

THE OYSTER INDUSTRY OF PRINCE EDWARD ISLAND

Following is the report on "The Oyster Industry of Prince Edward Island," which was made by Prof. H. H. Shaw, to the Dominion's Royal Trade Commission:

From the earliest times the oysters of Prince Edward Island have been famed for their excellent quality and the importance of protecting the oyster resources was realized as early as 1825, when the following colonial statute was enacted:

WHEREAS the oyster beds within this Island have of late years been much injured by extensive exportation of the oysters and by the taking up and burning oysters for lime.

"(1) And be it enacted therefore by the Lieutenant-Governor, Council and Assembly, that from and after the passing of this Act, no oysters shall be exported from this Island for the space of seven years; any oysters taken up for exportation shall be liable to forfeiture, and the Master of any boat or vessel receiving any oysters on board any such boat or vessel for exportation shall be liable to a penalty of £20 to be recovered in the Supreme Court of Judicature by bill, plaint or information; one half whereof shall be paid to the treasurer of this Island for and on behalf of His Majesty and the other half to any person who shall sue for same. And it shall and may be lawful for the said Supreme Court to order costs to be paid by the Defendant in such bill, plaint or information.

"(2) And be it enacted by the authority aforesaid that from and after the passing of this Act, no person or persons shall use any oysters taken from any oyster bed for the purpose of burning the same into lime under a penalty of £10 for each offence over and above the forfeiture of the lime so burned, to be recovered with costs in manner herein before provided and to be divided as aforesaid.

"(3) And be it enacted that this Act shall be in force and continue for the space of seven years from the passing of same, March 24, 1825.

At the expiration of this Act in 1832 the clause prohibiting the burning of oysters was reenacted and in 1840 the exportation of oysters was prohibited for another period of seven years.

The first Act providing for a close season was passed on May 2, 1864. It forbade the fishing, selling or having in possession of oysters from June 1st to September 1st of each year. In 1865 an Act was passed enabling the Lieutenant Governor in Council to grant oyster beds in certain portions of Shediac, Dunk, Hillsborough, Brudenell and Cardigan Rivers. The grant was for twenty years with the option of renewing it for a further period of forty years. The grant became void if the rent was not paid within 30 days after becoming due.

The application was made to the Lieutenant-Governor in Council with plan attached certified by a land surveyor and after 30 days notice in the Gazette was sold by public auction at the Colonial Building in Charlottetown to the highest bidder.

The owner of the foreshore was entitled to receive a grant on application. The taking of oysters was also confined by statute to residents in the colony.

In 1866 an Act was passed regulating the cancelling of oyster grants whereby the compensation was fixed by three commissioners with provisions for appeal from their decision to the Supreme Court.

In 1872 a grant of oyster bottom in the Narrows was made to W. H. Pope for the sum of £25 and an annual quit rent of one shilling. He was permitted to procure oysters during the months of July and August of that year and stock the area. They were bought at 80c. and sold in the fall in Montreal at from \$2.50 to \$4.00 per barrel.

In 1873, when Prince Edward Island entered into Confederation, the oyster fishery came under the Dominion regulations which provided a close season for oyster fishing from June 1st to September 1st in each year.

These regulations were in force until 1885 when an Order-in-Council was approved extending the close season to September 15th in each year. In 1887 a Commission consisting of Messrs. Edward Hackett, of Tignish, P. E. I., Alfred Ogden, of Halifax, N. S., W. B. Deacon, of Shediac, N. B., and J. Hunter Duvar, of Prince Co.,

P. E. I., was appointed to investigate and report on the condition and requirements of the fishery and presented the following report to the Hon. G. E. Foster, Minister of Marine and Fisheries:

Said Commissioners were nominated to inquire into and report upon the lobster and oyster fisheries of the Atlantic Maritime Provinces, of the Dominion of Canada, and to offer recommendations for the preservation and development of these fisheries.

The lobster fishery of the Dominion is the subject of a separate report and is of this date laid before your Honor. The Commissioners have personally visited the greater number of the oyster grounds in the four provinces adjoining the Gulf of St. Lawrence and have to express their view that the live oyster beds are of much larger extent than they anticipated, and if judiciously supervised, must form a not unimportant item in the national resources of Canada.

The quality of the oysters on the natural live beds of the lower provinces varies much, owing to the nature of the bottom in oyster waters, the depth, and differing salinity of the water, the shelter, thermal difference and other natural features that have a bearing on the case.

Along the greater part of the shore of the Gulf of St. Lawrence, east of Gaspé, are evidence that oysters once existed in immense quantities as is shown by deposits of dead oyster shells, which in places are not less than twenty feet in depth. In some places (but not in all) these beds could be replanted or revived.

The decadence (death) of the oyster in these places is explainable by the encroachment of the sea on the drifting beaches, by the clearing away of forests, altering the shallow margins of the shores and from other causes too abstract for the Commissioners now to go into.

The Commissioners have, however, found that the natural live oyster beds of the Provinces of New Brunswick and Prince Edward Island and, perhaps of Cape Breton and elsewhere in Nova Scotia, are of large value as a fishing resource, and that there is much ground available in all the Atlantic Maritime Provinces for profitable private culture under a liberal system that would induce private persons to devote their care to the industry.

The oyster fishery is different from lobster and other fisheries in that it is prosecuted without expense.

A boat worth \$10 and an oyster tong costing \$1 are all the material required. So far as the Commissioners can learn there are no vessels specially built for the oyster trade. Large numbers of schooners move annually to the oyster beds and fish them with their own crew, but these vessels are a part of the ordinary coasting marine and cannot be taken into account as part of the oyster fishing plant. It may be mentioned that for want of a system of registration or license, no account can be obtained of the quantities taken by this fleet of one or two hundred sail. It is, however, evident that much greater quantities of oysters are taken than appear on the official returns. And it is not too much to say that half as many young oysters are destroyed by reckless fishing as appear in the Blue-book. Say a further 20,000 or 30,000 barrels recklessly destroyed annually without benefit to anyone and to the great detriment of the beds.

In the absence of any system of registration, the value of plant employed in the Canadian Oyster Fishery is a matter of mere calculation. Perhaps the following approximates as nearly as possible to accuracy:

P. E. I., 200 boats and tongs; value \$10,550; produce last year, 35,325 barrels.

N. B., 550 boats and tongs; value \$28,150; produce last year, 28,083 barrels.

N. S., 30 boats and tongs; value \$330; produce last year, 1,397 barrels.

An outfit (total value) of \$17,000 would cover the whole oyster fishery—giving partial employment during three months to perhaps 1,500 men who may be described as only "occasional fishermen."

The boats are not used solely for oyster fishing. They are the ordinary all-work boats that every farmer with water frontage possesses.

In addition to the floating plant about sixty thousand barrels are annually required, but these are empty flour barrels at 12 1/2 cents a piece. It will thus be seen that the oyster fishery is carried on without capital.

There is no regulation of the fishery whatsoever, excepting a close season from the 1st to September 15th inclusive; and shore wardens without boats are utterly powerless to check poaching in the close season.

A series of charts of existing oyster beds and of probable oyster grounds would necessitate prolonged and expensive actual survey and should be made under the care of a general superintendent of oyster culture. The Commissioners have carefully gone over the evidence and beg to make the following observations and recommendations:

"(1) They would respectfully recommend to Your Honor's consideration that one general law of regulation should cover the whole of the Canadian Atlantic sea-board with the following provisions, namely:—

"(1) That existing oyster beds be reserved to the public and that their limits be officially defined;

"(2) That mud-dredging be prohibited within sixty yards of any officially recognized workable live oyster bed; and that suitable portions of bays, creeks, estuaries or harbor be considered closed for oyster fishing and said closed portions be laid off for the diggings of shell marines;

"(3) That bays of considerable extent in which there are many oyster beds be marked off in two or more divisions and that the divisions be fished only in alternate years;

"(4) That for the present, the present close season be retained, namely from the 1st of June to the 15th of September in each year, both days inclusive.

"(5) That under a penalty of forfeiture of boat and appurtenances no fisherman shall bring ashore (excepting for authorized purposes) any round

oyster that does not measure fully two inches in diameter of shell, nor any long (oblong) oyster that does not measure fully three inches of outer shell and that possession of such undervalued oysters by any person shall be punished by fine.

"(6) That all winter fishing be prohibited for oysters (Commissioner Ogden dissenting.)

"(7) Temporary or permanent proclamations to close localities where the supply is so nearly exhausted as to warrant closure.

"(8) That under section 21, subsection 4, of the Fisheries Act, a liberal indenture be offered under a system of leases to persons who will undertake under stringent regulations to grow oysters on private beds; that is to say,—that a lease be given (under bonds) for not more than nine years (renewable) at a nominal rent for the first three years conditional on a sufficiency of brood oysters being planted on the area within one year after date of the issue of the lease. The Government to have a lien on such planted beds.

"(9) Easy and inexpensive arrangements, by which persons owning water frontage may lease their own foreshores for oyster culture from the Government.

"(10) That Parliament be invited to appropriate a sum or sums for the formation of oyster beds in various waters and places found adapted for that purpose and for the transplanting of oysters and restocking exhausted fisheries by natural or artificial means—in accordance with section 21, subsection 5 of the Fisheries Act.

"(11) The appointment of a responsible officer of fisheries, capable of the position and to rank with the Superintendent of Pisciculture as General Superintendent of Oyster Fisheries and to have general superintendence of all public and private oyster culture;

"(12) A system of registration of oyster boats, with other details, to be arranged by the Department.

"With reference to clause XII, Mr. Commissioner Ogden moved that the insertion of the word "free" system of registration, etc.

Mr. Commissioner Deacon moved seconded by Commissioner Duvar, that the annual registration fee for oyster boats be one dollar, carried, Mr. Ogden dissenting.

In 1892 oyster fishing through the ice was prohibited. In 1893 a proper code of regulations was adopted which were as follows:

"(1) No person shall fish for or catch oysters without a lease or license from the Minister of Marine and Fisheries.

"(2) The owner, person or persons interested in a fishing boat employed in the oyster fishery shall cause a memorandum in writing, setting forth the name of the owner, person or persons interested to be filed with the local fishery officer, who, if no valid objections exist, may, under instructions of the Minister of Marine and Fisheries, issue a fishery license for the same and any boat of fishing apparatus used with such license, shall be deemed to be illegal and liable to forfeiture, together with the oysters caught therein, and the owner or person using the same shall be subject to the penalties prescribed by the Fisheries Act.

"(3) All boats fishing for oysters shall have a registration number corresponding with that of the license legibly marked or printed on the bow of the boat, in which colored letters on a black ground and the initial letter of the port to which such boat belongs, such letters to be at least eight inches long.

"(4) Oysters shall not be fished for, caught, killed, bought, sold or had in possession between June 1st and September 15th in each year, both days inclusive.

"(5) Fishing of oysters or any other shell fish through the ice is prohibited.

"(6) No person shall fish for, catch, kill, buy, sell or have in possession any round oysters of a size less than two inches in diameter of shell, nor any long oysters measuring less than three inches of outer shell.

"(7) Round oysters of a size less than two inches in diameter and long oysters measuring less than three inches on the outer shell that may be accidentally caught shall be returned to the water alive at the cost and risk of the person so fishing on whom in every case shall devolve the proof of actual liberation.

Provided always that persons holding fishery licenses may obtain from the Minister of Marine and Fisheries permission to fish for and catch small oysters for the purpose of planting or stocking oyster beds. Fishing for oysters is prohibited on Sunday and from sunset to sunrise on any other day of the week.

"(8) No person shall dig mussel-mud within two hundred yards from any live oyster bed and then carry it to such places or place as may be prescribed in writing by the Fishery Officer.

"(9) The use of rakes for the purpose of taking oysters on any beds prepared and planted by the Department of Marine and Fisheries is prohibited.

On September 10, 1896 the use of drags or dredges on the public bed of Prince Edward Island was prohibited for that season; also for the seasons of 1898, 1900 and 1901.

On September 13, 1901, the close season was extended to September 22, and in 1904 it was still further extended so as to prevent fishing in Richmond Bay from May 1st to September 22nd which regulation became effective elsewhere in 1905 and in that year the size limit was increased by three inches for round oysters and three and one-half for long oysters. It was, however, provided that the Minister

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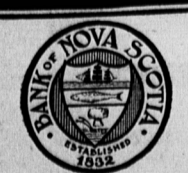
AUCTION

I will offer for sale by auction, on the premises at Kelvin, the farm of the late William Glover, consisting of 100 acres of excellent land, known as the "Johnston property", situated 1/2 mile from Kelvin siding, and 1 1/2 miles from Kensington Station. This farm is in a high state of fertility, is well watered, and adequately fenced with cedar and wire; also 1 1/2 ft. hay mow, nearly new; 5 jaunty sleighs; 1 milch cow, 1 set driving harness, 2 buffalo robes, new.

Sale takes place, Friday, October 23, at 1 p. m.

Terms to suit purchaser. Anyone desiring information on above named property call to see owner, Mrs. Lavinia Glover, Kensington.

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