

The Voices of Conflict: The Inland Salmon Fishery of the River Nore, 1911

by Marilyn Silverman

In 1911, the Department of Fisheries held an Inquiry into the condition of the inland Irish fisheries. The Department was concerned with the following questions: Was the fishery in good condition or was it deteriorating? Who was responsible for this? What should be done? To answer these questions, the Department held public sittings and took evidence from local people.* On Thursday, September 7th, 1911, the Committee sat at the Courthouse in Kilkenny. Several men who had interests in the River Nore's inland fishery came to give evidence. Amongst them were George Newport (land agent, Ballygallon); E.B. Tighe (landlord, Woodstock) and his agent, Major Edward C. Hamilton; General Sir Hugh McCalmont (Mount Juliet); George Butler (Bennettsbridge); William Cole Ireland (water bailiff); and John Dunphy (fisherman, Thomastown). Most of these men voiced different opinions about the condition of the fishery and the reasons why. Not surprisingly, these opinions reflected the particular concerns which they had and the interests which they sought to defend. From their voices, then, a person who attended the Inquiry eighty years ago would have heard about the interests and conflicts amongst landlords, farmers, anglers, cot men, water bailiffs and Conservators. What did these men say, and what were their interests, eight decades ago? What was the state of the inland fishery?

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One of the early witnesses on that day in 1911 was George Newport. Department officials asked him questions and he responded. Parts of the exchange are reproduced below.

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Question: Have you noticed any change in the fishing in recent years?

Newport: A very great change ... for the worse, undoubtedly.

Question: To what do you attribute that?

Newport: To excessive netting, both in the lower waters and in the fresh waters, and to the poaching in the upper waters.

Question: Are you alluding to Mr. Tighe's netting?

Newport: I include everything. Mr. Tighe has a net there and it sweeps the whole river, and he is within his right to do it, but we all know that you cannot kill a laying hen and have the eggs.

Question: But with regard to the ordinary fishermen ... you have no complaint to make, have you?

Newport: What do you call the ordinary fishermen?

Question: The snap-net men?

Newport: Yes, they poach. They fish out of season and in season. They fish on Saturday nights and Sunday nights. I don't suppose there is a river in Ireland more poached than our unfortunate river.

Question: Do you attribute anything to the change of ownership of the riparian lands under the Land Purchase Acts?

Newport: No, I don't think so.

Question: Do you think anything could be done with these new proprietors to get them to assist in preserving the river? ... Do you think they appreciate the value of the fishing yet?

Newport: Oh, no, I don't think they do, and a great many of them have not the moral courage to stop [the] poaching ... though they would like to do it; but I have always had the idea that it might be well if a syndicate could be formed to buy up, or else to lease, their rights for a long term.

Question: Have you any [other] suggestion to make ... as to improving matters?

Newport: Well, for many years I have had an idea that a great deal of this illegal netting, between sundown and sunrise, might be stopped. ... We unfortunately have not funds to put on a proper number of water bailiffs, and the river is absolutely poached ... by cot fishermen with snap-nets. These men pay 30s. for the right of fishing ... from some owner of a piece of water. They are fishing within their right as long as they fish on that piece of water. ... [A]nd a further requirement is that these men are supposed to stop fishing from sundown to sunrise, but that is the time they are working, and working the whole time. ... You have no idea — absolutely you can't perceive — how this river is

poached. Men that fish, for instance, at Bennett's Bridge or Thomastown, think nothing of sweeping down about three, four, and five miles of the river and sweeping every bit of good water, at night, and then going up again; and masked.

Question: A suggestion has been made to form a syndicate of the tenant purchasers ... and since there are such a very large number ... ?

Newport: I don't think there is such a very large number. ... I believe some [landlords] sold and reserved their rights. ... I believe the rights have all been reserved except, perhaps, in one of two cases between Inistioge and Mount Juliet, that is, nine or ten miles of river is all practically reserved ... ; and all that water is netted and poached.

Question: Did I understand you to say that in most cases where there had been sales under the Land Acts the landlords had reserved their sporting rights?

Newport: Yes, ... from Bennett's Bridge down [and] ... the landlord does nothing to preserve them though he has reserved them.

Question: You are yourself a member of the Board of Conservators?

Newport: I gave up attending the Board as absolutely useless.

Question: If the poaching is so public ... what sort of head man [water bailiff] have you got?

Newport: He spends a great deal of his time in shooting game. ... I have reported him several times for shooting game and for insobriety to the ... Board. ... [A]nd he is a convicted poacher, and has been prosecuted and fined at Petty Sessions for shooting.

Question: Who appoints him, and who pays him?

Newport: He is paid by the Board.

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Newport's evidence pointed to several conflicts. First, gentlemen such as Newport mistrusted the Conservators and the bailiffs whom they appointed. Board members were elected by fishing licence holders and gentlemen assumed that the bailiffs whom they appointed were lackeys of the license holders, that is, the net men. Second, former tenant farmers, now owner-occupiers, had little interest in the fisheries. Probably this was because

the fishing and hunting rights on their lands had often been reserved to former landlords who apparently, in turn, had little interest in preserving their fisheries. Third, Newport saw two causes for a declining salmon fishery: the big net at Woodstock and the netting by snap-nets or cotmen who, because they fished at illegal times and netted in parts of the river where they did not have the owner's permission, were poachers. What did Tighe and his agent voice on these issues?

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Question: Do you think the river is getting better or worse as regards the fishing?

Tighe: Well, I don't think it is getting worse from what I hear of my net, whatever it may be as regards rod fishing.

Question: As far as your net is concerned, it is as good as ever?

Tighe: I say it is not getting worse. There has been a good year this year.

Question: You have established your right to have this net there?

Tighe: Yes.

Question: And, of course, it is perfectly legal and cannot be interfered with. ... Would you be willing, if you were compensated for this valuable right you have in this legal net — if you were amply compensated — to abolish that net?

Tighe: Certainly, if it was amply compensated. ... It is a very valuable right, and it cost a great deal of money, not only in the law-suit by which I established it.

Question: Is there anything you can suggest that would be useful?

Tighe: ... the composition of those Boards of Conservators. ... I have not attended as often as I might have, partly because I was away, and when I did so there was not any important matter on; but it did seem to me, when I did attend, that it was wrong on the face of it that a discharged bailiff, an ex-bailiff, should be able to sit as a member.

Question: What was he discharged for?

Tighe: I think for general incompetence. ... He was an elected member.

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disagreed on two important items: whether the fishery was declining and whether Tighe's big net was affecting it. Not surprisingly, Tighe and Hamilton maintained that the Nore fishery was fine and that the big net, therefore, had no effect on salmon stocks. Newport disagreed. So too did General McCalmont who had moved into Mount Juliet in 1903 and who rented the house and fishing from the Earl of Carrick. McCalmont also held Norelands and Ballylinch. He therefore had "two miles of bank on each side" of the river which had, "roughly, seven or eight good stands."

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Question: What would be the best day you remember since you have come there?

McCalmont: Well, the best day that I can remember there were eight or nine fish got; ... it must have been 1904. ... There were three rods on.

Question: Do you think that since you have come there the fishing has been getting any better or any worse ... , or is it about the same?

McCalmont: My idea is that it is gradually deteriorating. ... I attribute it, in the first place, to what they call the big net at Woodstock, that is, Mr. Tighe's. He has got the right of taking the fish out of the river, and ... , at times, all the fish appear to me to be taken out of the river there. ... I think it is the general idea of the fishermen that as long as that net is worked in the way that it is worked now, the fishing must deteriorate.

Question: But that has been going on for a number of years, has it not?

McCalmont: No; it has not been fished in the way that it is now used. ... The net is worked systematically. There were complaints about the net. It is common talk.

Question: However, I don't see how we can possibly interfere with it, or enter on any discussion of it, because you see it is a legal right, there is nothing illegal in it?

McCalmont: Well, some arrangement might be made to buy up Mr. Tighe's right.

Question: But don't you think that the real root of the evil lies more in the spawning beds in the upper reaches?

McCalmont: That is another point, that in the winter they are

not properly watched. ... The watchers ... are extremely few. ... I don't think the riparian owners and especially the farmers who have become riparian owners, now appreciate at all, or have any idea of, the value of the asset they have got in the Nore fishery. ... I don't think the people understand or appreciate what is the value of the spawning beds in those streams.

Question: On the question of poaching, have you anything to say to us?

McCalmont: Well, I go by the general information that one gets. The river is certainly poached above Mount Juliet, between that and Bennett's Bridge, but it has been poached apparently for years. The river is not preserved. There is a water bailiff on it, but I fancy there is poaching and everybody can fish.

Question: Are all the salmon fishings in this district valued?

McCalmont: I don't know about that. ... I pay £150 for my part of the river to Lord Carrick. ... The valuation is £60.

Question: How many fish do you get in the year?

McCalmont: With the rod?

Question: Yes.

McCalmont: Last year I think we got 120 and this year we got 100 up-to-date, exactly. It is a river that is very low this year.

Question: If it was proposed to buy up Mr Tighe's net I think you would be quite willing to contribute a proportion?

McCalmont: Well, I should. I am a leaseholder; I am not an owner. It would pay an owner to contribute largely to it. ... But there is always a difficulty in getting a combination of people to do anything. It has often been proposed, but nothing has ever come of it. ... This fishing that I am paying £150 a year for would be worth a great deal more if the river was properly preserved and if the fish were allowed to come up. ... The river would have to be very much better watched than it is at present, and the poaching, of course, would have to be stopped if possible, that is what goes on between Ballylynch Bridge and Bennett's Bridge.

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McCalmont had added the viewpoint that part of the problem was with preserving the spawning beds. A member of the Fisheries Department added: "It is easy enough to convince riparian owners that it would be to their advantage to preserve

the river and have whatever is made by letting the angling of the river and selling the fish, ... but the preservation of the spawning beds on the higher reaches is infinitely more important. The people up there do not fish these streams. The places are not fishable at all, and it is difficult to see how we can get these people to be interested in them."

McCalmont also had no personal experience of poaching. He only reported that "I go by the general information that one gets." Clearly, the "gentry point of view" assumed that cot men poached and did damage to the river. It also assumed, as did another gentleman at the inquiry, George Butler, that water bailiffs were inefficient and, echoing Newport's view, that the head bailiff, William Ireland, not only spent his time shooting game but also according to Butler, was into some shady fishery dealings himself.

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Butler: [At Bennettsbridge], there are four or five licensed [cot] crews, and the head water bailiff rented a portion of the river ... and sub-let it to the net-men, and then when another crew went to fish there he summoned the other crew for fishing without written permission, but he couldn't establish his case at all. He did that at the expense of the Board of Conservators, I believe. He used his rights as water bailiff to protect his own fishery.

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William Ireland, the bailiff in question, interjected: "I wish to ask Mr. Butler a question as regards what he said." Ireland gave his evidence.

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Ireland: I was steward and manager for Major Wemyss, and had a look over the river for him (he had private rights on two or three miles of the river) for twenty five years ..., till the property went into the Court of Chancery and there were receivers put over it. ... As soon as Major Wemyss's property was taken out of [his] hands ... I was elected as head water bailiff, and I was acting all

this time for a crew that was fishing, as long as my memory goes, that is for over 50 years; this special crew was an old family that Major Wemyss had a great regard for, and that always supplied him with fish, and were fishing this certain portion and had liberty to fish it, and they were paying him £10 a year. ... This special crew ... paid me the £10 and I used to send it to [the agent]. In the meantime I told Mr. Butler that he could fish there as he always did, and he said he was not fishing there, but I caught him fishing there and I made him come up to this Court. He was asked, and he said they gave him leave, and they denied it to his face that they did; and this is spite to me by Mr. Butler.

Question: How many years have you been there now?

Ireland: I am there thirty years.

Question: And there never was any complaint against you?

Ireland: Never any complaint till I fell out with some of these local gentlemen. ... I disoblged some of them by shooting upon where I had a perfect right, and I had a £3-licence in my pocket.

Question: And who gave you leave to shoot pheasants?

Ireland: The tenants, your lordship, the riparian owners that have their lands purchased out. ... And gentlemen that haven't leave there are at the end of the whole of this, and I see them at present going there without leave on those tenants' lands.

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Although water bailiffs could fall out with the gentry — over fishing and hunting rights — this did not mean that they were on the side of the cot men, even though they had friends amongst them. Indeed, Ireland complained about poaching while pointing out also that his efforts as bailiff were effective.

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Ireland: I had four different prosecutions here within the last few months.

Question: And did you succeed?

Ireland: I did, your lordship, and on appeals succeeded.

Question: But the poaching appears from the evidence to be so open and so monstrous that it does not seem to me that anything that has been done has had the smallest effect in protecting the

fisheries.

Ireland: I believe the little that is done has a great effect.

Question: Could the state of the river be ... worse than it is at present.?

Ireland: Oh, undoubtedly it could, because they could openly fish only they are afraid of some prosecution.

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Ireland was caught in the middle — between the gentry anglers and the fishermen. Presumably, he did the best he could: he caught some poachers but not all; and he fell out with some gentlemen, but not all. But he also did not challenge the gentry's belief that snap-netting — whether legal or not — was causing problems in the inland fisheries. Indeed, at the Inquiry at the Kilkenny Courthouse, very few men spoke on behalf of the cotmen. One of them was John Dunphy who was, at the time, employed by Mount Juliet as a fisherman. He therefore was "respectable" and acceptable as a witness. In his evidence, Dunphy tried to turn the discussion away from poaching to preservation; away from the view that cotmen injured the fishery to the idea that gaffing spawning fish was the problem; and away from the idea that cot men were natural poachers to the idea that they were able and respectable fishermen. Dunphy also introduced the fact that legal changes had affected people's rights to fish — that it was changes in the law which had caused the poaching (night fishing). He also denied that the fishery was declining.

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Question: Have you anything to add to [the evidence today]?

Dunphy: All I have to add is that if the small streams were properly looked after it would multiply the fish into the river. Of course, there are not enough men to look after those small streams, and they are killed in great numbers in them; and as to the cot fishermen, I know they would be inclined to increase a little of their earnings, and they would look after their rights themselves, so in the close season if those men would get a little for watching these small streams they would be very glad to do

question: They would take up the work of preservation themselves?

Dunphy: Yes, they sometimes do it without anything at all, sir.

Question: Did you ever hear of anything of that kind at all?

Dunphy: Oh, I did it myself.

Question: Were you a cot fisher?

Dunphy: I was, and I fished for over thirty years.

Question: And did you get remuneration for what you did?

Dunphy: No, sir, I never required it, but people that used to be after these spawning fish used to think that I was watching them when I would be coming along this way.

Question: Did you ever prosecute them?

Dunphy: No, but I cautioned them that I would. ... It was a great preventive; and a great many fishermen did the same.

Question: What is the biggest fish you could get in this river, or how big do they run?

Dunphy: Forty-three lbs. is the biggest I ever knew.

Question: But it is common to get them up to thirty-five lbs?

Dunphy: Yes, very many.

Question: What is the average weight that the spring fish run?

Dunphy: They might run from about 9 lbs. to about 13 lbs. ... Most of them are ... from 15 to 20 lbs ... in the early part of spring.

Question: You have been a cot fisherman here?

Dunphy: Yes, sir.

Question: Was that fishing on your own account?

Dunphy: Yes, sir.

Question: Were you a farmer on the bank?

Dunphy: No, sir, a fisherman all my life.

Question: That was your trade?

Dunphy: Yes, and my father before me.

Question: What water were you fishing, may I ask?

Dunphy: Well, we had about six miles of one side of the river to fish. ... We had leave from the landlord.

Question: Now, in your recollection of it, was there at that time much night fishing on the river — I am not asking your whether you fished or not, but whether there was?

Dunphy: I recollect the time when there was little or no night fishing ... because a fisherman could fish in all parts of the river in my time. There was no such thing as preservation between

here and Inistioge, not an inch. ... They used to fish in the daytime then.

Question: If you took a crew of men working a cot through the year, how much do you suppose it would pay them, taking a fair average?

Dunphy: Well, I would say about £15 or £20 ... a man.

Question: Do you mean that they would kill about 60 to 70 salmon?

Dunphy: Yes, about that, or they might kill up to 80 salmon. Of course, it goes very low in the latter end of the season.

Question: You say there is more of the water preserved now than ... when you were younger?

Dunphy: Yes. ... There was no preservation at all then.

Question: And there was an enclosing of water where there had been a free right before?

Dunphy: That was what caused the poaching, sir.

Question: How much of the river was open in your recollection?

Dunphy: The river was open from General McCalmont's down to the bridge of Inistioge.

Question: To fishing of every kind?

Dunphy: Every kind, rods and lines and nets. ... It was all fair fishing. A very odd time they would go out at night, but they used not to do it generally, because they were fishing all day.

Question: But, of course, the fish were being gaffed in the spawning rivers at that time as they are now?

Dunphy: There were twice as many gaffed.

Question: Do you think at the present time there are fewer fish in the river than ... when you were young?

Dunphy: I know there are as many fish in it.

Question: Could you give us an idea of how many men there are engaged in that kind of work in the fresh water?

Dunphy: There are twelve in Thomastown. I don't know how many there are in Bennett's Bridge. I suppose four or five crews.

Question: These men would only be seriously at work for two months of the year, or three months at the most?

Dunphy: Yes, and if there is wind or high water, they can't fish.

Question: And then they don't live on the fishing at all?

Dunphy: Oh, they live on it, single fishing and trout fishing, not altogether on salmon fishing.

Question: But are they following any other trade beside fishing?

Dunphy: Well, some of them work a bit, and they fish a couple of hours after their work up to eight o'clock, and more of them get an hour or two and they have certain work like task work.

Question: But are there many of those cot men that have farms of their own?

Dunphy: None of them have farms that I know; not round Thomastown, at any rate.

Question: All fishermen?

Dunphy: All fishermen, and hard-working; and they go to work in the winter time to any place that they can get it, and work hard.

Question: Are ... any men taking out rod licences as professional fishermen?

Dunphy: In Thomastown I am sure there are about twelve or fourteen.

Question: Who make a business of fishing with the rod?

Dunphy: Some do and some do not.

Question: Some of them are tradesmen?

Dunphy: Yes.

Question: What I was thinking of was whether any of those cot men, men like yourself, did so. Would they take out a rod licence?

Dunphy: They generally all take it out. ... They make more out of trout fishing than they do out of salmon fishing. ... They get up to 11d. a pound for it ... in Waterford.

Question: Can they catch a good many in the day?

Dunphy: I caught twelve dozen and seven myself one day. ... They averaged from a pound up to less than half-a-pound. ... I got over £3 for it.

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John Dunphy had been born in 1864. The year before, night fishing (between 8 p.m. and 6 a.m.) had been banned. Then, in 1868, the courts decided that on inland or non-tidal parts of rivers, ordinary people had no public or common right to fish. Instead, the courts decided that the private rights of landowners extended to the middle of the river and that the inland fishery belonged, therefore, to those who owned the riverbanks. Since that time of "enclosing", cotmen such as Dunphy had to obtain permission from landowners to fish because landowners could

press civil charges if cotmen entered their fishery. Then, in 1884, the courts tightened control: police and bailiffs could themselves bring criminal charges against those who entered any fishery without permission.

Thus, by 1911 when John Dunphy spoke, cot fishing was so circumscribed by law that most times and places were illegal and, therefore, most inland cot fishing was poaching. All that remained was for the nets to be banned on inland waters; and this occurred in 1951. However, in 1911, fishing was still a means by which some labouring families along the river earned a livelihood. Yet the pressure was on to turn their means of livelihood into a sport for others; and this pressure had been there since before the ban on night fishing in 1863. In 1911 though, the pressure came not from the new riparian owners, the farmers, but from the old landlords — locally resident gentlemen who had reserved their fishing rights and who wanted to angle for sport and to obtain good rents for their fisheries. The pressure was masked though, hidden under the Department's concern for, and the talk about, improving the fishery and "preserving" the fish. For, very interestingly, McCalmont's sporting rods took more salmon in a season than did a cot crew. In any case, the culprit in 1911, if there was one, was the "big net"; but it could not be interfered with because it was "legal". In other words, in 1911, despite the voices and the conflicting interests, the rights of private property were far more important than was conservation and preservation in the inland, salmon fishery.

* The report was published as a House of Commons Paper: *Report of the Departmental Committee on Irish Inland Fisheries*. 1912-12 Cd. 6433 xxvii:161. The Evidence, Appendices and Index were published as 1912-13 Cd. 6545 xxvii:191. They are available in the National Library, Dublin.