stationary fishing implements. Any one, however, may make use of the land to draw his fish ashore, but with this condition, that the landowner can claim a certain bonus, which, for herring fishing, is fixed at 3, and in some cases at 6 per cent. (See law of May 23, 1863, and law of September 24, 1851, § 36.)

The right to fish for salmon on the shore belongs, in many places, exclusively to the landowner, even if fishing is not carried on with stationary fishing implements. Oyster fishing belongs as a rule to the landowner. It may well happen that in some places a more exclusive right of the landowner with regard to that portion of the sea adjoining his property has grown up in course of time.

3. Besides the use of the coast for drawing fish ashore, which is guaranteed to every fisherman, some fisheries, carried on in the open sea with boats, such as the haddock fisheries, require that the fisherman shall have some place on shore for his boats, for his implements, and for drying and preparing the fish. The old fishing laws contained various regulations obliging the land-owners to allow the fisherman a certain space on the coast, in return for a bonus fixed by law; and even

now similar regulations are made in the Finmarken fishing law of September 13, 1830, sections 28-30.

Like regulations contained in the old laws regarding the most important haddock-fisheries, viz, those of Lofföden, were annulled by the law of May 23, 1857. By this law, this matter is left to a mutual arrangement between the fisherman and the landowner, and the latter is in no way obliged to grant the fisherman any space on his land along the coast.

It is but natural that among the fishermen themselves certain customs and usages in fishing have arisen, which are strictly observed. Of such usages, however, which are always taken into consideration by the judges in deciding a case, we are unable to give any further information.

Of Löberg's book "On the Fisheries of Norway," and of G. O. Sar's last report, the Department of the Interior possesses no more copies. We inclose the following:

1. Statistics of Fisheries for 1870 and 1871.
2. Reports on the Spring-Herring Fisheries for 1868-'69, 1869-'70, 1870-'71, 1871-'72, and 1872-'73.
3. Reports on the Lofföden Fisheries for 1869, 1870, 1871, 1872, and 1873.
4. On Herring and Herring-Fisheries, especially the Norwegian Spring-Herring Fisheries, by Axel Boeck, Part I.
5. Reports of G. O. Sars, 1864-1869.
6. Department Journal, (Departementstidende,) 1858, No. 49.
7. Amendment of the Law regarding Spring-Herring Fisheries, March 27, 1869.
8. Amendments to the Law regarding Herring-Fisheries, May 22, 1869, April 20, 1872, and April 5, 1873.
9. "Storthings," (Parliamentary,) Document, No. 79, session 1868-69.
10. Law regarding Changes in the Regulations for treating Judicial cases arising under the Fisheries, February 20, 1869.
11. Law regarding the Limitations in the Use of Fishing-Implements in Salt-water Inlets, June 5, 1869.

The other laws mentioned in this letter will be found in the Review of Fishing Laws prepared by Mr. Thomas Boeck.