A History of the West of England-Newfoundland Fishery.


K. Matthews
A HISTORY OF THE WEST OF ENGLAND—NEWFOUNDLAND FISHERY.
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ABSTRACT

The thesis concerns an industry, the memory of which has almost vanished in England but which at its height during the seventeenth and eighteenth centuries 'Always received because it always merited' the closest attention from Governments of the day. In one sense the history of the West of England-Newfoundland fishery can be summarised very briefly indeed:—In 1500 some men from the West Country decided to go a fishing to Newfoundland. Until mid eighteenth century life there was so hard, bleak and uncertain that most of them preferred to return home every year. After that date however they increasingly settled in Newfoundland until it was no longer necessary for men to undertake annual voyages from England. The fishermen had all moved to Newfoundland.

It might seem that a thesis exceeding one hundred thousand words on so simple a theme is unnecessary but the conditions under which the West Country migratory fishery arose, flourished and waned are of much more interest than the mere fact of its existence. The 'Grand Cod-Fishery of the Universe', Newfoundland was for three hundred years an international battleground for which four nations of Western Europe contended. The fighting commenced almost as soon as the island was discovered and progressed from the anarchic piracy of sixteenth century mariners 'beyond the line' into more or less carefully organized strategic policies followed both in peace and war. Newfoundland itself was of less value
than the cod-full waters surrounding her, and perhaps one of the main reasons why she finally became a British colony was that only that nation (with a portion of the French fishermen) was interested in the 'dry' fishery which demanded possession of land onshore upon which to dry the fish. Men saw in the fishery a source not only of economic but also of maritime power for (it was thought) fisheries bred vast numbers of skilled seamen who in time of war could be pressed into the fighting navies. The aim of each country was as mercantile as the Bullion theory - to strengthen oneself in the fishery and to weaken one's opponents, but the methods varied. France believed in settlement, garrisons and land-warfare and (when this failed) bounties; England in preserving a migratory 'free trade' and of 'by no means permitting any Stationery Settlement', so that the migratory fishery, basis of a 'nursery of seamen' might never be destroyed by the growth of fisherman-settlers.

England entered the race with seemingly grave disadvantages. By the mid-sixteenth century Spain, Portugal and France all possessed larger fishing fleets, and home markets for the fish, whereas England never consumed much Newfoundland cod, and owned a derisory fishing fleet. However in the end Newfoundland would belong to the strongest sea power, and diplomacy, protection and national encouragement for the fishery could only attempt to regulate the results of this. Thus after 1763 for example France introduced bounties only because English victories had resulted in diplomacy which fatally limited the competitiveness of the French fishery. Over the centuries first Spain and Portugal, and finally France were defeated in the fishery just as they were defeated as Sea Powers.
Newfoundland and English naval power were inextricably linked. When the latter was in one of its periodic declines the English fishery declined also; when it recovered the fishery rose with it. Although hindsight suggests that Newfoundland was far more dependent upon the Royal Navy than the navy was dependent upon this 'nursery of seamen' contemporary politicians would not have agreed. The dogma that the Island was 'one of the principal nurseries of our seamen' demanded and obtained the assent of men from all parties. It is not easy to quantify Newfoundland's importance as a naval reserve but the fact that men thought her to be so led to the formulation of a policy which, often neglected in practice was rigorous and consistent in theory. As so often happens the policy was not worked out completely until the second half of the eighteenth century - by which time events made it utterly impracticable - but the general lines had existed for a century and might be stated thus:

The Newfoundland fishery was of value to England in three ways. It provided employment, not only for the mariners but for thousands of 'handicraftsmen' who grew or made almost every commodity required in the trade; since England consumed little Newfoundland fish the industry was almost completely 'export oriented', cod being sold mainly in Spain, Portugal and Italy, from which bullion or produce flowed home in return; outweighing all of this in the minds of politicians was the belief in its value as a training ground for mariners.

It was felt that the maintenance of these objectives depended on the fishery being maintained as a 'British' one, carried on 'as much as possible by subjects from His Majesty's Dominions in Europe'. By 1675 the experience of
New England - which had begun life as a migratory fishery - seem to prove that expansion of settlement in Newfoundland would lead to the destruction of the migratory fishery. Settlers and merchants would (as had happened in New England) quickly 'engross' the trade, purchase supplies from non-English sources, develop a considerable contraband trade and establish their own 'manufactures' in Newfoundland. The Island would develop its own ocean going shipping which would take the fish to market, and the 'returns' instead of coming to England, would go to Newfoundland and thence to American or foreign suppliers. All of this would seriously diminish English employment, manufacture, trade and navigation, but worst of all it would destroy Newfoundland as a source of naval manpower for it was well known that Colonies were more a 'drain' than a nursery - men fleeing thence to avoid service in the royal navy.

It can certainly be argued that this theory was incorrect but everyone in authority came to believe in it implicitly. By the eighteenth century the Government consistently set itself against any growth of settlement in Newfoundland. This however brought it into conflict with the West Country merchants who, however much they valued the 'nursery of seamen' theory as a stick with which to beat the Government, were interested only in pursuing their own traditional economic ends. It is true that the Western Adventurers did for a few hysterical years in the 1670's oppose A.L settlements, but for most of the time this was not true. For most of the seventeenth century they were at most only passively hostile, and by the end of it they had come to depend upon settlement. They became, as a London merchant had prophesied, 'the first Planters'. In fact the Adventurers pursued only one consistent political aim;
wanted not absence of settlement, but absence of government, which (with some justification) they feared would destroy their commerce. Because of this, from the passage of the 'Newfoundland Act' (1699) onwards the West Country resisted all legislation aimed against the growth of 'settlements' and 'property' in Newfoundland. This resistance was successful because the Government, fearing that any 'settled' government in Newfoundland would encourage men to live there', lacked the means to enforce policies which ran counter to the wishes of the merchants who alone possessed real power in Newfoundland. However West Country resistance gradually forced the Government to go against its declared aim of preventing 'settled' law and order, since only if this was done could the laws be enforced. Thus during the eighteenth century a series of small and ad hoc steps were taken to provide some authority which would be independent of the merchants and yet which would not encourage Newfoundland to "become a colony". Thus the 'Justices of the Peace' and the appointment of Naval (but migratory) Governors in 1729, the creation of Naval Officers, a Vice Admiralty Court and Commissioners of Oyer and Terminer during the 1740's and 1750's and the creation of a Customs House after the Seven Years' War. These men were appointed in order to enforce the anti-settlement laws which were being largely ignored by the West Country merchants and planters; none of them succeeded in preventing continued growth of settlement and merchant domination over that settlement. In the cases of the Magistrates and the Vice Admiralty Court, these institutions were more or less 'taken over' by merchants or their nominees; each new government appointment provoked fresh mercantile resistance, which in turn led the governments to fresh legislation against settlement. By
1800 it could be said that both sides had lost; but that
the Government had lost more. The latter had originally
wished for neither Settlement nor settled government but
now found themselves with both; the merchants were
dependent upon the settlers but at last found themselves
saddled with some dreaded 'outside' authority. Nevertheless,
Newfoundland being 'nothing but a fishery', its population
scattered through hundreds, even thousands of 'exports' and
dependent upon the merchants for supply and markets, this
really had little effect upon their power.

However the result of this was nowhere near as dreadful
as both sides had feared. The migratory fishery collapsed,
and (until the First World War) so did the 'nursery of
Seamen', but the Royal Navy could now afford to ignore this.
Newfoundland did indeed develop an enormous maritime fleet
of its own, but the coming of iron and steam ensured that
this had no adverse effects upon English shipping, and the
Industrial Revolution ensured that Newfoundland did not
suffer its economic ties with the mother country. Newfound-
land did not even, as men had predicted for centuries,
choose to 'adhere to New England', but was instead by 1900
claiming to be England's 'Oldest and most loyal Colony',
a loyalty demonstrated well enough during two world wars.
Even the West of England can hardly be said to have
suffered a traumatic shock when the migratory fishery
collapsed. Most of the merchants either transferred
themselves to Newfoundland or elsewhere, or retired on their
profits to become 'gentlemen', while the fishermen merely
emigrated to Newfoundland, as indeed some had been doing
ever since the beginning of the seventeenth century.

This is the importance of the West Country fishery as a
study in English national history. It affords an excellent
vantage point from which the formulation of theories and practices of seventeenth and eighteenth century governments in maritime and colonial matters can be viewed; an opportunity to see the development of a large and important commercial 'pressure group', and a chance to study conflicts between Government and commerce. It is also an illustration of the relationship between the growth of English naval power, and the expansion of her maritime commerce.

The Western Adventurers were however a prominent part of the history of Newfoundland and of the west of England as well as that of England. In the first they have been given perhaps too much prominence; in the latter not enough.

One great problem dominates Newfoundland history: the first land 'beyond the seas' to be extensively visited by English shipping, its population growth was stunted and its political institutions almost non existent until the nineteenth century, although an important part of the Empire, Newfoundland was late in becoming a colony like the others'. Seeking to explain this historians have seized upon two factors - the persistent opposition of government towards settlement, and the persistent opposition of the merchants towards local government. Seeing the opposition of the latter towards the 'proprietary' settlements attempted during the seventeenth century, and noting that at first the West of England was engaged in a completely migratory 'ship' fishery, they have wedded Government and West Country merchants in an alliance against the 'settlers' aided by their allies the London and Bristol 'Sack' ship merchants and (to a certain extent) those of New England. This thesis will argue that these theories are incorrect. It tries to show that there was no conflict of interest between 'Sack'
and 'fishing' ships per sea, and no permanent conflict between the West Country and London/Bristol. The Adventurers, even in the Seventeenth century were not always and consistently hostile to settlement, but only to government, even less were they in any great degree responsible for the failures of the 'proprietary' colonies. It will also be argued that the imagined 'support' given to settlement by London and Bristol was largely illusory, especially after the 1670's, and moreover that for most of the era neither of these towns had any tremendous influence in the fishery. Indeed the whole theory of London and Bristol 'support' for settlement is based on the 'fact' of the 'London and Bristol Company' promoted by John Guy at the beginning of the Seventeenth century. With the collapse of that project there was no more or less co-operation between those two cities than between London and any other West Country port - if anything there was less. Conflict between London and West Country ports (including Bristol) had little to do with colonisation in Newfoundland, being part of that general fear of London capital and chartered Company expansion which motivated all the English outports in the early seventeenth century, and which was largely absent by the end of that century. Similarly there was no conflict between New England and the Western Adventurers, except insofar as the growth of the mainland fishery threatened the entire British fishery at Newfoundland, and even then the importance of cheap New England supplies far outweighed such competition. These supplies sustained the 'small' migratory fishermen just as much as the 'planters'. If anything New England acted as an impediment to settlement in Newfoundland since (until the American Revolution) it was extremely easy for men to migrate from Newfoundland to
the mainland in time of war or depression. Finally talk of the 'settlers' as a 'group' in opposition to the 'migratory' merchants is only possible (if at all) until about 1690. After that date all settlement is either from the West of England or by Irish passengers carried out on West Country ships. Although the inhabitants of Newfoundland lived very hard lives under the domination of West Country merchants, they were 'relations of and...from the same counties'. The 'middle class' Planters were also mainly of West Country stock and moved easily between the two - living a few years in Newfoundland and then returning home to retire. Many were the 'planters' who a few years previously had been fishing captains or bye boat keepers, and might a generation later become 'West Country merchants'. Even if this were disregarded, the Newfoundland planter's complete dependence upon the migratory merchants makes it absurd to talk of them as an independent political 'force'. Was the agricultural labourer or even the tenant farmer an independent force in eighteenth century politics?

Just as the alliance between 'settlers' and others was largely an illusion so (for many purposes) was that between the English government and the West Country merchants. In the first half of the seventeenth century the two quarrelled about 'proprietary' colonies, and in the 1670's they quarrelled again about the question of settlement. In 1699 the government at last became convinced (by old West Country arguments) that settlement would indeed destroy the value of Newfoundland, just as the latter were beginning to accept, indeed to rely upon it. From then onwards Government and merchants never agreed.

A distinction must be made between the growth of
settlement and the establishment of some form of local and permanent government. The latter was indeed retarded by a fortuitous (and largely contradictory) alliance between the two. The West Country opposed it because they feared that it might result in arbitrary interference in their 'free trade'; the Government because it might encourage more men to settle. Since by the eighteenth century 'free trade' was coming to mean 'freedom to employ settlers', the reasons were indeed contradictory, and ad hoc government had to be introduced.

As far as retardation of population growth was concerned this had nothing to do basically with either the West Country (which favoured it) or even the Government which tried strenuously to prevent it. The thesis seeks to show conclusively that however harsh anti-settlement laws might have been, the lack of government in Newfoundland prevented their effective enforcement. This was of course due to the power of the merchants.

If however settlement was not retarded by the merchants or the government what did retard it? The answer can be found in the nature of Newfoundland, and in its turbulent early history. Men soon realised that, lacking favourable conditions for agriculture, and (as far as they knew) exploitable mineral resources, Newfoundland was 'nothing but a fishery'. Unfortunately the fishing season lasted for four months at most, and men who would live in Newfoundland must survive for the rest of the year on those earnings alone. By the end of the eighteenth century development of the sealing and ship building industries provided the much needed 'winter employment', but these industries were very labour intensive. Moreover until the
American Revolution the ship building industry hardly began to develop, mainly because it was so much more cheap and convenient to purchase vessels from the mainland.

The basic reason why settlement did not increase can be found in these unpromising conditions and the chronically unstable state of Newfoundland and the fishery until about 1750. The first great expansion in the reign of King James was cut short first by 'Sallee Rovers' and then much more effectively by the Civil war and those which followed during the 1650's. Recovery after the war was prevented by continued fighting (with the Dutch), the financial collapse of the industry due to these long years of conflict, and to a long depression in the fishery at Newfoundland. The end of the Third Dutch War did not signal any permanent recovery because the fishery was extremely bad for most of the 1680's. Slight recovery was again interrupted by French devastation, and the collapse of the migratory fishery during 'King William's War'. By 1700, after almost one hundred years of attempted settlement the Population of Newfoundland did not exceed 4000 - and the onset of 'Queen Anne's War', followed by an extremely long and bad depression in the fishery meant that the population actually fell - not to pass the previous level until later in the 1730's.

The 'migratory' fishermen and merchants suffered badly, but the settlers fared even worse. How could one earn enough in these times to keep alive during the winter? What incentive was there to come, let alone to stay, in Newfoundland under these conditions. Not surprisingly most men preferred to come out annually from England, whilst those who were already in Newfoundland migrated in large numbers to New England.
From then onwards however conditions gradually changed. Although the population probably did not exceed 6-7000 in 1748 English victories during the Seven Years War and the decline of French naval strength swept the French from Newfoundland, leaving the markets open to English caught fish. After the Treaty of Paris the English fishery expanded at an unprecedented rate, the merchants expanding both their 'migratory' and their 'sedentary' fishing operations (for the same men largely controlled both). The American Revolutionary War completed the process. The merchants had by 1793 almost completely abandoned the 'migratory' fishery to become 'dealers' to the settlers, who were largely composed of recent immigrants of Ireland and the West of England. Neither the French nor the American fisheries really recovered until the end of the Napoleonic Wars by which time the population of Newfoundland had expanded and become too large to seriously decline. The growth of Newfoundland's population was retarded not by government policy, or merchant opposition, but by factors concerning the fishery, the nature of Newfoundland and above all of war and insecurity.

This leaves us with the problem of government. Was the theory that 'increases government caused increased settlement correct? If so then the fortuitous alliance between the Government and merchants against the former may still have been a contributory if not the dominant factor in Newfoundland's retarded development. Even had the government wished to create a 'colony' however they had to steer a course between the Scylla of ineffective government and the Charybdis of overwhelming expense. For the first two centuries of its existence the English settlement in Newfoundland comprised a few thousand settlers.
scattered throughout scores of settlements (perhaps hundreds) which were cut off from each other by land and in many cases weeks distant by sea. A series of Statutes had by 1663 established as a cardinal rule the principle that the fishery could not be taxed, and the settlers (who in any case were fishermen) were too poor to pay much towards the cost of Government. In order to discourage settlement the ownership of land was discouraged (except for certain strictly limited purposes) and this cut the government off from another possible source of local revenue. The first experiments took the form of joint Stock and proprietary ventures in which the 'owners' of Newfoundland hoped to make enough money not only to pay for government, but to show a profit. These hopes were proved vain. By 1680 the government knew that any administration in Newfoundland must be paid for by the English Treasury. This made it certain that if any local authority was established it must be 'done on the cheap'. But this made it equally certain that the local administration would be ineffective. St. John's itself might be controlled by a resident governor but what of the scattered outports? To appoint paid officials in each district would be inordinately costly, and thus voluntary service was necessary; and the only qualified 'volunteers' would inevitably be the merchants or their dependents. This indeed is what happened when the 'magisterial' system was created in 1729. Under this system population did gradually grow but it is difficult to see how the appointment of a permanent governor and a chief justice would in any way have speeded up this growth.

The Western Adventurers did indeed play an important role in the history of Newfoundland, but it is not that in which they have been popularly cast.
The long delay which ensued between the decline of the West of England fishery and the rise of modern historical interest in such studies made inevitable a neglect of its role in the West Country. The Western Adventurers have since the time of Judge Browne been treated primarily as a factor in the history of Newfoundland, and (to a much lesser degree) in that of England. The result has been much theorising about them, unaccompanied by any great degree of knowledge concerning who they were, where they came from and (despite the theories) of what they actually wished to do in Newfoundland. This lack of knowledge, due basically to ignorance of their operations in the West Country has resulted in the miscast role in which they have been placed in Newfoundland and 'national' history. Much of this thesis has therefore been devoted to the organisation, even to the names, of the Western Adventurers at their homes in Devonshire and Dorset. Only by starting from where they did can we understand who and what they were.
Map I. Newfoundland
Showing Some Of
Principal Outports

Bonne Bay
Bay of Islands
Trellingate Is.
Notre Dame Bay
White Bay
St. Anthony

Argentia Bay
Placentia Bay
Burgeo Bay
St. John's
Trinity Bay
Grand Bank
Cape Spear
St. Mary's
Ferryland
Rodney's
Fermeuse

Map I. Newfoundland
Showing Some Of
Principal Outports
Map 2 S.W. England and Channel Islands
CHAPTER ONE

THE WESTERN ADVENTURERS

Historians have found it difficult to say anything complimentary about the Western Adventurers of Devon and Dorset. Judge Prowse a patriotic Newfoundlander but also proud of his own West of England ancestry created a historical theme which made migratory fishing merchants the main obstacle to Newfoundland’s development, and later writers have had perforce to take account of his pioneering work.¹

One can almost personalise Prowse’s ‘Western Adventurer’ - an illiterate, rough tough vicious (yet somehow lovable) old ‘Fishing Admiral’ who, sitting on an upturned barrel dispensed cruelty and corruption impartially on behalf of any man who offered him a bowl of ‘calobogus’ to drink, yet who, on return to England after the summer was transformed into an insidious courtier, a skilled and unscrupulous politician.

Later historians ‘de-romanticised’ this legend, but still accepted Prowse’s main themes. ‘True to their bigoted and selfish policy, the Western Traders marshalled all the arguments available in one united attack against the Colony’.²

¹ D.W. Prowse, History of Newfoundland from the Foreign and Colonial Records, London 1895.
clear that the inhabitants were to receive no mercy; for the Western merchant and the fishing adventurers from British Europe the Act of 1766 was a fresh triumph re-affirming their traditional claims. ¹

More sceptical writers refrained from comments of this kind, but although they considerably modified, did not fundamentally challenge the framework first set by Prowse. ² As a result, the current theme would run something like this:

For two hundred years residents of Newfoundland, supported by 'Sack' ship interests of London and Bristol and traders of New England struggled to obtain ordered and responsible government but were defeated by the Western Adventurers who in alliance with successive English governments preferred to keep Newfoundland as 'Agreat ship moored near the banks', a completely migratory fishery, in order to provide wealth for the merchant and a supply of trained (and easily accessible) seamen for the Royal Navy.

No one however has yet attempted to understand the position of these 'migratory' fishermen and their case has gone largely by default. Every historian talks of the West Country's role in Newfoundland History; no one has seriously attempted to

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1. Ibid.
2. For general analyses of the role of West Country merchants in Newfoundland see:
   - J.D. Rogers, A Historical Geography of Newfoundland, London 1911.
   - R.O. Lounsbery, British Fisheries at Newfoundland to 1763, New Haven 1934.
reverse this and examine the fishery as part of the history of Devon and Dorset. Much has been written about what the Western Adventurers 'stood for', but little attempt has been made to find out who they were, let alone whether their attitude to Newfoundland may have changed in any way during the three hundred years when they dominated the fishery.

Until the late eighteenth century however, the migratory fishermen almost invariably outnumbered those living permanently in Newfoundland. Most of these men had dependents who relied upon a continued 'migratory' fishery for their very lives, and even more a host of other persons gained a living in 'subsidiary' industries which supplied vast quantities of food and equipment of all kinds to the fishery. In most ports of Devon and Dorset moreover, whatever other commerce existed, sprang from, and was ultimately dependent upon the Newfoundland trade, and merchants engaged therein. Over the centuries Newfoundland became to the rest of England much more than a fishery; it was transformed into an integral part of English economic and social life, becoming in the process one of the 'accepted institutions' of British political life.

This thesis therefore, is presented as a study of the West Country - Newfoundland fishery, and has as its simple theme, the rise and fall of those merchants and mariners who for centuries went annually to Newfoundland to win a living which would enable them to remain still in England.
Importance of the British Fishery at Newfoundland

That subtle alchemy which transforms mundane things into matters of National pride and prestige had, by the eighteenth century made the Newfoundland trade an indispensable prop not only of British commerce but her maritime power as well. Newfoundland was referred to as 'a more inexhaustable and infinitely more valuable source of wealth than all the mines in the world.'

'The Grand Cod Fishery of the Universe' which was 'One great nursery of our seamen and a principal Basis of the Maritime Power of England.'

The sale of cod in Spain, Portugal and Italy were held to provide in the words of Professor Innis, 'The lever by which (England) wrested her share of the riches of the New World from Spain', providing as an additional bonus, the customs revenues paid on foreign goods which cod had purchased.

Considerations of commerce and sea power led to the development of national policies which by the eighteenth century were reasonably consistent, although often unattainable.

In the first place Newfoundland provided employment not only for fishermen but the 'handicraft' men of England. Secondly, income from the fishery returned almost intact to the mother

3. Brit Mus Addit Mss 33030.63 Pitt to Bristol 26 Sep 1760.
country in the form of bullion or foreign produce, thus playing an invaluable part in the balance of trade. Most important of all, the large crews necessary for migratory fishing ships were held to provide a tremendous "nursery of seamen", who because they returned annually to England were available for the navy.

The maintenance of these objectives was held to be completely dependent upon the continued success of a migratory fishery. If monopolised the fishery, the number of ships and seamen coming from England would decline drastically, and the supply of men for the navy greatly decrease. A settled population would almost certainly obtain most of its supplies from New England to the detriment of English farmers and manufacturers, whilst if merchants resided in Newfoundland, profits and the returns of bullion of foreign commodities would either remain there or be diverted to America.

Successive governments, believing these arguments, were bound to discourage settlement as much as possible. But the interests of the administration were not necessarily those of the merchants; maintenance of a 'ship' fishery in order to train seamen would only meet with mercantile approval for as long as a ship fishery remained profitable. The situation was more complex than this however. Merchants as individuals could and did transfer their operations to Newfoundland or some more convenient part of England such as Liverpool or London. Individual fishermen might choose to migrate to Newfoundland, but not all merchants and
workers could leave, and the 'handicraft' industries were completely immobile. If the fishing merchants left Devonshire, then economic activity in large areas would fall off rapidly. It was well that these merchants fought so long to maintain control over a distant fishery, for upon them rested the employment of thousands.

**Importance of Newfoundland to the West of England**

Until the end of the eighteenth century the Newfoundland fishery was promoted almost exclusively by merchants of Devonshire, Dorset, Bristol and the Channel Islands. Somerset, primarily agricultural, sent very few ships to Newfoundland although at times large numbers of men went from there on ships of Bristol and Dorset. Cornwall, although at Newfoundland in the Sixteenth century soon concentrated mainly upon her own inshore pilchard and herring, and employed her seagoing commerce in sending this to Spain and Italy. Since these markets also took the Newfoundland cod, Cornish fish may well have been a competitor to it. Until the civil war the county of Hampshire (especially Southampton) had a thriving trade to Newfoundland but thereafter became insignificant, although like Somerset many of her men sailed on the Dorset ships.

Even in Devonshire the Newfoundland trade had to share pre-eminence with the export of cloth especially after 1600, but in certain regions, especially along the coasts, the fishery provided the main and often sole, source of employment. One survey of
Devonshire, taken in mid eighteenth century shows this very clearly.

The young men of Shaldon went annually to Newfoundland, whilst kingswear men were 'all bred to ye sea' and either in the Navy or the fishery. Although Bishopsteington was 'very mean', 'yet they set out some ships to Newfoundland; they all bred to the sea'.

St. Marychurch, Tormoham (later Torquay), Cockington and Stoke Fleming were equally dependent upon Newfoundland, and along the coast, in East Devon, East Budleigh admitted to a few female lace makers but 'the men sail to Newfoundland'. The same was true of Withiccombe Raleigh. The Vicar of Northam in North Devon gave a graphic illustration of what this dependence could mean, when he reported great poverty throughout the area, 'the fish not frequenting that part of the coast whereon our people usually fish'.

The situation revealed in this survey had been the same in the seventeenth century, and changed but slowly in the nineteenth. The Dartmouth Corporation stated in 1623 that although thousands of men sailed from there to Newfoundland, 'there are not a tenth parte of them dwelling in the town'.

As late as 1830 when the migratory fishery was ebbing fast, the young men of Cockington

were still going out for a year or two, and villagers of Dorset are said to have still rejoiced at the extra demand for supplies which invariably followed a successful fishery in Newfoundland.

A document drawn up in 1741 contained the names of men from nine Dorset villages, and only one from the main port of Poole.

From these coastal villages came the vital 'skilled element' of the fishermen. 'All bred to ye sea', their skills were inherited from their fathers over many generations and they were most highly regarded of all servants. Many of them owned, leased or worked upon farms during the winter and thus supplemented their fishing 'shares' or wages in a way that Newfoundland planters could seldom do. However, although these men provided the backbone, most of the labour force came from inland for when it thrived the fishery demanded enormous numbers, and men were recruited from Devonshire, Cornwall, Somersetshire, Hampshire — indeed from almost anywhere.

Thus Sir William Coaker's ancestors lived in the Dartmoor village of Widecombe-in-the-Moor, and one of the first men to settle on the Bell Isle straits came direct from inland Yeovil of Somerset. In Notre Dame Bay, local tradition traces the original settlers to inland towns of Hampshire who almost certainly came out on Poole ships.

1. Prowse, History of Newfoundland, p 297.
In flourishing periods it was accepted that men who already possessed skilled trades should drop them and try their hand in the fishery. Carpenters, Millers and Yeomen all went on one voyage from Poole, \(^1\) and in 1715 the Landlord of the 'Travellers Rest' in Ashburton left it in the hands of his wife and father in Law whilst he went fishing for a season. \(^2\) Less respectable men were also attracted to a Newfoundland where until the nineteenth century, law and order hardly existed. At least one Dorset lad fled there after murdering his sister, \(^3\) but most were not as desperate as this. Robert Periton of East Alvington went out to escape from his wife and children. Shipped back in ignominy, he was immediately sent out again, whilst his employer paid his wages to the overseers of the poor. \(^4\)

The teeming inland populace thus provided for the fishing merchants a flexible labour supply. A skilled and steady nucleus from coastal villages was supplemented by 'green men' from inland.

If the fishery had to contract because of war, bad markets, or bad seasons, the recruiting of inland men was slowed down. Except for those unlucky enough to be unceremoniously abandoned in Newfoundland, most would then return to their normal English employment. The really skilled men were always in short supply, their wages higher, and merchant, planter and bye-boat keeper

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1. Pope Transcripta Vol XII f 149.
4. Devon Records Office, 818A/P0135, Agreement between Samuel Periton and West Alvington Overseers, 10 February 1772.
competed vigorously for their labour.

Although statistics concerning Newfoundland are noted for unreliability, there can be little doubt that at times at least ten thousand men went annually from Devon and Dorset. Each of these men was probably supporting a family, and even the youngsters were expected to earn a bit for 'mother'. But these families alone do not constitute the total dependence upon Newfoundland; we must look at the 'handicraft' men.

Ancillary Industries

Besides shipwrights, sailmakers and labourers annually employed in the refit of hundreds of ships, numerous (if incalculable) other men were employed in providing tackle, food and clothing for thousands of men, whether the latter were migratory or resident in Newfoundland (for the same merchants usually supplied both). There was an almost insatiable demand for clothing of all kinds both woollen and leather; clothing suitable for the hard climate and working conditions at Newfoundland. At Sturminster Newton clothiers employed three hundred weavers to prepare 'swanskin' flannel for Newfoundland or the Army, and in 1706 the Corporation of Tavistock said most of their cloth production went to Newfoundland. Boots, shoes and knitted goods came from Wareham in Dorset, Plymouth Ashburton, Tavistock and Buckfastleigh in Devon, and Callington in Cornwall. In the eighteenth century the fishery was by

Almost in a class of their own were the merchants who provided cordage and fishing tackle. The Bridport rope and net manufactories became famous well beyond the confines of Newfoundland and by 1800 were supplying London merchants who traded to Canada and London. When Scottish merchants gained a large share of Newfoundland's trade during the same period, they still turned naturally to Messrs Gundry of Bridport. Even so, there were many other manufacturers at places like Abbotsbury, Dartmouth and Topsham. Most of the ports had a 'rope walk' somewhere near the Quayside.

Besides such 'dry' goods, Newfoundland also consumed vast quantities of food and drink. By the 1700s New England was beginning to dominate the supply of bread, flour, livestock and rum, and Ireland soon provided all the salt meat, but this still left much for the West Country farmers. Eighteenth century Port Books record annual cargoes of oats, cider, wheat bread, peas, beer, malt, bacon and potatoes. Around the village of Paignton there were seldom less than 150 acres of a special cabbage which, maturing in the early spring, were harvested in time for the annual departure of the fishing fleet. In 1781 Coker wrote of large corn exports from Poole to Newfoundland (called forward by disruption of the American trade). 'The merchant furnishing his ships to the New Foundland'.

Increasingly merchants with no direct interest in fishing sent goods to Newfoundland 'on their own account'. After the Treaty of Utrecht.

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3. Miles op cit
John Spencer and Henry Wiseman of Poole sent an experimental consignment of bread, peas, and bacon for sale to settlers, and Thomas Hackman annual consignments of clothing. Hutchings and Rogers, Exeter cloth merchants sent many cargoes of Dutch and German linen or English leatherware in the 1730's, whilst small Dartmouth merchants sent out small quantities of haberdashery, apothecary's ware and cider. These men were probably dependent upon the existence of a resident colony in Newfoundland; a place where there lived men of sufficient independence to purchase goods directly instead of via their merchant supplier.

Newfoundland as part of West Country Social Life

For over three hundred years, working West countrymen knew the outports of Newfoundland as well as they knew their own village. Two thousand miles away, the fishery still loomed large in English life and tradition. One of the most striking features of the trade was its largely hereditary nature, and for hundreds of years many families provided an unbroken chain of recruits for the fishery, and the largest and most stable merchant dynasties of later times could almost all trace their origins to humble and distant ancestors. The Newman of Dartmouth were trading to Newfoundland as early as 1565 and kept an interest there until 1907, and other prominent Dartmouth Dynasties - Roope, Holdsworth and Teage were also involved for centuries. At Poole the Eighteenth century 'princes' like White, Tito, and Durell could look back at least

1. Port Books, P.R.O. E/190,901 74 Poole 1714
2. Ibid, P.R.O. E/190,998/14 Exeter 1732
3. Ibid, P.R.O. E/190,999/1 Dartmouth 1731.
to the 1630's when their ancestors were humble masters of fishing ships. Such men were amongst the 'Aristocrats' of Newfoundland but less prominent families also provided long generations. The Codners of Teignmouth were first 'planters' at Renewe, then 'bank ship' captains of Devon and (when the migratory fishery faded away) prominent Nineteenth century merchants of St. Johns. The names of Weymouth, Bickford, Wakeham, Rich, Whiteway, Mathews, Sparke, Branscombe, Periman, Bulley, Lydston, Boden, Crowte, Cox Babb and Linthorn can be found for as long as the migratory fishery survived, and many of their descendants now live in Newfoundland.

To these families Newfoundland was never far away, and they subtly introduced it into West Country life. Prowse recorded the way in which men weighed the Church year against the fishing season. 'Jan; the parson be in Proverbs, the Newfoundlan men will soon be a coming home'. When the parishioners of Denbury wanted to compose a hymn, what more natural than to think of hazards of the sea.

'Twas but three days out from Newfoundland when overboard he fall'd, And as he was a going down, Upon the Lord he called'.

Similarly when the Reverend Coplestone wanted to drive home a sermon he knew what would best awaken the congregation.

In 1720 after dwelling long on the sinfulness of man he introduced something they could all understand.  

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1. Southampton Records Society, Book of Examinations and Depositions, Vol. IV (1639-41)
2. John Watkins, Essay towards a History of Bideford (1794) p 68
'How much has the Newfoundland trade failed of late years. Ha'nt you been almost many times to say with Peter to our Blessed Saviour, we have toiled all night and taken nothing? How little fish have you catch'd for some years back, is not this the vehicle of providence, a call to repentence and reformation? O try what prayer and a good life will do.'

So impressed was Mr Coplestone with this oratory that he had his sermon published, but we can never know whether his audiences responded. Possibly only slowly for the depression continued for several years, but everyone in the church must have felt a twinge of guilt. From September to March they went soberly to church in England, but at Newfoundland, if contemporary reports be true, the enormous rum consumption must have made the mariners 'store up' sins for which the long Devon winter provided ample leisure for repentence.

Fortified by religion at home and rum in Newfoundland generations of men sailed off to the fishery. To the poor it provided a living and for the lucky, a chance to rise; the spirited country boy found a chance of adventure and the ne'er-do-well found a refuge. Though weavers, cobblers, farmers or blacksmiths might never set foot on a ship, the fishery gave them their employment. But those gained most upon whom all the rest depended - the West country fishing merchant.

The Merchants.

The creator and sustainer of all activity in Newfoundland was the fishing merchant. If any number of them moved away from Devon or Dorset, then the regional economy would languish, for their ships would be built and refitted elsewhere, their men would no longer be of the West, and their supplies neither. Fortunately until the Nineteenth century the merchants
had their own reasons for wishing to remain in their places of birth. Partly this was due to a natural preference - they were born and reared West Countrymen, living often in ancestral built houses, intermarried into local families and active in the social and political life of their localities. For two hundred years the Corporations of Poole and Dartmouth read like a 'whos who' of the Newfoundland fishery. The more successful soon bought landed estates and moved 'on equal terms with the gentry', whilst the greatest of all sat in Parliament and obtained Knighthoods. No one would lightly exchange this for the rude life of a Newfoundland planter, and until 1800, the ambition of most of the latter was to make some money and retire 'home' to England.

More than this however economic factors bound merchants to the West. Here were skilled fishermen, established suppliers, and a general economy closely interwoven to fit his needs. During the Seventeenth century the merchants's 'stock' was bound up in fishing ships, and such capital was not easily liquidated. In the next century though the 'fishing ship' was disappearing, the merchants diversified and carried on a number of trades which could never have been undertaken from Newfoundland.

With the exception of Topsham, where Newfoundland traders were a 'minority' group fairly well separated from the exporters and carriers of cloth, most maritime commerce was controlled by merchants primarily concerned at Newfoundland. In Dartmouth the Holdsworth and Newman families almost monopolised all maritime commerce for fifty years and held the prosperity of South Devon in their hands. In 1715 Arthur Holdsworth sent ships to Barbados, Rotterdam, Norway, New England, Maryland, Amsterdam, Portugal, Spain,
Guernsey and Ireland as well as Newfoundland. But as a young man he was 'trained' as captain of the 'Nicholas' a constant trader to Newfoundland. Besides Newfoundland cod Holdsworth exported an enormous range of other products - paper, earthenware, glass, wheat, bricks, needles, bread and drapery to name but a few. Later when prosperity at Newfoundland saw the emergence of several other wealthy merchants of Dartmouth, almost all of them can be found to have started off as commanders of Holdsworth ships.

The four major merchant families in North Devon in early Eighteenth century were widely engaged in the fishery, but they controlled most of the cloth and tobacco trades of Bideford as well. Tobacco from the Southern Colonies went to Newfoundland; ships stopping for provisions at Ireland unloaded cloth or tobacco at Waterford and Cork. Those which went to Spain or Portugal to obtain salt for the fishery, carried out serges and druggets for Cadiz or Bilboa, whilst Cornish 'white' or 'red' herring went as 'part cargo' with Newfoundland cod to Italy.²

Although one or two Poole merchants concentrated on the rice trade for a variety of other ventures, as is shown by the case of an old fishing captain, Samuel White. In 1721 he set out ships for Spain, Portugal, Virginia, the Baltic, Holland, Barbados and France as well as Newfoundland.³

The Newfoundland trade was the base upon which all the other

1. Port Books, PRO E/190.188/4 - Dartmouth 1715.
2. IBID 992/3 Bideford 1720
3. Port Books, PRO E/130.911/5 Poole 1721.
Commerce rested. During the first half of the Seventeenth century it was indeed almost the only significant commerce of many Western ports, and the other trades developed later with money earned from the sale of dried cod, and on the basis of a knowledge of needs and markets which had resulted. Ships went to Spain or Portugal for salt, delivered wheat or cloth, and then took the salt to Newfoundland. The fish was taken back to Europe and sold or bartered for wines, ironwork, fruit or silks which in turn were disposed of in England. These commodities together with native produce were sent to the colonies, where rice or tobacco was collected for England from where much of it was taken to Newfoundland, or sold to the Irish merchants who supplied Newfoundland with salt meat.

Lack of timber and naval stores in the West meant that by 1700 the merchants developed a trade with the Baltic. From there timber, pitch and tar were obtained, often in exchange for Spanish salt used in the Scandinavian 'stock' fishery. Arthur Holdsworth even sent cargoes of fishing tackle to Newfoundland's competitor - the fishermen of New England. In exchange his ships took New England fish or train oil to Europe.

All this originating from the Newfoundland cod! Even in the Eighteenth century many merchants first learned the fishing trade before returning home to engage in the wider family business. Arthur Holdsworth III began life as captain of the 'Nicholas', the Newman family almost always included a captain or two in their ranks as did Strange, Buck, Darracott and Browning of Bideford, Lewen, White, Weston Olive, Nickleson and Pike of Poole, and Brooks, Hayman, Follette and Jackson of Topsham.
By the late eighteenth century many of these men were extremely wealthy. The largest might own fifteen or twenty ships and enormous properties in Newfoundland. In 1784 Benjamin Lester 'supplied' three thousand persons in Trinity Bay, and from the same place Messrs. Jefferay and Street regularly exported over 50,000 quintals of fish every year. Joseph White of Poole entered the Seven Years War with fifteen ships, and by 1762 had lost all but one, and they were not insured. But when he died a few years later he is said to have left 120,000 pounds.

Despite this however, the Western Adventurers gained an unenviable reputation for pessimism, and hardly a year passed without some prominent trader prophesying the imminent decay and collapse of the fishery. At the first hint of war, piracy, proposals to settle a governor in Newfoundland, 'bad' laws, or even the growth of Jersey or Irish trade, the merchants instinctively cried for help from the Government. 'Innovation' was the most dread word in their vocabulary. Peter Ogier of Dartmouth threatened to 'withdraw his trade' no less than four times between 1785 and 1795 and he was only one exponent of this form of pressure politics.

In 1797, bruised from a clash over the French Shore question Grenville warily informed Pitt that 'any pretence for any concession at all on that subject, which if it was ever so harmless, would not fail to be misrepresented by a very discontented body of men, as we have always found the Newfoundland merchants'. The shades of generations of long-gone Board of Trade officials

2. F.W. Mathews, Poole and Newfoundland p 62 ( Typed Ms in the Poole public Library).
must have silently assented as they recalled similar tussles over a thousand and one matters which were the object of West Country complaint.

Bearish, and incurably conservative the merchants certainly were, but beneath the exaggeration personal experiences and those things learnt from their parents about past disaster shaped their attitude to the present. There were periods, notably between 1650 and 1713 when the trade had seemed on the point of collapse. By 1680 most of the old Dartmouth traders were completely wiped out. The decline of the fishing ship created chaos in Western towns and hazards of war made matters worse. In 1666 only ten ships were allowed to go to Newfoundland; and during the first three years of 'King William's War no fishing ships were allowed to go at all.

Was the government proposing to send a governor to Newfoundland? The merchants remembered what their father had said about Sir David Kirke, or they pointed to the despotic rule of the first garrison commanders despatched to Newfoundland after 1697. Doubtless these old disputes were exaggerated as each generation found new experiences to add to the list, until there existed in the West country a fixed and blind determination to resist change of any description. But besides the past, the merchants were engaged in a trade which was highly speculative from start to finish. Before ever a ship sailed from England the merchant was spending large sums of money which would not show any return until the fish had been delivered to a market; between outset and return, many things could go wrong.

1. P Russell, Dartmouth p 121.
Preparations began in December when the merchant arranged for the refit and provisioning of his ships and bargained with other merchants for the supplies of tackle, clothing and food for his men, whether they were 'migratory' or 'planters' in Newfoundland. By February seamen and 'green hands' had been hired at the annual 'fairs' held at towns like Newton Abbott where men gathered in hundreds to find employment. In March and April the ships sailed with all speed, for although to arrive in Newfoundland before the middle of May meant the risk of loss 'on the ice' which might still pack the coast, to arrive much later was to risk the loss of half the fishing season. On arrival in Newfoundland the crew (unless they had left a 'winter crew') had to repair and overhaul the stages, flakes, wharfs, cookrooms and boats which would have almost certainly been damaged by winter ice and storms, (if not deliberately by some resident who coveted the ironwork in these structures). After this caplin bait had to be taken and then followed a hectic fishing season which seldom lasted longer than six or eight weeks. Along the East Coast of Newfoundland, the fish usually 'came in' (to the shore) at the beginning of June; after about six weeks, although fish were still available they tended to go deeper and the old type of fishery (carried on with 'hand' lines) could not catch fish under these circumstances. The fish were brought ashore daily and were split, then gutted, headed, light salted and laid out in strips to dry on flakes. Traditionally the entire fishery ended on the 28th August, by which time the catch, cured and ready for consumption were delivered to the merchant or his factor.
Until the merchants began to occupy 'private' fishing rooms (an illegal practice), there was an additional reason to reach Newfoundland as rapidly as possible. The shore line in each harbour was divided into 'rooms' upon which stages and flaked could be built. The best rooms were those lying nearest to the harbour mouth, and composed of land which was flat and close to the water. Some rooms were much better than others, and at times the success of a voyage could depend upon the quality of one's fishing room.

Traditionally these places were allotted on a 'first come-first served' basis; the first ship to arrive (the 'Admiral') took his choice as did the next two arrival ('vice' and 'rear' Admirals respectively). Later ships were allotted rooms by the Admiral. Not surprisingly therefore, captains vied with each other to reach the harbour first, at times even lowering their boats miles out to sea, and sending them ahead to claim the Admiral's 'berth'.

Haste in coming to Newfoundland, haste in catching fish, and haste to the markets. The first ships to arrive in European markets secured handsome prices and they were driven unmercifully for hundreds of pounds were at stake. At Genoa in 1786 for example, the first ship arrived with 2200 quintals of fish on the 19th December, and sold it for 21/- per a quintal. The next ship arrived from St. Johns a month later, and received only 17/- per a quintal. Probably the cost of catching and carrying the fish was the same in both cases, but the difference in profit amounted to £433. The time lag could be much less than this, for at the same port in 1786:

1. B.T. 6/79 Genoa Consul - Board of Trade 2nd April 1787.
the 'Hunter' outward from Labrador received 20/-d a quintal, whereas the 'Olive Branch' arriving only a few hours later received but 17/4d.¹

Genoa took only small amounts of English fish and it may be that this exaggerates the price difference, but even in the large markets of Spain and Portugal prices varied every fortnight.² Not surprisingly merchants often preferred a small, but quick cargo, to a larger catch which made them wait until the chance of early markets were lost.

For this reason the gradual emergence of an 'autumn' fishery carried on as the sedentary population of Newfoundland increased, was not viewed with great enthusiasm by the merchants. This 'winter' fish could always be left over until next year but its price would never be as good as that for newly cured fish.

There were however additional reasons for getting to the market as quickly as possible. The sooner the fish was landed and sold, the sooner the ship arrived back in England to refit for the next fishing season. This was especially important for ships 'going down the straights' to Italy for if they did not return to England by March or April they might be too late to sail to Newfoundland in June, and July and hence miss the chance of a good market. Even more important, the quicker one disposed of one's fish, the quicker were remittances by Bill of Exchange, returned to England; 'If the catch is early and the weather good, the merchant would get to market early' and so 'our remittances arrive soon to enable individuals to perform their payments.' If the season were late the Adventurer trades beyond his capital and as in every trade falls a victim to the inconvenience of his situation.³

¹. IBID April 1789.
². B.T. 6/89 Charles Hake - Board of Trade 8 Feb. 1786.
Many were the 'new adventurers' who through inexperience or greed 'fell victims' to the lack of liquidity created by these conditions.

The merchant hence, might wait for two years to get his money back and at any time things might go wrong. His ship might be wrecked on the way to Newfoundland, bait might be scarce, the cod might not arrive off his harbour until late in the year, or (dread thought) scarcely come in there at all. Even if the catch were good, bad weather might spoil the cure. If he arrived late at the market it would probably be glutted; possibly the fruit harvest in Spain might be poor and hence return cargoes scarce.

The merchants lived from season to season in a state of incessant panic, so their well known air of pessimism was surely not surprising. Newfoundland cod might be a commodity 'without which Spain and Italy can hardly live', but competition was fierce and if English traders were sluggish the French or New England fishermen would surely supplant them.

Of course the merchants gradually learnt how to lessen their risks. 'Unrelenting toil and vigilance' were required and West Country Captains and ships earned a hard reputation. 'All of them old West of England captains were hard cases' said Captain Barnes of those sailing in mid-nineteenth century; 'Everyone thought that the China Tea Clippers and Newfoundland Fish boxes were the hardest driven ships afloat because they had to run for market.' Every commentator from Whitborne in 1818 to Collector Routh in 1793, stressed the need for merchants to employ

1. Sir William Vaughan; Cited in Innis, Cod Fisheries p 69.
skippers and agents who knew the business well and could drive both men
and bargains hard. For this reason traders relied heavily on bonds of
kinship; for in this way application to the fishery was ensured. Marriage
usually resulted in employment for many of the wife’s relations. Andrew
Pinson of Dartmouth employed a brother-in-law to command one ship, whilst
a son-in-law acted as his resident agent at Lance au loup in Labrador. 1
Over the years, the leading families in each port became completely
interlocked: Holdsworth, Newman, Hunt and Roope 2 dominated Dartmouth,
whilst at Topsham Hodder married Pounce and Stafford wed Peardon, Withiel,
Follett and Pennall 3 and in Poole Phippard, Cleeves and Nickleson, 4
Tito and Durell, 5 and Lester, Vallance, Garland and Spurrier 6 formed
alliances.

The greatest guarantee of diligence could be provided if a trader
possessed numerous brothers, uncles or sons, (especially sons), for then
a man could remain in England, certain that the business at Newfoundland
was in good hands. In the 1670’s and 80’s no less than four Haymans,
six Peardons commanded Topsham ships; the Cuttform of Plymouth numbered
two fishing ship captains, one ‘Sack’ ship captain, and a ‘bye boat
keeper’, whilst the Bickfords of South Devon provided Bye Boat keepers,
resident ‘planters’ and ships captains all at the same time. These

1. George Cartwright, Labrador Journal Vol. III p 284
2. Devon Wills No. 4326. (1777) Devon County Records Office.
3. Devon and Cornwall Notes and Queries Vol XVIII p 3 1934.
4. Will of Thomas Nickleson (1735) in Poole Public Library.
5. Typed, untitled Mss concerning Geneology in Poole public Library.
7. Culled from the Annual Reports of Convoy commanders at Newfoundland
1675-84 in various volumes of C.O.I.
seventeenth century examples could be paralleled in the eighteenth where in the 1770's the Gibbs family of Teignmouth consisted of five brothers, two commanding 'bank' ships at Trépassey, two more working as resident factors at Leghorn and Genoa, whilst the fifth was a 'mariner' of Nova Scotia. In the same era the Newman's of Dartmouth comprised four merchants who trading separately or in partnership with others, comprised one of the largest 'blocs' in the trade.

Bonds of kinship were reinforced by those of religion. Stukely after riding through Dartmouth noted that 'it as most of the towns of Devonshire are, is full of dissenters', and anyone riding into parts of Dorset could have made the same remark. At Poole Benjamin Lester, one of the great merchants of his day was said to be a Quaker, and certainly the Vallis family, to whom he was related were. So too, the Penney's and two prominent Poole 'planters' in Newfoundland, the Taverners of Bay de Verde, and George Skoffington of Bonavista. Many others were of the Unitarian church.

Where it was impossible to employ relatives, the most experienced merchants made their agents into partners. Thus Mr. Gridley went to the Magdalen Islands as 'agent and partner' for Read of Bristol, and Henry Stone was Benjamin Lester's partner and agent at Trinity Harbour.

2. T. Stukely, A Tour through Great Britain London 1724.
3. William Miles, Political Register Bristol 1779 p 17.
4. Will of Samuel Vallis (undated) Poole Public Library.
7. C.O. 194/17 f 16 Petition of Wm. Read - Bd. of Trade 1771.
The fishery in Wartime.

From the time of its beginning (the fishery) was carried on through almost constant international war, whilst until the Eighteenth century even 'peacetime' was marred by Saltee Rovers or European pirates. Under these conditions the Western Adventurers were well able to carry on a fishery, but this did not make them view war with equanimity for to the normal uncertainties of trade, were added those of closed markets, enemy privateers and the press gangs.

War was most dreaded when Spain was an enemy, for that state and her dependencies in Italy provided by far the largest and best market for dry cod, and its closure meant heavy loss to the fishery. Fortunate indeed that from 1660 onwards Portugal became England's ever loyal ally. Exports to the latter always rose dramatically when Spanish markets were closed and from there fish was smuggled inland through Braga to Spain, or reshipped in neutral bottoms to Naples or Leghorn 'even to our enemies.'

After 1732 Civita Vecchia (in the Papal States) and Gibraltar fulfilled a similar function and fish was also re-exported (again in neutral ships) from England itself. However these expedients were time consuming and expensive. The Portuguese markets was invariably glutted and prices fell at a time when costs were vastly inflated by wartime conditions. Fish re-exported from England cost the merchant dearly in freight charges whilst the neutral carriers obtained most of the profit.

1. P.W. Mathews: Poole and Newfoundland 1936. Mss in Poole Public Library D 7
2. B/T 9/82 Hake - Board of Trade 5 February 1786.
Dislocated markets were only one of the problems however; convoys were necessary for protection against privateers, but the assembly and control of sailing ships - at the mercy of wind and tide - was extremely difficult. If the fishing ships were to arrive at Newfoundland in time for the 'season', they must leave England by the end of March at the latest, whilst the 'sack' ships had to leave by the end of June. Two assembly points were necessary, - at Spithead for the 'Southern Channel' trade, and at Bristol for the 'Northern Channel' shipping. The main convoy first assembled in the Downs to pick up the London and South Coast vessels, and then slowly worked down the channel, collecting the Dorset trade off Portland and the South Devon contingent in Torbay or Plymouth, if finally rendezvousing with the 'Northern Channel' trade off Ireland.

Contrary winds, Admiralty inefficiency and the tardiness of individual merchant ships often made havoc of well planned arrangements. In 1695 for example convoys were promised for the 10th of March and the 10th of June, but the fishing fleet did not sail until the end of April, and the sack ships did not move until the 12th of July, after which, delayed in the channel by contrary winds, they were unable to leave Plymouth until the 12th of September (by which time they would normally have sailed from Newfoundland for Europe). This fiasco was concluded when the Naval escorts failed to reach Newfoundland at all. Storms blew HMS 'Dreadnought' into Ireland, whilst the 'Oxford' ended up in Cadiz.

The Convoy problem was not solved until the Napoleonic wars, and hence until then, merchants of London and the West bombarded the Admiralty, the Board of Trade, and several times Parliament itself, with exasperated

   Evidence of Sir John Elwill to the House of Commons 29 Jan. 1897.
complaints of ruined fishing seasons caused by late convoys.

To take a petition of 1758 as an example, the merchants claimed that bad convoy arrangements had caused heavy losses to privateers, insurance premiums had rocketed, and ships had been detained in harbours at heavy cost to the owners. By the time they arrived at Newfoundland, the fishing season was almost over. The admiralty however, placed much of the blame upon the merchants who, they said, were unwilling to sail in convoy for fear of losing the best fishing rooms, or the chance to arrive first at market. The merchants were in a dilemma. If a ship waited for the convoy its voyage might be completely ruined, but if it sailed alone, then the risk of capture was fairly high (not to mention the wrath of the Admiralty). It is not surprising however that many traders preferred the risk of capture to the certainty of loss inherent in delayed convoys. Special ships (running galleys'), heavily armed and manned were fitted out to venture through the Mediterranean to Italy, whilst other owners took out Letters of Marque, not to attack enemy shipping, but merely because such ships could sail without convoy. Often impatient at the delay, a small and badly armed craft would deliberately 'lose' the convoy, risking capture to get on with the fishing or arrive first at the markets. Thomas Newnan summed up the attitude of all merchants in 1710. 'Unless they forthwith proceed they are in no manner of hopes to get a farthing; and if further delayed they must lose their outsets.

1. C.O.194/13.16 Petition of Sidford merchants 20 Dec., 1758.
and pay wages into the bargain. 1

If the traders accepted convoy protection on their return from Newfoundland, further problems arose. At Lisbon (the main market in wartime) the arrival of large numbers of ships brought the price of fish down sharply, and the necessity for all ships to wait until the last one had unloaded and re-loaded with foreign produce meant that sack ships might not return to England until June or July of the following year - too late to sail again with the next convoy to Newfoundland.

It may be doubted whether closed markets and late convoys together, caused as much trouble as did the press gangs.

Successive governments made it 'an invariable policy to provide for the annual return of seamen and fishermen, and on no occasion to consider Newfoundland as a colony, nor to admit its being cultivated', 2 almost solely to ensure that thousands of men were available in England 'for manning our fleets on sudden and dangerous occasions'. 3 The merchants, aware of the propaganda value which accrued from this almost universally shared belief, assiduously cultivated the idea of Newfoundland as a 'nursery of seamen', whenever they had occasion to raise complaints about the trade. This being so, they could not object openly if in wartime, the press gangs swept off large numbers of men in the coastal towns of Devon and Dorset, but nevertheless press gangs

2. W.A. Miles, Political Register p 17.
3. B.N.A. DUL Use 33030. Palliser, Proposals for encouraging the fishery to Labrador and for improving that at Newfoundland 1766.
created havoc in the fishery. In many cases men would be in
engaged, advances of money paid to their dependents and the
ship ready to sail when the Navy appeared and pressed many of
the crew away. The merchant lost not only the advance of wages,
but more important had to find another crew at a time when 'as
scone as one man was impressed the rest have notice and so they
fly and disperse themselves into the countrie.' In the
Seventeenth century a merchant might gather one crew, lose it
to the press, gather another, and lose that one as well, and
there were at least a few cases where ships in foreign ports
had most of their men pressed into some warship, leaving the
master and mate to work the ship home with whatever foreign
labour they could obtain. One ship arrived home from the
Mediterranean, dropped anchor in the Thames, and lost her crew
before they could set foot ashore.

The Board of Trade was not unsympathetic, and many times
prevailed on the Admiralty to allow Newfoundland ships to sail
'despite embargo', or to grant protections to the crew of
individual ships, but this did little to ease the shortage of
seamen, for most men were pressed on land, either just before
the Newfoundland fleet was due to sail, or immediately upon its
return in the Autumn.

The Newfoundland fishery may or may not have provided a

1. Devon and Cornwall Notes and Queries Vol XIV pt IV (1936)
   May r of Dartmouth - Privy Council 1 Sept., 1623.
2. Cal State Papers Dom. 1655-6. p 229
large number of trained men for the navy, but the idea that it
should, often caused great shortages of labour. Those men who were
not themselves pressed away, promptly fled inland to hide, or
stayed in Newfoundland at the end of the season. In all cases
the merchant was thus unable to find labour enough for his
needs, especially in the Seventeenth century when a large
fishing ship might require a crew of one hundred men.

Whilst any shortage of men was unfortunate, the loss of
skilled men who lived in precisely those coastal areas most open
to the Press Gangs caused the greatest problem. Before a 'green
man' became a skilled 'midshipman' or boat's master, a
'splitter' or 'saltier', years of experience might be needed.
Speed and dexterity in catching fish was not acquired overnight
and the greatest care was needed in curing the fish, and giving
that 'hard white' quality which enabled it to remain edible for
two years. In the Eighteenth century the problem caused by a
loss of skilled men, (however few) grew worse. By this time
the South Devon trade relied heavily upon 'bank ships' with
crews of less than a dozen men. Green men spent a year or two
ashore at Newfoundland before they actually went out to the banks
for there was little room for inexperienced with a crew of this
size. If one hundred men were pressed at Leighmouth, the bank
fishery was immediately in grave difficulty.

Not surprisingly both merchants and seamen did everything
possible, legal or otherwise, to evade the press gangs. A
principal function of actual or prospective members of Parliament
was to procure 'protections' for their constituents. Thus Sir
John Colleton boosted his chances at Dartmouth by declaring that he had obtained more protections from the Duke of York than any man alive. If all else failed an offer to pay 'charges and gratulation' to admiralty officials might succeed, though few would go as far as Ambrose Mudd of Dartmouth; 'If you are a friend to Newland fish I will send you the best I have.'

Immediately they heard of an impending press, the merchants speeded up their departures, hoping to be away before the navy appeared, and if this proved impossible, men banded together as at Bideford in 1653, when they armed themselves and warned the officer to take them at his peril. The local magistrates - all in the Newfoundland trade - connived openly at this and did all they could to obstruct the press gangs.

The Mayor of Dartmouth supplied some men for the navy in 1673, but the warship which received them found they were old and useless. At Cardiff in 1759 the crew of the 'Eagle Valley' of Bristol overpowered another press gang, and the mariners of Poole gained a reputation for especial roughness.

'If Poole were a fish Poole and the men of Poole fish there'd be a pack for the Devil and fish for his dish'.

Armed with guns, they hid in the quarries of Purbeck, or onboard

5. A. Powell, Bristol Privates and Ships of war 1632-1700.
ships in outlying coves until the press gang departed. If they
left and little more. Possibly, but in this speculative
trade the support of local juries was assured
and a naval captain who killed a fisherman during a scuffle was
found guilty of murder. 1

To the government, if not the merchants, the worst evasion
was that practiced by men who remained in Newfoundland instead
of returning home. Once there, many never returned at all so
that 'Newfoundland instead of being a Nursery for (was) the true
cause of the often experienced scarcity of Seamen for manning
our fleet'. 2 Once in Newfoundland the men were lost 'as
effectually so as if they were taken and convey'd to a French
prison before a Declaration of War'. 3

Thus did the Western Adventurers have problems in both
peace and war. A discontented and pessimistic body of men they
may have been, ruthless and hard upon employees and rivals alike.

Historians have drawn their own conclusions from this
unsympathetic picture, blaming the Western Adventurers for
retarding agricultural development in Newfoundland, selfishly
opposing the American trade in foodstuffs, for resisting the
establishment of a regular system of law and government,
exploiting the 'planters' and for causing the downfall of the
early 'proprietary' colonies in Newfoundland. Professor Graham
wrote of Newfoundland being to the Western Adventurers 'a mine of

2. P 0 30/8.98. Palliser, Proposals for encouraging the
Fishery etc. 1766.
3. Ibid. Palliser, Remarks on the State of the Newfoundland
Fisheries. 1765.
Possibly, but in this speculative trade the 'gold' was not easily mined, and dependent upon it were not a handful of selfish merchants but thousands of the inhabitants of the West of England. More than this, the fortune of everyone concerned in the fishery, whether they lived in Newfoundland or England, depended upon the skill and acumen of these 'Western Adventurers'. Until the Nineteenth century, if they fell, then everyone else must fall too. For more than three hundred years the migratory merchants dominated the history of Newfoundland. The remaining chapters of this thesis are devoted to tracing their history.

CHAPTER TWO

Even if this quest took them first to Iceland, it may have had some connection with the discovery of Newfoundland. By the 1490's expansion of Hanseatic interests to Iceland were causing great difficulties to the English traders and fishermen who ventured thither, and it is said that on their return from Newfoundland to Bristol one of Cabot's English companions stated that 'they could bring there so many fish that they would have no further need of Iceland.'

Within a very short time increasing numbers of European fishing ships were sailing annually to take the apparently limitless number of cod which migrated to Newfoundland during the summer, but despite the probability that Englishmen had ventured there first, they were not the leaders in developing this fishery. By 1550 whilst France, Portugal and latterly Spain had created very large fleets, that which sailed from England was lamentably small. For a few years some cargoes of cloth were despatched from Bristol but by 1506, the sole returns apparently consisting of the odd popinjay, wildcat and Hawk, English interest seems to have died away.

2. E. McCaus-Wilson, Medieval Merchant Venturers Methuen 1967 p.142
Indeed the first result of England's discovery of Newfoundland may have been to destroy a previously flourishing export of Herring and stockfish to Spain, Portugal and France, as those nations became self sufficient through their development of the Newfoundland fishery.

Elsewhere in England, the interest aroused by Cabot's voyages soon died away. apparently a consortium of English and Portuguese merchants were granted a monopoly of trade to Newfoundland in 1501 but made little if any use of it, and when Henry VIII tried to interest the Drapers' Company in a venture to Newfoundland in 1521, he was politely rebuffed. It is not difficult to see why interest was so hard to arouse. Newfoundland provided no market for English cloth, and although there was plenty of fish to be taken, there could have been little demand for it in England. The Inshore and above all the Icelandic fishery provided almost all the fish that England needed, and since Spain and Portugal possessed their own fisheries at Newfoundland, there was no chance to develop an export trade.

In the West of England however, men who lacked the wealth

1. Ibid pp 38, 51 and 60.
and vested interests of London may have thought they had little
to lose by fishing at Newfoundland, for they might hope to
supply at least the limited demand for cod in the West Country
to itself. Documentary evidence concerning the early English
fishery is scarce, but it is just possible that the Bristol
merchants were regularly engaged at Newfoundland after 1500;
certainly in 1527 one of their merchants was talking of
Newfoundland with an easy familiarity.¹

By 1522 there were probably several English ships at
Newfoundland for the King was asked to provide a convoy to
protect them against the French.² A truly historic document
this - first in a long line of similar requests submitted by
the Western Adventurers. By 1527 Poole must have been sending
out ships on a fairly regular basis for a 'voyage book' of
1528 repeats a tax rate of 1527 for 'ryshe of Newfoundlande
drye'.³ Plymouth was sending ships by 1543, for in that year
the watchmen at Rame Head were paid four pence for giving news
of the returning fleet and eight pence for coming to town 'the
night the Newfoundland men came in'.⁴ Families anxiously
awaiting the return of their menfolk; already the fishery
must be 'a source of vast concernment for the West'.

² Judah op cit p 14.
³ P.W. Mathews, Poole and Newfoundland p 13.
⁴ J.H. Liockerlegge, Plymouth Muniments and Newfoundland Trans
Plymouth Institute 1937 p 3.
By 1550 the area from which the fishery was carried on must have embraced the entire coast from Southampton to Plymouth and with the exception of the Channel Islands, most of the towns which were later to dominate the Newfoundland fishery had probably sent at least one or two ships. The area of the Western fishery 'all along the coasts of Devonshire (sic) from Southampton to the Land's End and to the Severn Sea' was already defined. Entering a fishery in which no one else was interested the Western Adventurers were thus creating the conditions which later enabled them to dominate the English fishery and beat off competition from London and elsewhere.

One other group of men took a more curious interest in the 'Newe Founde Lande' which so many were visiting but so few could describe, but their venture can only be considered as a foolhardy 'lark'. In 1536 John Hore of London sailed with thirty 'gentlemen' and many lesser folk to settle in Newfoundland. They do not seem to have taken any supplies and after enduring a diet of roots and bark (not to mention hints of cannibalism), were lucky to capture a French fishing ship at the end of the year, returning chastened to England. Not a completely wasted voyage however, for many years later this 'settlement' was used to buttress England's claim of full sovereignty over Newfoundland.

1. Southampton Records Society, Book of Remembrance 1514-1602 p23
2. C.O. 194/16 f 76 Petition of Western Adventurers 1765.
3. Sir P Thompson F.R.S., Additions to Considerations on the
4. State of the British Fisheries in America London 1744
By mid-century the English possessed their fishery at Newfoundland, but it seemed insignificant when contrasted to those of France, Spain and Portugal. Unless they had long
known of the fishery the Portuguese organised a fleet with
astonishing speed. CorteReal did not visit Newfoundland until
1501 but in the same year fishing companies were formed at
Viana, Terceira and Aveiro, and five years later the Church gave
its own recognition and blessing by demanding (and receiving)
tithes from the proceeds. The French were no less eager, for
although the first voyage was not made until 1504, annual
voyages from Brittany and Normandy had been organised by 1509
and in 1517 they were said to possess one hundred ships. Whether
because they were fully engaged in South America, or
possessed a large fishery off Ireland, the Spanish do not seem
to have entered the fishery until about 1540. Nevertheless
their expansion was also rapid and by 1553 the Spanish fleet
may have consisted of two hundred ships manned by six thousand
men.

The disparity between England and her competitors calls for
some comment. France, Spain and Portugal were at this
time period, probably wealthier than England, but even so there were:

Englishmen, rich enough to build up a large fishery, had they so desired. These individuals were mainly to be found in London, however, and their main trade, the export of wool to the Spanish Netherlands. England was in alliance with Spain and until the 1540's the woollen trade prospered well, hence there was little or no incentive to risk money on new and not particularly profitable ventures in a fishery.

The West of England on the other hand, seems to have been badly depressed. Dartmouth's ancient glory, as centre of the wine trade and port from which Richard the Lion Heart had gone crusading, had vanished as a result of the Hundred Years War. Lyme Regis had 'emerged from the obscurity of the medieval period with its harbour silting up',¹ it has been claimed that the development of Poole, and the salvation of Weymouth and Southampton was due entirely to the Newfoundland fishery². Under these conditions expansion to the fishery must have depended upon a painfully slow accumulation of profits.

On the other hand, if there had been a great demand for Newfoundland fish, who can doubt that by hook or crook the fishery could have expanded to meet it? England was no less a fish eating country than were her rivals, but the huge Iceland fishery (anything up to three hundred ships a year) supplied all she could consume. Dried cod never 'had the preference' in England.

2. Copy at Devon County Records Office.

Victoria County History of Dorset Vol II p 234
and even in the eighteenth century only small "parcels" of "green" (i.e., heavy salt and undried) fish were shipped to England, for internal consumption. Almost invariably this was eaten locally in the West Country by men like the retired nineteenth century mariner who had become so attached to it that his wife had to cook Newfoundland cod three times every day.

Not only did England possess no foreign market for her cod; even the ocean going marine which later consumed a modicum, was not yet in existence. On the other hand, the West of England was remote from the centres of the Iceland fishery, concentrated as they were along the East Coast; and even Bristol in those days must have been very remote from Plymouth. It is therefore almost certain, that the first English fishery was developed only to supply the limited markets which did exist in the West Country itself. It may be doubted whether those first adventurers ever envisaged the astonishing expansion of later years.

Professor Innis thought that the English were also handicapped by a lack of indigenous solar salt, which forced them to concentrate upon the 'dry' inshore fishery in preference to the 'green' bank fishery which required a much 'heavier' salting.

This may not have been quite true of the early fishery. England did in fact produce a certain amount of salt at places like Lymington, and English 'White' salt was certainly used

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2. Innis The Cod Fisheries p 36
3. R Warner Companion in a tour round Lymington p 9 (1927)
at Newfoundland later on. To supplement this, salt could easily be obtained from her traditional sources in Spain, Portugal and France — all widely resorted to in the Fifteenth Century. Given the small size of the English fishery at this time, shortage of salt is unlikely to have been a problem.

It is certainly true however that English fishermen chose the 'dry' methods right from the beginning, for the Poole quayage rate of 1528 referred to 'Fysage of Newfoundland drye'. This method, requiring all the paraphernalia of stages and flake and demanding a high degree of attention and skill during the curing process, was much more complicated than the 'green' or 'heavy' curing method and it is not clear where the English had learnt how to do this. True in the Fifteenth century, writers referred to 'grene' and 'dry' fish and the English at Ireland or Iceland were pre-eminently fishers of salt fish, but in this instance the 'green' fish was that which was consumed uncurd. There is certainly no evidence to suggest that the fishermen ever erected flake and stages in Iceland or Ireland, and this 'dry' fishery was never later followed by those who continued to sail to these areas.

1. See E190/904, 904, E190/906/13, and E190/920/5 Poole.
2. E.M. Carus Wilson, Medieval Merchant Venturers pp 51 & 60.
3. See above page 36.
The only theory which has arisen so far suggests that Devonshire fishermen had been used to dry curing their local catches of cod and hake.\(^1\)

Whatever the reason however, the fact that England concentrated upon the dry fishery had a tremendous impact upon the future rise of her trade, for except for the Basques, her European competitors relied mainly upon the 'green' fishery. Sun-dried cod was much better preserved and kept for more than twice as long as did its 'green' counterpart. When export markets were opened, English fish was always 'given the preference' in European markets. It was admirably suited both for feeding the population during winter and for ships going 'south of the Line'. 'The expansion of Portuguese and Spanish Empires in America entailed an expansion of demand for dry cod'.\(^2\) Furthermore since the English needed to build stages and flake on land, they were much more interested in Newfoundland itself, rather than just the fishing tanks which lay around her.

In 1550 however all this lay in the future. 'Far from sending fish at road, the English fishery could hardly meet the demands of its own market and regular imports of French fish had to make good the deficiency.'\(^3\)

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The English government, already realizing the value of Newfoundland, made encouraging gestures. A statute of Henry VIIIth (mainly concerned with preventing Flemish traders from encroaching on the Iceland fishery), contained a mention of Newfoundland and during the short reign of Edward VI two measures were passed, one of which was concerned specifically with Newfoundland. No officials were to lay any charges whatsoever upon Newfoundland fish or fishing ships. The other measure which enforced the keeping of Lent might have aided Newfoundland had it ever been effective. It is doubtful if these measures did much to help the fishery. The Law concerning Lent had to be re-enacted under Elizabeth, and the former, whilst freeing the fishery from extortionate officials did nothing to expand the demand for fish, upon which the future so depended.

One historian saw in the mid-sixteenth century, the beginnings of English expansion, attributing this to the fierce privateering war between Spain and France. Certainly the fisheries of both nations suffered badly, but England (allied to Spain) probably suffered as well. John Link of London lost many Newfoundland ships (during the 1550's) and

1. Stat 33 Hen VIII c XI
2. Stat 2/3 Edw VI op 19
3. Stat 2/3 Edw VI c 6
4. Stat 5 Eliz c 18
5. J. Holland Rose, A.P. Newton, and E.A. Benians. Cambridge
6. History of the British Empire, 1 Edn. (Cambridge 1940)
the Bristol merchants are said to have organised a 'fresh' venture in 1560, 'despite past disappointments'. There is no evidence that the mid-century wars permanently affected either France or Spain for in 1578, when the English fleet had increased from thirty to fifty in four years, the French and Spanish still possessed one hundred and seventy five, and one hundred ships respectively.

The West Country (must-have) shared in that general commercial and military decline which characterised mid-century England, whilst the peace of Chateau-Cambrena (1559) leading, as Innis pointed out, to an expansion of Franco-Spanish trade and the growth of the biscayan 'dry' fishery to meet Spanish demands further lessened the chance that English merchants could expand by finding a market abroad.

The Fishery Under Elizabeth.

When Elizabeth became queen the English fishery was insignificant and likely to remain so; when she died in 1603, England had become the most powerful nation at Newfoundland. Innis thought that this was due to the collapse of Spain and Portugal which created the vital oversea markets for English cod, but matters were more complicated than this. The rise of England was due to a complex situation in which a very small fishery was faced at various times with an expanded demand due

2. Innis p 45.
3. Innis, The Cod fisheries p 45
4. Ibid., p 30.
to the expansion of English maritime commerce (for which dried fish provided ideal provision), the need of English armies in Holland and Ireland, and the fluctuating performance of French fishermen who, affected by religious conflict at home, were often unable to supply the needs of their compatriots.

English fish was first exported not to Spain, but to France.

The era began quietly enough. Spurred by a report that in 1559 the French had 'stayed' the Newfoundland fleet to transport troops to Scotland, the English government took steps to increase the value of Newfoundland as a 'nursery of seamen'. The Statute to enforce Lent was re-enacted, whilst another measure (of far reaching consequence) exempted Newfoundland fish of British 'make' and freight, from any customs dues. Gaining confidence from these obvious marks of favour the Western Adventurers revived their trades and by 1570 the records show that Exeter, Lyme and Dartmouth were all sending ships to Newfoundland. The beginnings of English trade to Africa and the West Indies created a new demand for cod which expanded more and more as English commercial (and later) privateering activity increased. The cumulative effects of this demand seem to have resulted

2. Stat 5 Eliz o 1662-3
3. J. Harte, Some evidence of trade between Exeter and Nfld. Trans-Devon Aassn. Vol. 64 1932
4. C. Wackett Lyme Leaflets 1964 p 11
5. P. Russell Dartmouth p 61
in a rapid expansion of the fishery between 1574 and 1578. In the latter year Parkhurst reported that the fishery had increased from thirty to fifty ships 'chiefly by the Western Adventurers, who imagine everyone to be better off than they.' The long slumbering fishery suddenly burst into life and in the West Country Ports men rushed into the fishery. Christopher Farwill, senior bailiff of Poole in 1577 was fined the enormous sum of thirty pounds 'for his contempt in absenting himself from the chief office of the senior bailiwick in going a long voyage towards the Newfoundlands without the consent of the mayor, justices, brethren and rest of the burgesses.' By 1578 most of the West Country ports must have been sending out regular expeditions but if the total fleet numbered only fifty, the contribution of each port must have been small. At least the voyages were now continuous however; the merchants and fishermen were beginning to gain from that experience which comes from constant and hereditary application to one trade.

During the 1570's the English fishermen at last began to find the vital foreign markets, for as France became engrossed in internal turmoil, England's traditional hatred died away and her merchants began to expand their trade with French counterparts. Long before religious war broke out,

1. Labrador Boundary Documents Vol V No.3.
France laboured under an aimless government which, preoccupied with religious problems, was unable to devote much attention to commercial matters, and her fisheries suffered accordingly. Increasingly large numbers of Huguenot mariners began to serve in foreign fleets, and the fishery was unable to meet the demand of French consumers.

From this situation, England gained much. What might have been a crippling handicap to expansion (her lack of salt) was now purchased from the French whilst English fish at last gained entry into France. In 1580 fish was re-exported from England to two French ports which were themselves heavily engaged in the fishery – Bordeaux and Rochelle.

Gradually the religious turmoil in Europe spread to Newfoundland. The Portuguese continued to send ships, but increasingly fell under the domination of more belligerent neighbours. Parkhurst claimed that they were 'protected' by the English in return for 'gifts' of salt, and when after 1580 Portugal was united with Spain, her fishing fleet was at the mercy of the English.

The French fishermen, weakened by the decay of France, and involved in numerous 'unofficial' conflicts with English mariners in Newfoundland, were gradually forced away from the

1. An Exmouth ship went to Rochelle for salt before proceeding to Newfoundland in 1571.
In 1527 John Rut had noticed many of them at St. Johns, but by 1583 when Gilbert was there, they were gone dispersed to the South and North, and beyond into the St. Lawrence gulf. The Basque dry fishery increasingly concentrated on waters off the mainland whilst the 'green' fishermen from the channel ports found new areas at Gaspee. Thus in the area between Bonavista and Ferryland England faced only the already enfeebled Portuguese, and the Spaniards.

In 1583 when Gilbert claimed Newfoundland for England, he found Spanish, Portuguese and English boats fishing peaceably together at St. Johns, their disputes solved by the rotation of the 'admiral's' authority between each nation on a weekly basis. But apparent harmony may have masked increasing bitterness between Catholic Iberia and Protestant England. Indiscriminate piracy was practised by all nations. In 1582 a French ship forced into Poole by a storm, was openly plundered and the Privy Council could do nothing about it.

Other French ships were attacked in 1585 and 1587, but the Iberian nations suffered most. In 1581 the merchants of Viana asked in vain for the restoration of ships taken by

3. Innès p 46.
4. Mathews, Poole and Newfoundland p 35.
English fishermen, and in the following year two Southampton ships plundered more than twenty Spanish vessels. To the Privy Council, straining every nerve to remain on good terms with Europe, these incidents were dangerous but they had great difficulty in commanding the obedience of local officers in the West Country, who were deeply implicated in these piratical activities.

As war with Spain became more likely English leaders began to consider the possibility of an attack on her fishing fleet. Gilbert's proposal (1578) to attack the ships of both France and Spain and thus 'ruin their sea force for they depend upon the fisheries for their navies', was rejected as premature, and a few years later it had become apparent that an attack upon France was neither necessary nor expedient, but in 1585 Sir Bernard Drake (and Raleigh) inflicted heavy losses in a surprise attack which crippled the Iberian fishing fleet. This dangerous (and unjustified) raid could only be justified by a successful conclusion for it begged for retaliation, but here the English were fortunate. Alarmed by these losses the Spanish merchants refused to send any ships in 1586, whilst preparations for the Armada probably absorbed most of the seafaring population until 1588.

2. Innis, Cod Fisheries p 21.
3. See the case of a Bayonne ship taken into Bristol in 1591.
4. Powell, Bristol Privateers p 79.
Since Newfoundland was always praised as a 'nursery of seamen', it is interesting to speculate upon how far Drake's success affected Spanish seapower. Although Philip undoubtedly had to 'scrape the barrel' for mariners he still managed to equip an imposing fleet in 1588, and indeed again in 1591, despite the losses incurred in his first expedition. It would seem therefore, that Drake's raid was important not in its effect upon Spanish seapower, but upon the Spanish fishery in Newfoundland. Not until the Seventeenth century did the latter recover to even a shadow of its former self, and in the interval, Spanish demands for cod aided in the firm and expanding establishment of the English fishery. In 1593 one writer claimed that only eight Spanish ships were at Newfoundland, and the Portuguese fleet suffered in proportion.

Nevertheless, the English fishery was also considerably disrupted in the opening stages of the war. In 1588 the government was forced to maintain a strong fleet in home waters and the Western Adventurers gained their first experience of the mixed blessings which accrued to those engaged in so valuable a 'nursery of seamen'. One hundred and ten men were pressed at Southampton, and the other ports lost as many if not more. The French market which had been expanding during the 1580's was partially shut in 1590 when Elizabeth forbade export to those regions held by the 'Leaguers'.

On the other hand demand by English armies and the labouring poor continued to hold firm. The fish could be sold if only ships and men could be found to take it, but this was not easy.

In 1589 the Mayor of Plymouth informed Burleigh that not more than 100,000 fish were available for the army, and in 1591 Raleigh found difficulty in obtaining supplies for the Cadiz expedition. In 1594 the need to provision a fleet in case of Spanish invasion led to another embargo on the export of cod, and the merchants whose hopes had been raised by the removal of the embargo on exports to France were once again disappointed. Four years later the Mayor of Southampton asked that exports be banned once more, because 'being of no great price' it was consumed by the poor.

The Western Adventurers bitterly resented any attempts to wither by government or private individuals to place restrictions upon exports, for demand in Spain and France continued to rise and prices reached record levels. On the one hand, the government urged them to expand the fishery, but on the other they were taking away the mariners who alone could make this possible. Moreover the taking of fish at Newfoundland became a hazardous business as the waters turned red.

5. IBID p 42.
ships to meet the Armanda, the terror of Spain, turned them into an international battle ground. The Spanish were not to be feared, providing prizes rather than hazard, but the French ships, especially those of Catholic ports fought bloody battles and continued skirmishes with their English rivals. English raiders returning from the Caribbean stopped at Newfoundland to obtain fish or overhaul their prizes and often came into conflict with French vessels; not always to emerge triumphant.

The ports of Dorset and Hampshire, at this time dependent upon a more general Spanish trade, may have suffered more than their neighbours in Devonshire. Dorset possessed far less maritime strength than the latter for a 1588 census gave her only 639 mariners as against a massive 2176 for Devonshire (which indeed had more than any other region in England, not excluding London). As late as 1588 the towns of Poole, Bristol and Weymouth were still described as 'decayed'.

Obviously at this stage the only county which was deeply engaged in, and prospering from, the Newfoundland trade was Devon, and most of her activity was probably carried on from Plymouth, with Exeter and Dartmouth well behind, and North Devon hardly significant. Not surprisingly the weaker ports in Hampshire and Dorset were hard pressed, and this was reflected in their attitude towards the government. When ordered to provide...

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2. As a London privateer found to its cost in 1590. IBLID p 89.
shipped to meet the Armada, the Mayor of Poole claimed that his town possessed only one ship of sixty tons, and she about to sail to Newfoundland. 1 1588 was a crisis year and the 'Primrose' was stayed to defend old England, but as the war continued and the immediate threat diminished the merchants chafed at any burden upon their already decayed trade.

When Poole ships were taken up to help Henry IV against Spain in 1595 the owners unrigged them, and defiantly proclaimed their intention of going to Newfoundland; 'they that unrigged the ships could rig them again'. 2 The Mayor, acting with unusual courage and fidelity, had these merchants imprisoned, but their attitude, typical of what might seem to be the insolence and lack of patriotism of the Western Adventurers, was surely understandable. A fort depended upon trade which once lost was not easily regained. If the requirements of defence killed the Newfoundland fishery, whole towns would decay.

Nevertheless, although individual towns might have been in difficulty, the English fishery in general was soon in a flourishing condition as it expanded to meet the increasing demand for fish. In 1593 it has been said that of all maritime trade only the Newfoundlandmen made a profit, 3 and in 1594 the English fleet may have numbered one hundred sail. 4 So many

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2. Mathews, Poole and Newfoundland p 18.
men were going from Plymouth that by 1599 the Mayor was
pleading for a garrison to protect the town during summer.1

As the war progressed and Spain began to feel the need
for fish, this demand was increasingly met by English traders.
The French Hiscayané towns, ruined during the civil wars could
not recover sufficiently to engross the entire Spanish market;
and indeed became a channel through which English fish was sent
in Spain.2 France herself not only maintained, but increased
her imports of British fish, and Dutch vessels carried English
cod to Spain even whilst fighting continued in the Netherlands.3

Indeed by 1600, war or no war, English ships were taking their
own fish to Spain.4 In the last years of the century Plymouth
alone sent 50 ships annually to Newfoundland5 and 6 by 1600 the
entire fleet may have numbered no less than two hundred sail.6

Although the larger towns like Plymouth dominated the
fishery, smaller outports began to equip their own small
vessels for Newfoundland. Merchants from the inland village
of Clyst St. George sent a ship from Topsham,7 and others from
Redruth sent a ship to the Smea Islands from Falmouth.8

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1. Cal State Papers Dom 1596-1601 p 188 Plymouth Mayor-Council 1599
2. E.M. ADDL Mss 2541. R. Hayman, A Proposition of Honour and Profit to my Dread Sovereign King Charles 1630.
3. Inns p 32
5. Judah, North Atlantic Fisheries op cit p 42.
with the entry of the Channel Islands 1 the traditional West Country - Newfoundland operating area was complete.

In less than thirty years the English fleet had increased from thirty to two hundred vessels; the markets had expanded far beyond the local needs of 1560 and English cod had fed the navy, the armies in Ireland and Holland, the men in her growing merchant marine and above all, gained an entry to the French and Spanish markets. Already Raleigh could talk of the 'fishing of the New founde Lande, which is the stay of the West Country'. 2

Innis thought that this was due to the 'concentration' of the English fishing interests in the West Country and the equipment of large English ships for the shipping and furniture of munitions (which) strengthened the hold of the English in Newfoundland, compared with other countries. 3 There is however, little evidence that English ships were larger or better armed than those of France or Spain, although Parkhurst stated this to be the case in 1578. Other reports spoke of the French at least, as being 'of good force', and certainly the average size of English shipping could not have been greater than that of her rivals. Although Whitborne commanded two ships of three hundred, and two hundred and

1. A Jerseymen was at Newfoundland in 1594.
3. Innis The Cod Fisheries p 35.
by their rivals. In the 1590s there were several voyages of twenty tons. These were exceptional. The average burden of British ships to Anticosti, the southern shore of Newfoundland, in 1591 was only thirty-five tons, and that of Poole's shipping in 1591 was only thirty-five tons, and the average size of eleven Exeter ships sent fishing in 1589 was also about the same. Indeed as late as 1625 80% of Exeter's ocean-going shipping consisted of ships of less than 40 tons.

If the French, Spanish or European ships had been smaller than this they would have had to almost tow across the Atlantic.

Despite Parkhurst's description of the English as being 'commonly Lords of the harbour', there is no reason to believe that they always dominated by force. True the Iberian sailors seemed unable to fight, but the French fishermen gave as much as they received in the many clashes with the English ships, and after Henry IV restored peace in France, that nation again revived its operations in Newfoundland. In 1603 eighty ships went from Havre alone, and the English were unable to prevent them from returning to such harbours as St. Johns, Kenewick, Placentia or Trepassey, (and later) Carbonear and Harbour Grace. Even the Portuguese again fished at St. Johns and Petty Harbour once the war came to an end. Indeed along certain parts of the coast the English may have been excluded.

1. Cal State Papers Foreign 1562 p 459 Killigrew - Cecil
4. W.J. Härte, Trade between Exeter and Newfoundland etc.
5. Innes, Cod Fisheries op cit p 82.
by their rivals. In the 1590's there were several voyages
from the North East, but from 1600 onwards the
English confined themselves to the Coast between Stacentia
and Bonavista, abandoning the rest of Newfoundland to France
and Spain.

The English fishery expanded not because of 'large
ships', or even merely the decline of Spain and Portugal.
The first expansion was bound up with a general development
of West Country commerce in the 1560's and the 1570's, and
then accelerated by the sporadic declines which characterised
the French fishery under uncertain government and, at times,
outright violence. France provided the first foreign market,
and the first supply of foreign salt. In the 1580's whilst
the creation of large English armies increased home demand
for cod, the English merchants were able to dominate the
fishery at Newfoundland after the destruction of Spanish
trade in 1585. In the vital decade between 1585 and 1595,
whilst the English consolidated their position at Newfound-
land and expanded their fleet at home, the French were too
disorganised to offer competition in Spain, and as we have
seen were forced at times to act as 'middlemen' for the
English. After 1594 when the French fishery was revived,
several years passed before it was restored to its ancient
size, so the English, faced with so great a demand that the
government often found it difficult to obtain cod for its
The Western Adventurers were almost too many, army and navy, were able to grow even more rapidly. When the war ended in 1603 the merchants, enriched by the profits of privateering, had obtained regular entry in Spain, Portugal and France, and were soon to export to Italy.

There was nothing inevitable about this expansion. In the second half of the sixteenth century England for many years hovered on the brink of civil war. If any of the plots against Elizabeth had succeeded, indeed if she, in the first years of her reign, had adopted a partisan religious policy then the Western Adventurers would have faced the same difficulties as did the French merchants. Given the small size of the English fishery, it would have almost certainly collapsed. Even had civil discord been averted, England would not have obtained a foothold in European markets had the French remained strong. Once England went to war with Spain, the French merchants could have completely dominated that market and, remaining neutral have soon supplied not only its home market, but probably even that in the west of England.

But Heaven decreeing otherwise, England fought and defeated Spain whilst France disorganised, was unable to take advantage of the conflict. But if expansion brought benefit to the west of England, it also brought problems. Henceforth the Newfoundland fishery was to be completely dependent on conditions in foreign markets. The industry became ruthlessly competitive, and almost every port in the west gave up other commerce to concentrate on the fishery. As the Seventeenth century was to
demonstrate, the Western Adventurers gave almost too many hostages to foreign fortunes, whilst at home, the very success of the fishery attracted the attention of larger merchants from London, and threatened what had already become the preserve, mainly of the West Country.
CHAPTER THREE

The West against the Rest - and each other.

With peace, and the accession of James I English trade to Newfoundland entered a period of considerable expansion and prosperity. The markets of France and Spain remained open to English cod and in a short while the Western Adventurers began to export to Italy as well. Notwithstanding the great expansion fish prices held up remarkably well for Captain John Smith mentioned 10/- a quintal as the lowest price being obtained for good fish in Spain, whilst those who arrived first at the markets might obtain from 15/- to 20/-. In some years the price was even higher; ships which arrived in Spain during the 'great famine' of 1627 obtained no less than 30/-, a figure not exceeded until the Napoleonic Wars.

By 1620 probably three hundred English ships were going annually to Newfoundland, and ten years later despite the inevitable fluctuations Dartmouth and Plymouth alone were each outfitting eighty ships, and Alderman Clements of Plymouth

1. Innis. Cod Fisheries p 56.
mavelled as he remembered that when he had been a young man Plymouth could muster only two or three fishing vessels at Newfoundland. \(^1\) By now Topsham and Bideford had also entered largely into the trade as well. During the 1630's the fishery may have expanded even more although a claim that in 1634 no less than five hundred ships and eighteen thousand men were engaged was surely exaggerated.\(^2\)

Even so Newfoundland was quite clearly becoming 'the mainstay of the West'. Exeter during this period played little part in Newfoundland, concentrating instead upon more general trades with France and Spain\(^3\), whilst Cornwall always preferred to concentrate upon her own herring and pilchards, but most of the other towns in the West Country turned eagerly to a trade which might replace those which were becoming the monopoly of London. Previously a substantial exporter of cloth, Poole had practically abandoned it by 1618. 'The adventurers of this towne are not now in any staple but in fyshing voyages to the Newfound-land and soe home' \(^4\); Four small villages in Torbay claimed to have at least eight hundred men in the fishery by 1635 \(^5\), whilst in 1627 Earnstaple sent to Newfoundland every

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2. Cal State Papers Dom 1634-5 p 393. Petition of northern Newfoundland merchants - Council (no date 1634?).
ship which she possessed with the exception of three European traders. 1 Southampton and Plymouth both claimed to be mainly dependent upon the fishery. 2 To envious 'outsiders' Newfoundland seemed to be creating endless wealth. Edward Mason wondered why the Irish could not enter the fishery and was certain that if every harbour sent but one ship, streams of gold and silver would soon be flowing in from Spain. 3 In Wales Doctor Vaughan of Carmarthen gazed across the Bristol Channel, contrasted bustling Devonshire with his own impoverished country, and asked the same question. 4 By now however Devonshire and Dorset had acquired the capital, the skill, the shipping and the fishermen which other regions lacked. Few Welshmen would ever fish at Newfoundland, whilst the Irish when at last they went in large numbers, were to travel in West Country ships and become the employees of West Country 'planters' and merchants.

But if other regions could not gain a foothold at Newfoundland, her merchants and labourers could and did migrate in large numbers to the West Country; especially after the Iceland fishery decayed in the last years of the sixteenth century. By 1643 half the inhabitants of Dartmouth

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bore names unknown a century before—Boore's from London, Holdsworth's from Yorkshire, Newcomen's from Lincolnshire and Seale's from the North Country.

Behind the merchants and fishermen worked provisioners and outfitters; manufacturers of nets, leads, hooks, lines, bread, beer, salt beef and pork. 'Great numbers' of bakers, brewers, carpenters, Smiths, netmakers and dopes makers.

Twenty thousand according to John Guy and John Mason. Supported by the fishery, a multitude of mothers, wives, women and children; half the West of England perilously dependent upon one distant employment.

The politicians were already refashioning Newfoundland in the form of a Sacred Cow. Their Lordships well understanding the singular importance of the Newfoundland fishery unto the Western Ports of this Kingdom, being a principal nurserie and means to increase mariners and navigation;...are pleased to take the reformation of the sayd greevances into their honourable care and attention'. 'The mariners of Newfoundland, half the seminary of the mariners of England', said Doctor Gooch—no friend of the Western Adventurers.

'The great care is how to import money' cried Sir Edwin.

2. Innis, Cod Fisheries p 60. Citing Richard Whithorne (1613)
4. John Mason, A Discourse of Newfoundland Printed in Nova Scotia Letters and Tracts p 15
Sandys and estimated the return upon fish sold in Spain alone at one hundred thousand pounds. 1

Colonist William Hayman was even more enthusiastic; Newfoundland had 'Furnished England for these many years, with more money than all our forraigne trades of old, and it hath brought from Spaine silver and gold more and cheaply than the Spaniards have had it from their Indies'. 2 Gradually Newfoundland fishing interests were becoming entrenched in the corridors of power. The King personally intervened during the Trinity House dispute 3 as also in the negotiations between Sir David Kirke and the Western Adventurers which finally resulted in the 'Kirke-Hamilton' patent for settlement. 4 Secretary Nicholas (a nervous man) urged Captain Pennington to clear the Channel of Saltee Rovers: 'If any Newfoundland ships are taken by the Turks it will make a great noise here'. 5

Problems of the Western Adventurers.

To occupy so prominent a place in discussions of State was gratifying but the West Country had many problems to overcome. Almost up to the accession of James I it had been customary to bring the fish home to England for sale.

1. IBID. Speech of Sir Edwin Sandys 27 Feb 1621.
Their ships were small and crowded with fishermen; they knew little of conditions in foreign markets, their merchants were not as yet wealthy enough to wait two years for their remittances and lack of timber made it difficult to develop a large scale shipbuilding industry. 'Sack' ships to take the catch to market could be obtained only from London or Holland and, fearing the daily growth of London, West Country traders preferred the latter. But as the Newfoundland 'planters' later discovered he who caught fish for another to sell never became wealthy. The greatest profits came from selling 'on one's own account' in foreign markets, and returning to England with commodities obtained in exchange.

The Newfoundland traders were not alone in their hostility towards the growth of large and well capitalised Joint Stock Companies in London, for all English outports shared their feelings. 'All trades settled in joynct stocks must restrain the trade to London; from thence all ships for the carrying on of such trades must have their egress and thither must return, which as well as grievances before mentioned will occasion complaints from the rest of the trading towns'. ¹ John Poplesefens wrote these words in 1697, but they applied with far greater weight during the first half of the century.

There were also problems in America. When John Guy established a colony at Cupids in 1611 a new element, the resident planter, entered into what had been a completely migratory and international fishery. If the settlers gained possession of the fishery rooms, the Western Adventurers would be obliterated. On the mainland the Adventurers became hopelessly divided for some backed Sir Edwin Sandys of Lyme Regis in fighting for a 'free fishery', whilst Plymouth traders supported Sir Ferdinando Gorge’s revived 'Northern Plantation' in 1620. The latter in trying to monopolise the fishery of New England were bitterly opposed by the other West Country merchants. It was obvious that London was not the only town to form 'Joint Stock Monopolies'—she was rarely the most successful.

To the problems posed in England and America could be added those which arose from armed conflict. There were European pirates at Newfoundland, Sallee Hovers ventured with impunity into the English Channel and the Royal Navy, decaying through corruption and lack of money was unable to do much about either. To cap this there were two (mercifully short) wars with Spain and France which had they lasted longer might have destroyed the Anglo-Newfoundland fishery by closing up the markets.
Faced with these tremendous (but essentially separate) problems the Western Adventurers became paranoid, seeing behind everything the evil machinations of London. London backed the Newfoundland Colonies, London established (or tried to establish) salt and soap monopolies and controlled the Chartered Trading companies which threatened to cut off the West from its foreign markets. Secretary Calvert was a friend of the pirate Nutt who, whilst attacking fishing vessels of all nations ‘gave much courtesie’ to Calvert’s plantation at Ferryland. 1 When Peter Easton plundered every ship between Ferryland and Trinity Bay in 1612, Guy’s colony was left alone. 2 Thus London seemed to control even the pirates. Although even the western Adventurers could hardly claim that London organised the Salleerovers, Sir Thomas Roe of Bristol still managed to obtain political capital from it; when in 1640 he complained of the ‘Increase of pirates, and the insecurity of the Mediterranean area; whereby Bristol and the western ports that cannot have so great shipping as London are beaten out of trade and fishing’. 3

This paranoia was perhaps understandable, but it is to be regretted that historians have tended to accept these

assumptions at face value. Thus Innis argued that
such 'Metropolitan' organisations in New England impeded the
development of the migratory fishery on that coast. In fact
George's company was composed mainly of West Country interests
and included many 'Western Adventurers' from Plymouth, whilst
the 'sedentary' fishing posts which appeared in Maine or
upon Richmond Island were owned by West Country as well as
London merchants.

Worst of all however has been the tendency to equate
the 'Sack' ship with 'London and Bristol Corporate interests',
thus putting the 'carrying trade' into competition with the
West Country 'fishing merchants', and creating an illusory
alliance between 'settlers' and 'sack merchants' against
the Western Adventurers. 1 1 This theory has no basis in fact.

Organisation of the Trade

In the first place there was no clear division between
those ports which operated 'fishing ships' and those which
operated 'sack ships'. John Newman of Dartmouth owned two
sack ships in 1604,2 as (in 1634) did traders from
Weymouth and Barnstaple,3 and Southampton operated many

1. Statements based upon this theory are too numerous to
enumerate but may be found in the works of W.I. Stephens,
2. Russell, Dartmouth p 104.
such vessels.¹ But all of these ports owned fishing ships as well; whilst in Bristol not only did merchants not concerned in John Guy's 'London and Bristol company' send fishing ships in 1611, but the company did too.²

The reason why London operated no fishing ships was not based upon choice. Being at the wrong end of the English channel, her ships had to prepare to meet Southwesterly winds all the way down and could hence never guarantee to reach Newfoundland in time to catch the fishing season. (Later in the century, her merchants did in fact carry on a ship fishery by establishing 'Houses' in the West Country.)

It should also be noted that the fishery was not organised into separately compartmented 'sack and fishing' ships. Some merchants owned both sorts, and others owned no vessels at all, concentrating instead upon 'freighting' ships owned by others. Some, for example Nicholas Roope and John Newman of Dartmouth,³ Benjamin Skutt of Poole⁴ and William Stanley of Southampton⁵ owned several vessels, but many other men took shares in the voyages; often as a 'sideline' to other activities. 1/64th of the 'Judith' of

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¹ Many cases involving Southampton 'Sack' vessels can be found in publications of the Southampton Records Society, which are cited below.
² Prowse, History of Newfoundland p 125.
³ Russell, Dartmouth p 62.
⁴ Mathews, Poole and Newfoundland p 22.
⁵ Examples of ships owned by this man may be found in the Southampton Records Society Book of Examinations and Depositions Vol III.
Stonehouse was purchased in 1600 by a Plymouth Tailor, and in 1635 a Southampton grocer bought 1/32nd of a fishing ship. In 1639 the 'Charity' of Southampton was owned in 1639 by a clothier, a weaver, a widow and a 'gent'. Even a coaster taking fish to Caen was jointly owned by a merchant, two grocers and a Linen Draper.

Not only was there no distinction in ownership between 'Sack' and 'fishing' ships. Interlocking links of ownership and manning brought together men from many towns (which incidentally makes it impossible to think in terms of 'fishing' towns and 'Sack towns'). Thus Southampton (which aided Lord Baltimore), shared the ownership of some vessels with Jersey, Salisbury and Poole. Mr. Gallup of Weymouth owned one half of a Dartmouth fish, the 'Hester' of Poole was owned by Henry Mitchell of Weymouth, whilst George Tito was not only the captain but part owner of a Southampton fishing ship.

4. IBID.
jointly owned by merchants from Poole:

The crews of shipping were drawn from an even wider area for Southampton ships were commanded by men from Weymouth, Alderney, Poole¹, and Stoke in Teignhead (Devonshire)², whilst Topsham men commanded vessels from London³ or Lyme⁴ and a Plymouth ship was by someone from Powey.⁵

Most important of all however, Sack and fishing ships were not in competition but were complementary to each other. It was hopelessly uneconomic for small and crowded fishing ships to take their own catches to market and the Sack ship emerged (probably in the last years of the Sixteenth century) to overcome this problem. They had therefore no obvious connection with settlement in Newfoundland since they predated it.

The man who owned the fish did not necessarily own the ship which carried it to market. As Whitborne pointed out in 1615 any man who wished to sell fish in Spain could contract with 'such as doe set forth shipps in the fishing trade' for a stated quantity of fish to be delivered at Newfoundland to Sack ships which could also be chartered.⁶

In this case where was the competition for both sack and

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¹ IBID. Books of Examinations and Depositions Vol I 1601-2 pp 38 & 45
² Deposition of Christopher Maye II may 1602
³ Deposition of John Cocks 13 June 1602
⁴ IBID. Book of Examinations and Depositions Vol I 1622-7 p 16
⁵ Deposition of John Payne 26 Mar. 1623.
⁶ Anon, Ancient Naval History p 300 (London no date).
⁸ Cal State Papers Dom 1598-1601. Deposition of John Billot 20 April, 1599.
⁹ Innis, Cod Fisheries p 61
fishing merchant were under a contract to someone who had
a direct interest in neither. We do not have to accept
whitborne's word for a host of supporting evidence can be
gathered. In 1602 for example a London merchant charted a
Southampton sack ship to collect fish which he had contracted
for from a Poole fishing ship 1, and in 1630 the 'Hope' of
Southampton supplied fish to the 'Margaret' of Newport (Isle
of Wight) which in turn had been chartered by other
Southampton merchants 2. Another Southampton 'freighter'
hired a Poole Sack ship to collect fish from five Poole
fishing ships which he had also hired 3.

A few merchants - Richard whitborne 4 and John Newman
spring to mind - already controlled the whole process, sending
their own fishing ships to deliver their catch to their own
Sack ships who then went to Spain or the Mediterranean, and
many West Country merchants soon began to establish 'factors'
in France, Spain or Portugal. John Raynard of Plymouth had
a 'correspondent' at Bayonne in 1600, 5 and by 1626 William
Williams and Thomas Baker of Poole employed a 'broker' at
Marseilles, and Philip Williams, one at Bordeaux 6.

   Deposition of Christopher Maye II May, 1602.
2. IBID. Book of Examinations Vol II 1627-34 p 72.
   Deposition of Edward Milberry 22 Nov., 1630.
   Deposition of Peter Pryalx 25 Feb., 1637.
   1622-7 p 68. Deposition of William Denys 7 Mar., 1626.
Many of these overseas factors were English and some were indeed partners in West Country Houses. George Gifford of Bilbao imported fish for the Southampton merchants in 1626,\(^1\) and two Weymouth merchants were living at San Sebastian in 1639.\(^2\) The House of Hoope in Dartmouth opened warehouses at Viana and Bilbao during the 1650's.\(^3\)

There was thus no competition between 'carrying' and 'fishing' trades as such. Some merchants owned both Sack and fishing vessels and in other cases the owner of the fish might be the owner of a fishing ship who hired a sack ship,\(^4\) owner of a Sack ship who chartered a fishing ship,\(^5\) or indeed a merchant who had no interest in shipping at all.

There was however much competition within the carrying trade since for a time the Western Adventurers had to share this with London and foreign competitors. The reasons for this are fairly clear.

**Expansion of foreign markets.**

Whilst the market was confined to the West of England the English fishery had no need of Sack ships for the small

\(^1\) IMID Vol III 1634-9 p 44 Deposition of Henry Peach, 4 Mar. 1637
\(^2\) Pope Transcripts Vol V p 32
\(^3\) Russell, Dartmouth p 82.
\(^5\) Pope Transcripts Vol IX p 105. A London Sack merchants contracted to obtain fish from a Weymouth fishing ship in 1625.
fishing vessels could bring their own catch home. After 1570 however the growth of an export trade entailed an expansion of shipping far beyond that which the Western Adventurers could immediately supply. At first the fish was re-exported from England after it had been brought home by the fishermen but this was a cumbersome mode - time consuming in the extreme. At this stage such fish had to compete in the foreign markets with that caught by the importing countries, and since it arrived later in the markets, inevitably obtained low prices.

Obviously it would be far more efficient and rewarding to export direct from Newfoundland, but this would not be easy. The small and heavily manned fishing ships could not carry much fish, whilst the expence of victualling the crews during a lengthened voyage must have easily cancelled out the better price which could be obtained by taking the fish to Europe. The problem was solved through the emergence of the 'sack' ship which left England in June or July, arrived at Newfoundland just in time to collect the dried cod and then went to Spain or the Mediterranean. Such vessels, often (but not invariably) larger than those which went fishing carried only 'sailing' crews and thus could carry more fish, and more cheaply than the latter.

But the western Adventurers, feverishly trying to obtain more fishing ships as demand expanded, could not at the same time acquire enough Sack ships to control the carrying trade - indeed they did not possess enough shipping
even to control the re-export trade from England. Most of the capital in Devon and Dorset went into an expansion of the fishing trade. Besides this however, the West Country possessed but scanty supplies of timber and naval stores, and hence had to buy ships from the Dutch who could draw upon their monopoly of the Baltic Trade. Soon the latter noticing the prosperity of Newfoundland chose rather to enter the trade themselves, and were joined by French, Danish and Fleming competitors.

Probably these nations entered the English-Newfoundland trade as a result of the general expansion caused by decay in foreign fisheries for the first reference to them was made by Raleigh in 1593. At first they went not to Newfoundland, but to Southampton or Plymouth at which places they purchased fish for resale abroad. By 1597 Dutch, Danish and French ships were regularly visiting Plymouth, and by the end of the Anglo-Spanish war the Dutch appeared likely to dominate the export trade to Spain. After this war when Western and London merchants at last began a direct export trade from Newfoundland, Dutch and Flemish shipping joined in. In 1610 a Flemish ship brought salt from Rouen.

3. Innis, Cod Fisheries p 52 (n)
4. B.M. Eg Nat 2541 f 164-9 W Hayman, A Proposition of Honour and Profit 1630.
for fish, and when William Colson went home to England in 1612 he took passage upon a Dutch ship. Once they had gained an entry, the Dutch in particular expanded their operations rapidly until by 1630 up to twenty or thirty of their ships were going regularly to Newfoundland and even more were buying fish at Plymouth or Southampton.

Patriotic Englishmen noted this with growing apprehension, for the amazing expansion of Dutch commerce after 1591 seemed to threaten every branch of English commerce. In no time at all they had almost monopolised the North Sea herring fishery, were capturing the maritime commerce of Europe, and Newfoundland seemed to be one of the few branches of trade in which they were not yet deeply concerned. Might not these Dutch 'Sack' ships be the prelude to a Dutch monopoly even there? 'The Dutchman by his policy hath gotten trading with all the word into his hands, yea he is now entering the trade of Scarborough fishing, and the fishing of the Newe founde lands, which is the stay of the West Countries', said Raleigh in 1593.

Some years later Monson added his powerful voice to the alarmist bloc. The Dutch had engrossed the carriage

2. IBID p 127.
of English pilchard, red herring and Newfoundland cod to the Mediterranean. From Newfoundland alone they were earning thousands of pounds which should have accrued English merchants, whilst the King’s customs were losing enormous sums which would have been paid upon goods imported into England in exchange for the fish. He even claimed that the Dutch had attempted to obtain five or six hundred West Country fishermen in order to learn 'the mode of fishery at Newfoundland'.

Despite this last statement and the arguments of Judah there is no evidence that the Dutch ever attempted to engage in the actual fishery at Newfoundland but their position in the carrying trade seemed alarming enough. By taking the fish to market they and not the English were obtaining the rich 'returns' in bullion and produce whilst the latter had to rest content with only the profit of the fishery. The carrying trade which should have been a means of increasing English trade and navigation was instead increasing that of her greatest rival.

Government officials, patriotic individuals and the large shipping interests in London attempted (with increasing success) to counter Dutch competition in all branches of commerce but the West Country traders fought bitterly against

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2. O.B. Judah. The British Fisheries at Newfoundland to 1713
any attempt to confine English trade to English shipping.

Unpatriotic? possibly but they good enough reason.

As far as the Newfoundland was concerned they did not yet possess enough shipping to control the carrying trade, and if the Dutch might in the long run impede their expansion in this field, they provided some necessary competition for the London Sack merchants. If the Western Adventurers could not market all the fish themselves, at least they could ensure competition between the carriers, which would prevent London from 'engrossing' the trade, and hence offering whatever prices it pleased.

But there was an even stronger reason for outport opposition to the 'navigation' acts. Because the Western Adventurers had to purchase their shipping from abroad they were (or felt themselves to be) at the mercy of the Dutch.

The latter controlled the Baltic trade and hence the supply of naval stores. If they were excluded from English commerce they might retaliate by cutting off supplies of these commodities and all West Country commerce would collapse. As one member of Parliament put it in 1621 'It would overthrow the navigation of the outports: In the West Country many ports have sixty sail of ships which cannot go into the East Country for any masts etc, so if the Dutch shall not bring them, they cannot have them.'

To the Western Adventurers the situation was quite simple: The Dutch might be competing with them no less than with London.
but at the same time were providing the only sources of shipping which could enable the West to have any share not only of the carrying, but the fishing trade as well.

From 1620 onwards the dismayed West Country merchants noted an increasing stream of legislation designed to exclude the Dutch.

Despite their opposition, an Act of 1621 provided that colonial tobacco must be landed in England before it could be re-exported to Europe, and in 1624 another enactment confined all colonial trade to English shipping.¹

In 1626 came the first measure aimed specifically at Newfoundland. An order in council confined the transport of fish taken in America or Newfoundland to English vessels.² Completely disregarded, the order had to be re-issued in 1630,³ but in 1631 Trinity House again complained of its being violated.⁴ The Government therefore ordered that because 'English ships lack employment' no Fleming or French ships at Plymouth were to purchase Newfoundland fish there.⁵

This brought an immediate reaction from the Western Adventurers, a deputation of Plymouth appeared before the Council and the order was quickly revoked. Great quantities

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1. Lipson, op cit p 120.
of Newfoundland fish and pilchards lay (unsaleable in England) in the West Country ports and only foreign vessels were available to take it abroad. Thousands of people were dependent upon the Newfoundland fishery and unless this fish was sold all would suffer grievously.¹

In 1633 Trinity House tried again. War and piracy had caused a temporary depression in English commerce and the London merchants were forced to watch foreigners shipping taking English fish to market whilst thousands of tons of shipping lay idle in the Thames. They claimed that in 1632 almost the whole catch had been taken away by aliens whilst London traders who normally freighted two thousand seven hundred tons of shipping at Newfoundland had been unable to obtain any cargo at all.²

Plymouth once more led the opposition. The aliens paid good money for the fish, and paid customs upon all which they carried from England. Because such aliens provided a 'certain vent' the number of English ships at Newfoundland had doubled in recent years, so much so that the Western Adventurers could normally furnish both aliens and Londoners with fish 'unless the trade fail as it did last year'. If the foreigners were excluded, the Western traders could sell only to London-

¹. IBID. No. 282. 4 Nov., 1631.
which could take off only half the present catch and hence would offer what prices they pleased 'of which the fishermen have had miserable experience'. The West Country could not take off all the fish themselves 'their ships being mostly Dutch built and bought in Holland'. If foreigners were excluded English navigation would decline, the 'nursery of seamen' would suffer, customs revenues would decline, the Dutch would retaliate, and being unable to purchase fish from Englishmen would be forced to enter the fishery themselves. 1

The enquiry dragged on into 1634, and as the Privy Council seemed to favour London and Trinity House, the West Country agents followed their favourite tactic of prevarication. On the 29th. of January the outports promised to send representatives up to London 2 but obviously stalled all discussion for on the 10th. of February the Privy Council issued an order stating that although it had been decided that alien shipping should be banned, this could not be done quickly. West Country merchants could not 'stay their shipping' until discussions were terminated 'without great and irrecoverable loss' and therefore might sell fish to strangers for the ensuing season only. 3

The Council then attempted to finalise the matter but suddenly (after attending throughout the winter) the agents of Dartmouth and Plymouth introduced another obstacle.

3. IBID. No. 325. Minute 10 Feb., 1634-5.
They first asked leave to return home, the Assizes now being at hand, then attempted to negate all that had passed during the enquiry by pointing out that no one had been asked to represent other ports in Devon, Cornwall, Norfolk and Ireland 'whose chief subsistance depends upon the fishery.'

A shrewd move, and an entire enquiry overthrown. The discussion was halted, and not revived when the fishing fleet returned in the Autumn. Not until Charles Ist. was dead did the question of excluding Dutch ships arise again.

The West Country was to employ similar tactics during discussions on the question of sending a governor to Newfoundland later in the century. They depended upon one single factor. No worthwhile discussion about Newfoundland could take place until the fishing fleet had returned in November, and (if any decisions were to be implemented in the next year), such discussions had to cease (or be postponed) by February when the fishing ships once more prepared to sail for the fishery.

If the Western Adventurers distrusted the trend of discussion they prevaricated until February and by the time that the Privy Council reached a decision it was too late for the ensuing season. Almost fifty years passed before any government 'caught on' to the trick being thus-played.

Obviously when the Western Adventurers claimed that they had no shipping in the carrying trade, they were guilty of

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1. Petition of Edmund Powell and Roger Mathew, 1633-4.
considerable exaggeration. As we have already seen, they possessed growing numbers of Sack ships, the owners of which soon began to send them direct from Newfoundland to Spain, Portugal or Italy. By 1612 Dartmouth ships were regularly trading from Newfoundland to Portugal 'and so home' with cargoes of wine, fruit or bullion. Some, like Nicholas Roope used the wealth acquired from cod to purchase Portuguese vineyards and so engage in the fort wine trade as well. West Country cloth, fish and grain purchased vineyards with Brazilian gold. A direct trade to the Mediterranean was developed at least by 1604 for in that year the 'Hopewell' of London was chartered to pick up a cargo in Newfoundland for Toulon or Marseilles. By 1615 Thomas Newman of Dartmouth was also exporting fish to those ports, whilst two years later no less than seven West Country 'sack' ships were taken by Sallee rovers whilst 'going up the straits' to Leghorn and Naples.

In view of this it can be seen that West Country objections to the exclusion of alien shipping were not absolute for all time. They must be seen as a holding operation.

1. See above pp 63 - 68.
2. The Story of Hunt Roope and Company. 1951 published to commemorate the Festival of Britain.
5. P. Russell. Dartmouth p 61
designed to maintain competition in the carrying trade whilst the Adventurers built up their own shipping resources and developed their own contacts in the Baltic. After 1660 the Newfoundland merchant became most determined adherents of the Navigation system, but for them, the earlier attempts made to establish such a system were to say the least premature. The intrusion of the Dutch into the carrying trade was against the long term interests of the Western Adventurers no less than it was against that of London, but in the short term, these 'aliens' were essential.

The London - Outport Struggle.

It may well be that fears of London domination were exaggerated for obviously her ships- being too far away to arrive at Newfoundland as early as these of the West - could never hope to engage successfully in the actual fishery, which formed the basis of all trade at Newfoundland.

Given time the fishing merchants could enter into the carrying trade with no great trouble whereas 'partial adventurers' using ordinary merchant craft and 'sailing crews' only, could not quickly acquire the skills and labour force essential for the fishery.

But during this era Newfoundland was only part of a much greater struggle carried not only by the West Country but all English outputs against what they feared to be a complete London domination of foreign trade. The London
traders were increasingly trading through Joint Stock Companies and as a consequence the battle was fought in terms of 'monopoly' versus 'free trade'. This was not completely accurate for in many cases outports had no objections to Chartered Company as such, but only those dominated by London. During the sixteenth century most of the larger ports joined companies trading to Spain or Portugal,¹ and even under James I they did not wholly abandon this method of operation. When Bristol merchants broke away from a London company in 1603 they immediately formed one of their own, 'The society of Merchant Venturers of Bristol'.² Many (but by no means all) of the members of this company took part in the 'London and Bristol' Company which tried to establish a colony in Newfoundland, and many other members traded to Newfoundland without joining the plantation.³ Southampton merchants tried to obtain incorporation as a company trading to France in 1609,⁴ whilst both Exeter and Plymouth took part in the 'northern' plantation of the Virginia Company.

However attractive, Joint Stock Companies entailed considerable expense and their greatest attraction lay in the

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1. Southampton, Lyme, Exeter, barnstaple and Chester all joined the 'Andalusian Company' in 1530 and Exeter was involved in abortive companies trading to Senegal and Guiana in the 1580's. See Clarke. Forts of the Exe Estuary. (Thesis) op cit Vol II p 709.
4. Innis. The Cod Fisheries. p 64.
possibilities for obtaining exclusive trading rights to various regions of the Globe.

It was pointless for the Levant company to establish markets and sources in the Mediterranean - perhaps spending heavily to suppress piracy or create 'goodwill', if interlopers could benefit without sharing the costs. But in this case any chartered company would inevitably be dominated by the enormous wealth of its London element. Soon therefore the outports dropped out of trading companies and began to raise cry of 'free trade' against 'monopoly'.

By 1610 only Bristol felt itself strong enough to associate with London and even here, joint ventures soon failed. The 'London and Bristol Company' founded by John Guy of Bristol to 'plant' a colony in Newfoundland soon began to founder amidst mutual suspicion between the two cities. 1 In 1621, whilst defending the London merchants in this Company, Guy still added the phrase 'however justly in other things found fault with'. 2

'Free trade' provided a political slogan which could rally members of Parliament from all over Britain and thus

East ANGLIAN Herring merchants, West Country traders to Newfoundland, others dealing in cloth, and Cornish pilchard merchants joined with the opponents of internal monopoly to resist a London which seemed to be increasingly influential.

At first the 'free traders' won most of the battles. In 1604 the West Country and its allies, led by Sir Edwin Sandys the member for Plympton, successfully opposed a renewal of the Spanish Company's Charter by claiming to be able to sell fish in that country at prices 50% cheaper than those charged by the Company merchants. The Charter was revoked in 1606, and by 1609 another campaign had resulted in free trade to France.

In more remote areas however, the Chartered Companies began to win their share of the battles. The trade to India demanded so much capital that it is doubtful whether many West Country merchants traders would have ventured there, but trade to Russia was monopolised by the Eastland Company and worst of all the Levant Company threatened to monopolise all trade in the Mediterranean.

Even in nearer markets London merchants continued to try to obtain monopoly corporations, and although they failed, this continuous intrigue ensured that outport hostility would continue.

The Privy Council never gave much companies unwavering support, but its vacillations only increased the mistrust of all parties, poisoning relations between the Western ports and the Government. In 1617 the Mayor of Dartmouth flatly

1. Innes, The Cod Fisheries p 64.
2. Ibid.
3. There were attempts to re-incorporate the trade to Spain and Portugal in 1617 and 1619. Innes, Cod Fisheries p 64.
refused to contribute money towards an expedition against Algiers even though this might have eased the losses being inflicted upon Newfoundland ships. 'Whilst we were consulting on this the customs were ordered to restrain any cotton, yarn, or other goods brought from the straights in ships not of the Levant Company. It is well known that there is no place without the Straits where are Newfoundland fishe hath usually any such sale as may make the owners a savinge voyage and our best ships sell within the straits, and from thence make little or none other return but gauls cotton wolls or cotton yarn by which they make a greate profit than on the sale of their fish'. What was the point of suppressing piracy when 'We see that the trade of all partes are so engrossed by the Londoners....as little will be spared or left to us to be done except it be takinge of fishe at the New found Land and selling to them for what they list to give to us'.

Harassed on all sides the Privy Council compromised. The Levant Company was to have a monopoly only of trade to Turkish parts, or of the importation of goods produced there. The West Country thus secured its vital markets and returns in Italy but it may be doubted whether the Adventurers felt any gratitude. The Privy Council, faced with conflicting pressures and at the mercy of powerful men who were involved in Company

promotions was always likely to rescind any concession made to the free traders.

Piracy, War and the West Country

By 1620 the Western Adventurers seem to have made an equation not the less dangerous for being inaccurate:

Joint Stock Companies equal London equals Government. This equation was both reinforced by, and bedevilled Government efforts to suppress piracy, whilst Buckingham's wars with France and Spain further embittered relations.

Although they resented them, the West Country merchants seem to have been more or less resigned to the depredations of English freebooters like Easton, Mainwaring or Nutt at Newfoundland, even those pirates often robbed whole fleets not only of fish, but of fishermen as well. Easton commandeered one hundred men from ships at Harbour Grace, and went on to plunder thirty English vessels at St. Johns in 1612, ending up by disrupting the entire fishery between Trinity Bay and Ferryland. 1 Two years later Mainwaring carried off carpenters, cannon and four hundred men from the English fishing fleet, and once again the whole fishing season was ruined. 2 (West Country feelings cannot have been assuaged when they noticed that neither of these attacked the infant plantation at Cupids, or that through

2. Ibid. page 481 Mainwaring.
influence at Court Mainwaring later obtained a pardon). A few years later John Nutt of Lympstone turned pirate at Newfoundland, captured a Plymouth ship and returned home to terrorise the merchants of Torbay. He too obtained a pardon through the intercession of Secretary Calvert who claimed that Nutt had 'given great courtesie' to the plantations in Newfoundland.

Thus another equation could be made to fit in with that already constructed. Government equals settlement at Newfoundland equals piracy. Yet another plot by the dark forces who dwelt in London.

The Sallee Rovers

English pirates were but minor pinpricks to be faced with resignation just as conflict with foreigners at Newfoundland was faced, but the growing menace of 'Sallee' rovers was another matter — threatening to completely destroy the English (and for that matter the French) trade to Newfoundland. At first the rovers confined themselves to the Mediterranean and in 1611 and 1617 no less than fourteen Newfoundland ships were taken in convoy. Gradually they began to increase their activities off Spain and Portugal. In 1615 Dartmouth merchants lost ten well armed ships (worth

Eight Thousand pounds) off Spain, and by 1620 the rovers were operating with impunity even in the English Channel. Dartmouth Records for 1619 and 1620 record melancholy payments to mariners from Fowey, Hull, London, and even France and the Netherlands whose ships had been captured off Devonshire. In 1622 six Dartmouth ships were taken and one hundred and twenty men went into slavery. Three years later the rovers completely disrupted the fishery by cruising off Furbeck in Dorsetshire, so that Poole and Weymouth feared to send ships to Newfoundland. In August the mayor of Plymouth claimed that one thousand men had gone into captivity that year and that in ten days twenty seven ships and two hundred men had been captured - most of them Newfoundland traders.

The dreadful toll continued with intermissions in some years, but even heavier losses in others, until the Western Adventurers found themselves hard pressed to find men, money or shipping. In 1626 the mayor of Plymouth claimed that the Rovers had 'impoverished this part of the Kingdom', and in the following year Poole was said to be supporting the widows.

In 1635 it was the turn of Devonshire ports. By September several vessels had been taken, but merchants, wives and children feared even more for those not yet home from Newfoundland. 'If these are taken many thousands in these parts will be utterly undone' said the mayor of Plymouth. 'This news terrifies the Country' said Sir Nicholas Slanning at Pendennis; 'wives and children of captured men are becoming an intolerable burden' cried the mayor of Dartmouth.

Their worst fears were not realised for the bulk of the Newfoundland men arrived home safely, but the tension which annually built up towards the end of August must have been intolerable; merchants who had spent all their money, unsure whether they would lose the lot; even more, families waiting anxiously for news of father, sons or brothers who had gone away in February and March and might never see Devon again.

These years must be remembered whenever one thinks of the pessimism or 'selfishness' of the western Adventurers. The cost of carrying on a fishery to Newfoundland could not

1. Mathews, Poole and Newfoundland. p 20.
2. IBID. p 90.
5. IBID. p 398 Dartmouth Mayor to Council 26 Sept 1635.
to reckon merely in terms of money. When in later years they came to dominate Newfoundland the western men could with justification claim that this was 'of right'. They would claim to be in Newfoundland 'by West and by Law' but during the 1620's they were there by the skin of their own teeth. No 'Law', only 'by West'. They were protected neither by the 'Proprietors' of Newfoundland nor even by their own government. Not that they did not appeal to the government. Scarcely a year passed without a barrage of petitions for government action to clear at least the English Channel of pirates. Indeed in 1636 the mayor of Seymouh was so desperate that he personally followed the King all the way from London to Woodstock to implore protection. The Council did in fact make efforts to suppress the Algerine corsairs, and in most years provided a patrol or two for the channel, whilst in 1623 they actually provided a convoy 'out and home' from Newfoundland. But the navy was decayed and corrupted and everyone seemed to be infected by a spirit of lethargy and indecision.

Thus in 1625 the commander of a warship appointed to patrol the Channel wrote that he had been forced to put in through bad weather, and stated bluntly that the rovers would

2. Prowse, History of Newfoundland p 146.
never be suppressed whilst they obtained provisions from<br>Flemish freebooters across the Channel. 1 Always the same<br>story was heard. If warships put to sea they never met any<br>corsairs, as soon as they returned to harbour the losses<br>would start all over again. The (different) spirits of<br>Drake and Nelson were not abroad in the Stuart Navy. Only<br>one expedition was mounted against Algiers and that ended<br>ignominiously. 2

Nevertheless, the western merchants contributed to their<br>own losses through their reluctance to give the government<br>money so badly needed if the Navy was to be re-organised.<br>Thus in 1617 the Mayor of Dartmouth refused a request for<br>'ship money' because the merchants were enraged over the<br>Levant Company question, even though he agreed that 'many<br>merchants in this place have been grievously undone in the<br>last few years by the pirates. 3 In 1619 Poole refused to<br>contribute one hundred pounds for suppression of piracy, but<br>added (significantly) that they would raise half this if they<br>could apportion it themselves. 4 Although Dartmouth reluctantly<br>paid twenty two pounds towards the 1621 expedition, its failure 5

must have made them even more reluctant to give any money to the King. These men must have cowered when in 1630, Exeter (always more 'loyal' than the others) raised fifteen hundred pounds towards an expedition to Algiers that never left the shores of England. Thus the Western Adventurers increasingly felt that James (and later Charles) were obtaining money on false pretences. This mistrust was enormously strengthened by the wars fought with Spain and France.

If English protestants in general are said to have welcomed war with Catholic Spain their feelings were not shared by those who lived in the West Country. Spain (together with its possession in Italy) provided by far the most important market for western cloth and Newfoundland fish, and the closure of this market was deeply felt and even more protested. Preparations for war began in 1623 but in South Devon the merchants encouraged their men to hide from the press gangs. Although Sir John Elliott obtained eighty men from Plymouth and Dartmouth 'not a tenth parte had presented themselves'.

An attempt by the government to prevent the export of fish to its enemies was also fiercely resisted. Sir John Suckling (an agent for the West Country) argued that if

England did not supply Spain then the French or Dutch would and so we would lose more than they by not selling it.1 This, however, the government heeded not and several ships laden with fish for Spain were 'stayed', their cargoes being used to victual the army and navy.2 Unrepentent the Adventurers continued to evade this where possible and in January 1625 it was reported that half a million fish were being sent to Spain via agents in France.3

Despite these evasions however, the embargo seems to have been (for the seventeenth century) remarkably successful. Spain did not obtain all the fish she required but the price was paid by English fishermen. In 1627 Poole claimed that the embargo had cost her six thousand pounds4 whilst Exeter reckoned her loss at not less than twenty thousand. The merchants might have accepted these losses had the markets been closed by Spanish officials, but this was the work of the government in London. The results were traumatic enough for the French market was glutted as the English traders diverted their catch. The prices fell drastically and the West Country suffered accordingly.5

The government meanwhile redoubled its efforts to obtain

seamen and hence redoubled the resentment of the Western merchants.

In September 1625 the Mayor of Portsmouth was instructed to press five hundred men from Southampton and Sussex 'and to take care that men coming home in Newfoundland ships did not slip away before he could come'.¹ This action was ordered because in the spring the Western merchants had been almost uniformly successful in evading earlier press gangs. Local officials responsible for the press were themselves merchants who waited passively until the fishing ships had sailed, then pressed a few ancient or sickly unemployables to demonstrate devotion to duty.

Further presses took place during the war with France in 1627, and there were many during the 1630's even though no wars ever resulted. This together with the spectacle of English shipping being used to attack Huguenot Rochelle completely alienated the West Country from government by Whitehall. What was the point of a wild attack upon Spain long after that nation had suppressed protestant Bohemia whilst England looked on? What honour was to be gained from going to war with France after English ships had aided her to suppress the Huguenots? Why pay money to the government to equip a fleet which whilst ostensibly designed against piracy failed ignominiously in this and was used instead for

¹. Cal State Papers Dom. 1625-6 p 103. Orders to the Mayor Portsmouth. 12 Sept., 1625.
European wars which only 'shut up' the West Country markets? There is no coincidence in the parallel that can be drawn between those West Country ports most involved in the Newfoundland fishery and those which fought most hard against the other overwhelmingly Royalist feeling in their region. After 1640 Plymouth, Looe, Falmouth, Bideford, Barnstaple, Lyme Regis, Southampton and Poole provided the backbone of Parliamentary strength in the Western Counties. Dartmouth and Exeter if they contained many Royalists (even amongst the merchants), nevertheless held numerous Parliamentarians.

Affairs of the Newfoundland fishery provide a mirror of those tensions which soon involved the whole nation in civil war. Ship's money, chartered Companies, wars and a prevailing weakness in Government which expressed itself through inability to formulate firm lines of policy and inability to implement any policies. London and the Western Ports, though cordially detesting each other were found on the same side against a government which in trying to satisfy both had satisfied neither.
CHAPTER FOUR

The Western Adventurers and colonisation in Newfoundland and North America.

It is only too easy to overestimate both the threat which early colonies posed to West Country interests in Newfoundland and (conversely) the role of the Adventurers in causing the downfall of those colonies. If one takes the sheer volume of documentary sources alone, it becomes apparent that during this era the Western Adventurers worried mainly about the Sallee Rovers, London Joint Stock companies, war and (a very bad fifth) the settlers in Newfoundland.

Only twice did they complain about the colonists - in 1618-19 and again during the debates concerning a 'free fishery' in America in 1621. In the latter the opposition were far more concerned about Gorges' patent for New England than about the struggling settlements in Newfoundland.

After 1621 no more was heard from the West Country until Sir David Kirke went out to Newfoundland in 1638.

Similarly, with the exception of John Mason in 1619 and he and Guy during the 1621 debates, not one of the 'proprietors' blamed (or indeed even mentioned) the Western Adventurers when they later analysed their failures. Indeed these failures can only be understood in terms of the many other attempts which were being made to establish settlements throughout North America.
Because Englishmen knew far more about Newfoundland than about the rest of America it was inevitable that Elizabethan propagandists should think of establishing a colony there. The first highly optimistic reports of Anthony Parkhurst in 1578 were followed by Sir Humphrey Gilbert's Patent 'to discover and possess all lands not in the actual possession of any Christian princes'. In 1583 Gilbert landed at St. Johns and took possession of Newfoundland 'for himself and his heirs forever', but then sailed on to the mainland and apparently forgot about Newfoundland. He was probably more interested in planting a colony in Virginia than in Newfoundland, but his death and the outbreak of war with Spain prevents us from ever knowing whether he or Raleigh would have tried to follow up by sending out colonists.

After the failure of Roanoke, projects for colonisation had to wait until the end of the Spanish war, but after 1604 the pent up enthusiasm for expansion (albeit an enthusiasm shared by comparatively few men) burst out, and in less than thirty years settlements were created or attempted in Virginia, New England, Maryland, the West Indies, Nova Scotia and Guiana as well as in Newfoundland.

West Country merchants were not against Plantations as such - even in Newfoundland. The Roanoke settlers included:

2. O.O. 1/67.154 An account of the Colony of Newfoundland.
pany from Dartmouth, and Gilbert's expedition to Newfoundland in 1583 was financed largely by merchants from Exeter and Totnes. Indeed the organizer of these early ventures were themselves Devonians who lived in areas greatly engaged in the Newfoundland fishery. Almost all the Elizabethan explorers and colonists came from the West Country and must have obtained financial backing from fishing merchants, whilst their seamen must have been drawn from the ranks of those who sailed to the fishery.

At the beginning of the seventeenth century the West Country was again prominent in colonising ventures. West Country fishing captains first discovered New England's wealth and merchants of Plymouth, Exeter and Bristol eagerly undertook the 'Northern Plantation' of the Virginia Company—spurred on by hope of profit from that very 'sedentary' fishery which they later resisted so strongly in Newfoundland.

Sir Edwin Sandys of the Virginia Company was a West Country member of parliament; Gorges of New England came from Somerset, was related to the Raleighs and drew his support

5. Member for Plympton (Devon) and later for Lyme (Dorset).
not from London but Plymouth and Exeter,1 The Western
Adventurers even included supporters of settlement in
Newfoundland. Whitborne came from East Devon and had fished
at Newfoundland since the 1570's2 and Robert Hayman, last
governor of 'Bristol's Hope' came from Dartmouth was the son
of a fishing merchant and nephew of a past mayor of that town3
Lord Baltimore fitted out his expeditions from Southampton and
Poole.4

Of course any settlement in Newfoundland would have to
take account of the existing situation there. The area
between Cape St. Mary's and Cape Bonavista was still an
international fishery; visited by ships from Portugal and
France as well as England. To exclude them from their
traditional fishing 'rooms' would create great diplomatic
tension in Europe and expensive conflict in Newfoundland.5
Even more if English settlers established a 'sedentary'
fishery they could only do so by 'engrossing' fishing rooms
which up to now had been traditionally taken up upon the
'first come-first served' basis of the ship fishery.

1. Americanus, The Plymouth Company and settlement of Maine
in Devon and Cornwall Notes and Queries Vol XVIII pt III (1934).
3. Devon and Cornwall Notes and Queries Vol XX 1916.
4. Southampton Records Society, Book of Examinations Vol II
p 38 Deposition of S Baker 14 Sept. 1629.
5. Breton interests did in fact protest against the establish-
ment of 'Guy's Colony' G. Lanctot. History of Canada Vol I
(Trans by J. Hambleton Toronto 1953). p 308.
Moreover an ambitious and energetic governor might be tempted to exercise control over the fishing ships who had been used to operating under their own 'free' customs.

There is however every reason to believe that the patentees of the 'London and Bristol' Company were fully aware of these problems and planned to avoid them. Its membership comprised the usual assortment of Courtiers added to a consortium of London and Bristol merchants. Until 1615 it would seem that the Courtiers provided political support, London the capital, and Bristol the organisational 'know how'. Most of the Bristol members were already well versed in the Newfoundland trade and (in contrast to those of London) must have fully realised the dangers of setting up a sedentary fishery.

The instructions given to John Guy when he sailed to Newfoundland in 1610 reflected their eagerness to remain on good terms with the migratory fishermen. He was warned that his arrival 'would not fail to arouse suspicions prejudicing fishermen' and was to assure the latter that their former liberties were secured. The Company could do no less for their Charter specifically stated that the western Adventurers were to enjoy all their existing rights and liberties.

2. IBID.
3. IBID.
When he arrived in Newfoundland Guy did all he could to maintain friendly relations. By settling in the haven of Cupids deep in Conception bay he ensured that there would be a minimum of friction with visiting fishing ships. The company obviously intended to carry on a fishery — but on a footing of equality with the Western Adventurers — by sending from England fishing ships which would compete for 'rooms' with everyone else. In 1611 Guy reported that because the three 'rooms' at Cupids had already been taken up by 'non-company' vessels, their vessel had been sent to 'try its luck' at Ferryland.

Basically however the company hoped to make its main profit by providing migratory fishing ships with supplies in exchange for 'train' oil and fish, 'if it could be got at reasonably'. Such fish was to be stored until a company vessel came to take it to market 'which coming there close, may sell better than that which comes first, the great glut carrying oftentimes the market'. The settlers were not to fish, but prepare cargoes of masts, spars, dealboards to be sent to England on any company ship which arrived with salt for resale to the fishermen. They were also to prepare timber for the manufacture and repair of the fishermen's boats.

Providing that this policy was followed consistently, 1

1. Guy to Slaney 1611. Cited in Prowse History of Newfoundland p 127. One of the non-company ships came from Bristol. Thus not only did that town operate fishing as well as 'Sack' ships, but many of its merchants cannot have joined the 'London and Bristol' Company.

there would be no reason for conflict with the Western
Adventurers, and indeed John Guy's early letters indicate
that relations were entirely good.

In 1611 he reported that the fishermen had willingly
supplied provisions to the infant colony and that many of
them were talking of settling in Newfoundland. When he
returned temporarily to England at the end of that year, it
was as a passenger on a fishing ship.¹

Guy's policy obviously satisfied the Western Adventurers
who voiced no complaints about the colony until 1617 - three
years after he (and other Bristol merchants) had broken away
from the London dominated Company. By this time the Colony had
already failed, and for reasons which had nothing to do with
the fishing ships. In 1611 Guy had written optimistically of
how the settlers had planted crops, built a fort and
constructed fishing boats, whilst the livestock flourished.

"Many of our masters and sea-faring men seeing our safetie,
and hearing what a mild winter we had, and that no ice had
been seen floating in any of the bayes.......... doe begin to
be in louse with the countrey, and doe talke of coming to
take land here to inhabit". Indeed he hoped to persuade
some West Country men to remain for the ensuing winter.²

Unfortunately his optimism was unjustified. Even while
writing the above Guy had been forced to forbid Ship's captains

¹ Prowse, History of Newfoundland, p 125.
² Ibid. Quoting a letter from Guy to Sloman from 1611.
to take aboard any men planted under the patent,\(^1\) and although he came back in 1612 with a puritan clergyman, farmers and artisans, Guy returned to England for good in 1613 leaving fifty four men, six women and two children in the struggling colony.\(^2\) A year later he severed his connections with the Company.\(^3\)

What had gone wrong? To begin with the Venture (in common with many others of the period) was hopelessly undercapitalised. In 1610 only twelve hundred pounds had been subscribed\(^4\) and the Company soon hovered on the edge of bankruptcy, whilst the undertakers proved increasingly reluctant to subscribe further. Early optimism about agricultural prospects was finally quelled when an expert Bartholomew Pearson, condemned both land and climate.\(^5\) Cupids was badly situated for trade with English merchant ships which concentrated mainly at St. Johns, Ferryland, Carbonar and Harbour Grace. In 1612 a Devonshire subscriber criticised the Company for sending 'apprentices' instead of trained craftsmen,\(^6\) but the apprentices had grievances as well. In the same year many of them complained (after a sojourn of but three months) 'of finding our usage far worse than we

2. IBID p 102.
4. IBID p 622.
expected, our labour very much and hard¹, and refused to work any more.² A year later Guy himself complained that he had not received a promised land grant, whilst the servants had never been paid since they went to Newfoundland. The uneasy alliance between London and Bristol soon ended, amidst mutual recriminations and both subscribers and settlers learnt (too late) that they had been too optimistic about the possibility of establishing colonies without entering the fishery.³ Thus by 1616 the Company as originally envisaged had failed. The Bristol merchants formed an 'independent' settlement at 'Bristol's hope' Conception Bay, whilst the rump of the Company were forced to sell large tracts to individual entrepreneurs. More than this they determined to ignore the limitations of their Charter and engage directly in the fishery. John Mason was sent out to be the new governor.

A native of East Lynn in Norfolk Mason is not known to have had experience in the Newfoundland trade before he went out as Governor. Having been engaged in the East Anglian fishery however he was experienced in the general art.⁴

¹: IBID
²: As early as 1612 One settlers criticised the Company for not engaging in a fishery.
³: Prowse, History of Newfoundland p 103.
His intimate connections with London and Scottish merchants, combined with a lack of knowledge concerning conditions in Newfoundland may have made him the ideal man to carry on an aggressive fishing policy; certainly Mason walked where Guy feared to tread.

In 1617 the Earl of Bath forwarded to the Council a petition from the Adventurers concerning "injuries inflicted by those of the late plantation", and a year later the traders of Plymouth, Barnstaple, Weymouth, Poole, Southampton and other places was also laid before the Council. They complained that the Company had ejected fishing ships from the best rooms in many harbours 'and given them to their favourites'. Great quantities of salt casks, boats and other provisions had been stolen or destroyed; the Western Adventurers had been forbidden to trap birds (used as bait until the caplin came in). The Company was charged with collusion with pirates "which induces them to frequent the place to our great disturbance", and also of holding Admiralty courts at inconvenient times during the fishing season.

The gravest of these charges was bluntly admitted by the Patentees; 'that in regard of their chargeable maintenance of a colonie on land there all the yeares, it is

conceivable to be lawful for them the Inhabitants to make their choice of their fishing place, and not to leave the benefit thereof to the uncertaine commers thither: and have not put out anie ship of anie harbours being placed there to ffish, according to their ancient customs.  

The other charges were countered, not with evidence of innocence, but rather flat denials. The Patentees did not approve of stealing, had not prevented fishermen from trapping birds and the 'Admiralty court' complained of had nothing to do with them although 'some of the Westerne fortes had done such things'. As to dealings with pirates, such men had almost destroyed the colony. Indeed the Adventurers supplied them with food and mariners.

Most of these charges were unproveable one way or the other for the Government could find no independent observers, but even so the Colonists' case was rather weak, and the West Country merchants did not hesitate to point this out. They pointed out that the under the terms of their own Charter the settlers were not given the privileges of fishing before all others. Even if such a 'right' of choice were to be admitted 'and this was contrary to common usage', then the fishing ships ought to have it. The Adventurers asked that the liberties reserved to them under the Charter be confirmed and rounded off with an angry blast against the colonists.

We know better how to run our fishing than the planters can

1. Prowse, History of Newfoundland p 100.
tell us and are altogether unwilling to be, ordered by them. 1

1. Granted that most of the complaints could be neither confirmed nor refuted, the Privy Council still acted in a weak manner; they agreed that by 'engrossing' fishing rooms the Company was in breach of its Charter but beyond calling upon the Company to allow the 'ancient liberties' to the migratory fishermen, and calling upon the Governor and planters not to molest the fishermen, took no action to resolve the problem. (In 1620 they redressed the balance by ordering West Country Mayors to ensure that masters and men did not interfere with the planters). 2

This compromise was hardly likely to help anyone. Mason was free to continue fishing and the West Countrymen were equally liable to continue in hostility towards the settlement.

In the dispute however both defenders and opponents of settlement used tactics which until the Government began to receive impartial reports after 1675, left the latter with no clear grounds for judgement. One side would appear with a list of grievances - and the other side replied by saying that those who first complained were in reality the true culprits. Lacking any impartial information of its own, the Government invariably found it difficult to take, and even more difficult to follow up, any decision at all.

1. Prowse. History of Newfoundland. p 100.
Despite Mason's determination the colony at Cupids stubbornly refused to flourish, and by antagonising the Western Adventurers he may have further lessened the chances for its success. None of the scattered settlements on the Avalon peninsula can ever have held more than thirty or forty men whereas the fishing ships carried perhaps ten thousand. In any conflict the latter were bound to win unless (and this in retrospect seems extremely unlikely) the Government could redress the balance.

In 1619 Mason attempted (and apparently failed) to have the Charter amended so that he could exercise authority over the fishing ships, but the Company was by now in grave financial difficulty. In 1620 John Guy persuaded Sir William Alexander and the 'Scottish Undertakers' to join the Company and both asked the King to give aid to the colony. They asked that Mason be appointed as a Royal Governor and be given two warships, to be paid for by a tax of 20% on all fish caught.

The Council, acting for once with wisdom, refused to agree. They had been caused enough trouble after Mason enraged the Adventurers in 1617 and to appoint him as a Royal Governor and appoint warships to enforce his jurisdiction would have been madness. Even more, a tax of 20% on the fish might well have

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A few years after the Civil war begun twenty years ahead of its time.

With the failure of this petition, the colony disintegrated. Alexander tried Nova Scotia instead and Mason, after accepting a post as governor of Portsmouth from his patron Buckingham, later obtained a patent to New Hampshire (in which venture he failed as miserably as he had in Newfoundland). The London and Bristol Company limped on during the 1620's and (though on a much reduced scale) the colony at Cupids limped along with them. The Slaney brothers and Sir Percy Willoughby persevered in hopeless attempts to interest new investors, but as a project the plan to plant a 'Joint stock' colony in Newfoundland had failed. Indeed it had really failed by 1613 and Mason's clash with the Adventurers was but a desperate attempt to restore the Company to financial health.

By now it had been amply demonstrated that no colony in Newfoundland could be run profitably unless the settlers began fishing. But this would inevitably arouse the enmity of the Adventurers whose trade depended upon the free competition for fishing rooms. Nevertheless a few men were still prepared to try.

After the London and Bristol Company began to sell its land at least five men attempted to 'plant' colonies. 'Bristol's Hope' plantation struggled on until about 1630

1. Frowse, History of Newfoundland p 109
under the charge of Robert Hayman of Dartmouth and Sir Percy Willoughby made an abortive attempt at Carbonera in 1619; and indeed persisted in a half hearted way until 1631. Doctor (later Sir William) Vaughan established colonists at Trepassey, and sold part of his purchase to Lord Falkland, whilst Lord Baltimore tried hard to plant settlers at Ferryland and Caplin Bay.

If however a Chartered Company backed by the (theoretically) enormous resources of its London members could not succeed, there was even less hope for these individual efforts. Vaughan did send out Welsh settlers in 1617 and 1618 but when pirates captured his ship, was financially crippled and the settlement collapsed. Even with the aid of Captain Whitborne, Lord Falkland accomplished no more at Renews.

Not one of these patentees ever claimed directly that they had been obstructed by the western adventurers who indeed, after the failure of the London and Bristol Company seem to have regarded these ventures with little more than amused contempt.

The career of Sir George Calvert (later Lord Baltimore) most persistent of colonisers, would seem to indicate that

1. Dict Can Biog Vol 1 p 584 G. Cell, Thomas Rowley
2. IBID G Cell, Nicholas Guy p 351
3. T. Whitborne, Westward Ho For Avalon (London 1870) p 23.
the ventures did not fail for lack of official encouragement. In 1620 when a Principal Secretary of State, Calvert purchased a tract from Vaughan in an area 'not yet settled' between Fournow and Petty Harbour. Monson claimed that he was supported by some Bristol merchants but there is no other evidence for this. As will all ventures the beginning seemed promising enough. In 1621 Calvert sent Captain Wynne with twelve men to Ferryland, and a year later, encouraged by optimistic reports sent more to Captain Ray. Wynne wrote what must have been fraudulent reports of progress in Agriculture, mining and salt manufacture, and the eager Calvert not only sent more settlers to Ferryland but planned to establish another colony at Aquafort.

Using to the full his influence at Court Calvert proceeded to obtain what none of the others had acquired - a Charter granting him the whole of Newfoundland. Either he or someone else found this unsatisfactory for in 1623 he received a new Patent which still granted him the entire Avalon peninsula. By this time however, he must have

4. Ibid p 128.
became suspicious for in that year Governors Powell and Wynn were replaced by Sir Francis Tanfield, who failing to do any better was in turn replaced by Sir Arthur Aston in 1626.

Undeterred by these organisational problems Calvert (created Lord Baltimore after his conversion to Catholicism and resignation from office in 1624) continued to persevere. In 1625 he obtained a 'proprietary' charter which if enforced would have given him control not only over all planters but visiting ships as well.

By now other persons claiming land in Newfoundland must have protested at the size of Baltimore's first patents, for his territory was now confined to that which he had obtained from Vaughan in 1621, but saving this limitation, he obtained far ranging powers. Although fishing ships were guaranteed 'freedom of fishing' Baltimore could make them unload only at such harbours as he thought fit (which made nonsense of a 'free fishery' where masters chose their own spots for landing and drying fish and their own harbours from which to fish). He might charge customs and export duties, appoint magistrates and enact any laws he thought fit. Baltimore was also given sole rights of soil, timber and all sorts of fish.

In addition he received the usual utopian powers in having

2. IBID.
power to incorporate towns and to raise armies.

Such powers and privileges cost him little enough; payment of a white horse whenever we or our successors go there, and one sixth of all precious metals found'. The Charter was ambiguous to say the least. If Baltimore controlled the harbours how could ships choose their own? If he owned all the soil how could ships select their own 'rooms'? If he owned the woods, how could the ships freely take timber for stages, flakes and boats etc? Ambiguities yes - but 'If doubt in interpreting the Charter the most favourable interpretation to be made on behalf of Sir George Calvert'.

Surprisingly perhaps, the western Adventurers do not appear to have opposed this Charter. Possibly they did not even know of its existence, or perhaps may not have expected him to succeed. At any rate Baltimore never attempted to use these formidable rights and powers for the internal affairs of the Colony engrossed his attention.

In 1627 'being dissatisfied with the managers of his affairs' he at last went in person to Newfoundland. Although he returned to England in the Autumn Baltimore went back with all his family in 1628. War with France unhappily

interrupted the affairs of the colony and although 'It pleased God to make him an instrument to redeem above twenty sail of English ships there'¹ this did little to re-organise the plantation. A hard winter followed and with no less than fifty of his servants sick at once, and a nagging wife, Baltimore in the spring of 1629 left Newfoundland for ever 'saying it was neither fit for man nor beast'.² Ahead lay the very successful plantation in Maryland.

With his departure the last real hope for planned settlement disappeared until the 'Kirke-Hamilton' patent of 1637, although Baltimore's son Cecilius later claimed that deputies had been left to govern Ferryland.

In 1630 Robert Hayman, poet and last governor of Harbour Grace³ penned an urgent appeal to Charles I. He pleaded for direct Royal financial support and after reiterating the old arguments concerning possible profit, went on to analyse why the private ventures had failed. 'Those noblemen were only named, or adventured very little; those were soon made weary: the merchants concerned soon fell out amongst themselves, the principal undertaker (probably Guy), himself a merchant (was) wise but inconstant, falling off'. Willoughby and had been wronged by 'unhonest idle and unfitt men' and

¹. IBID.
². Plymouth City Library. Collected Papers No. 60.
³. Deposition taken at Totnes 1675.
4. Remnant of the Bristoll's Hope plantation.
Falkland: treated even worse. 'Only my Lord Baltimore hath after much injury done him, adventured happily himself': Hayman claimed that Vaughan was about to make another attempt and therefore all would go well if only His Majesty would step in and by example encourage the colony, which would be 'infinitely gaineful to your purse'.

Even had he been so inclined the King had little enough money for what he was trying to do at home, let alone adventure to Newfoundland. Hayman's appeal was not even answered.

It should be noted that Hayman said nothing about the Western Adventurers; other critics were equally mute on this point. We have seen a settler criticising the Company for not fishing in 1612 and Whitborne explained Vaughan's failure by the loss of his only ship. Vaughan (and all the others) sent out 'apprentices' — men of no skill or training even in agriculture let alone ships and fishing. The quality of Guy's colonists may be gauged by the fact that one had gone to Newfoundland to escape justice after killing a man at Rochester. Whittorne described a later group as idle, useless men who possessed not enough wit to build houses for themselves — hence reduced to using the flimsy West Country 'tilts' during the winter.

1. B.M. Eg Ha 2395 f 164-9. Robert Hayman, A proposition of Honour and Profit to my Dread and Gracious Soveraigne (1630).
2. See above p 96.
But engrossed in their own defences none of these contemporaries fully understood what had gone awry. Newfoundland suffered from the same problems which hindered development on mainland America. Over optimism concerning the feasibility of establishing profitable colonies and a surfeit of propaganda which only served to make both investors and prospective settlers 'once bitten, twice shy' when the first discouraging news came back to England. From the Virginia Company onwards entrepreneurs consistently underestimated the expense of colonisation. In this respect Newfoundland was even worse than other colonies for the London and Bristol Company's initial capital of one thousand pounds was derisory, and shortage of funds led to disputes between Bristol and London, and dissatisfaction amongst settlers who worked hard for no reward. Under the impact of this the tenuous bonds between London and Bristol were soon sundered.

With the exception of Baltimore the later 'proprietors' must have been even less able to finance successful settlement. When Vaughan lost a ship it took him three years to recover - but piracy was a normal hazard of the age. The true cause of his failure was insufficient capital. It must also be remembered that (like their mainland counterparts) these men were motivated mainly by hopes of profit on investment in 'Colonial Companies' in early seventeenth
Lord Baltimore and his son in Maryland. There was thus nothing peculiar or sinister about the failure of Joint Stock and Proprietary projects in Newfoundland. The 'sinister' role played by the Western Adventurers (if there was such a role) must have been purely peripheral.

West Countrymen settle in Newfoundland as individuals

Although the promoters disappeared, 'planters' remained and during the 1630's many West-Country fishermen seem to have settled 'on their own accounts', where they carried on a fishery without, as far as we can judge any hostility from migratory fishermen. As early as 1615 Whitborne talked of a few men being left by ship's captains to take care of boats and stages during winter, and by 1630 men were coming out quite regularly as 'passengers'.

In 1629 the 'Hope' of Southampton brought home ten men 'to their families at Studland', and it is almost certain that these had no connection with the proprietary colonies. About 1635 Gabriel Viddomas of Terry Pomeroy (South Devon) went on a Plymouth ship to Barbonear where Widow Weymouth (and this is a South Devon name), persuaded him to stay as a servant for twenty four years. Richard Parket of Dartmouth was a 'boat keeper' in Newfoundland before the arrival of

1. Innis, Cod fisheries, p 55.
of Sir David Kirke, and Thomas Cruse 'of Ashprington, merchant' went out to settle somewhere around 1632. 1

Thirty five men planned to go out on a London ship in 1636 but (sadly) were pressed into the Navy. 2

Under the civil war and commonwealth west country emigration probably increased. In 1652 Thomas Lovelace 'mariner' of Newfoundland obtained an apprentice from the Dorchester Poor authorities and in 1659 the same parish agreed to provide a 'suit of clothes for Jo' Sawings who is going to Newfoundland on condition that he goes'. 3 There were thus close and cordial links between the west country and the Newfoundland planters. Henry Brown of Carbonear employed George Tito a Poole fishing captain to collect debts from English Sack merchants in 1644. 4

It cannot be said therefore that settlement had failed in Newfoundland. The financiers failed, as did most of those involved in mainland colonies, but the planters remained, gradually infused with skilled fishermen from Devon and Dorset. And if nothing else, Newfoundland proved a wonderful 'Nursery for colonists'. John Mason went into New England, Robert Hayman to Guiana 5 and Lord Baltimore to Maryland.

1. Plymouth City Library. Collected papers No. 60. Depositions taken at Totnes, 1675.
2. Cal State Papers Col A. & W 1574-1660 p 236. 2 June 1636.
Sir David Kirke acted in reverse. Using experience gained with Alexander in Nova Scotia, he tried his hand at Newfoundland. The Newfoundland Patentees formed an early example of that not unusual phenomenon 'the Oxford Old Boys' clique. Vaughan, Falkland and Hayman all knew each other at University.

The New England Fishery

Developments in Newfoundland were complicated by the fact that the Western Adventurers also penetrated into the rich fishing grounds off New England. This not only resulted in a conflict with Gorges in 1620 but also divided the ranks of the fishermen for Plymouth provided the backing for Gorges, whilst Dartmouth fought bitterly to uphold the 'free fishery' in those parts.

Gosnold, Pring and Waymouth, the first men to investigate the coast of New England were West Country fishing captains and their reports of abundant cod off that coast must have excited great interest at home. Almost certainly those merchants of Plymouth, Bristol and Exeter who formed the 'Northern plantation' of the Virginia Company did so, not from any enthusiasm for settlement, but in hopes of exploiting this fishery. Like their furtrading counterparts in French Canada, settlement as far as the merchants were concerned was little more than an irksome imposition, rendered necessary if

1. Innis, Cod Fisheries p 71.
...other profits were so great that the charter was to be obtained. Although their settlement collapsed in 1608 interest in the fishery continued and revived considerably after Captain John Smith fished there in 1614. He claimed that the abundant cod could be taken from March to mid June, and again from August to November (whereas the Newfoundland fishery lasted but eight weeks). New England cod was of such a size that 100 of them equalled 2-300 of Newfoundland in weight. At Malaga Smith's cargo had sold for 40 reals a quintal which was more than twice that obtained by Newfoundland men.

His optimism was however premature. Although New England cod were indeed larger, their very 'thickness' prevented a good dry cure and merchants soon found it useless for the best markets - those of the Mediterranean and Southern Spain. Nevertheless the West Indies, 'Western Island' and Northern Spain provided markets enough, and Plymouth traders, in an uneasy alliance with some of London fitted out ships for New England.

In 1616 the allies sent eight vessels, all of which made excellent 'voyages', the fish being sold in Spain and the Canaries. The alliance soon began to crack however and in 1618 although four ships were equipped, internal feuds meant that only two actually sailed. They too made extremely good voyages. Although only one ship from Plymouth went out in

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1. Ibid p 70.
1619 her profits were so great that the 'share' of an ordinary mariner was said to have been Seventeen pounds.\(^1\)

These successes revived West Country interest in the 'Northern Plantation' - dormant but not extinct since 1608. Men like Sir George Popham had kept the project alive and now Sir Ferdinando Gorges found the Plymouth merchants again prepared to venture. However they wanted no connection with London and in 1620 a New Charter created the 'Council for New England'. Gorges himself may have been interested in Colonisation but his merchant supporters were less idealistic.

To finance the Colony Gorges obtained a monopoly over the fishery. No one might land without his licence and even worse, every fishing ship must obtain a licence and fishermen were forbidden to land or erect stages.\(^2\)

These measures could be justified: Experience in Virginia had shown the colossal expense of colonies and what better mode than to make a colony pay its own way. The control of licences may also have been used to exclude none-Plymouth ships from the fishery. The latter of course had reason to expect some preferential treatment, being probably the men referred to by the Reverend Mr. 'White, who having 'furred' and fished there several years, decided to plant a colony from the 'spare part' of the crews and subscribed three

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1. Innis, God fisheries p 72.
2. IBID p 73.
thousand pounds to float the Company. Attempts to enforce these regulations met immediate resistance. Captain Smith claimed (inaccurately) that the fishery 'was little frequented thereafter', but in 1621 Dartmouth protested that the Company had caused them great loss, and in 1623 whilst five Plymouth vessels fished peacefully under licence, two from Dartmouth were seized as interlopers.

Two years before this however, the patent had created a storm in Parliament. In April 1621 Sir Edwin Sandys introduced 'An Act for the freer liberty of fishing voyages to be made and performed in the sea coast and places of New-found-land, Virginia, New England and other the sea coasts and parts of America'. Basically this bill sought to ensure that all British subjects be guaranteed free fishing with the right to select their own landing places 'according to priority of arrival', and liberty freely to cut timber for the needs of the fishery.

Although a West Country sealer Sandys was not normally a free-trader, but as treasurer of the Virginia Company he he regarded the 'New' American charter as an infringement upon that of his own Company. Gradually everyone in

2. Innes. Cod Fisheries. p 75.
3. Ibid. p 73.
Parliament lined up for or against the Charter and men who had no interest in fishing or colonies joined in to use the debate as an attack upon monopolies in general. The New England Company tried to be fair; Sandys reported indignantly that he had been offered liberty of fishing 'if we would take it in courtesie, which was to accept of my birthright in courtesy from a subject, when also God and Nature, by right of creation, had made the sea free.' Guy and Calvert, concerned not for Gorges but themselves joined in the debate. The former argued that the Act was unnecessary for fishermen could take wood in Newfoundland, but Calvert tried a more ambitious approach: 'this bill is not proper because it concerns America.' (A valiant defence of the royal prerogative which was hardly likely to win friends in the House).

Doctor Gooch, late Dean of Exeter and supporter of Gorges, weighed in to defend the Newfoundland Company and by the end of 1621 America and Newfoundland were hopelessly intertwined. In December the bill passed through the Commons only to be rejected by the Lords. When in 1623, Parliament re-convened the free traders immediately re-introduced the Bill, this time under the formidable direction of Sir Edward Coke. Despite Doctor Gooch's warning that 'the Duke and many other great ones are interested in it as much as Sir Ferdinand',

2. ibid. p 39.
3. ibid. p 55.
the bill again passed through the Commons only to be again
thrown out by the Upper House. Re-introduced in 1625, the
bill died when Charles I prorogued parliament, but in 1628
yet another was introduced. The last references ran thus;
'June 23 House of Lords Committee to meet on Wednesday next
by two in the afternoon'. ¹ A victim of the petition of right.
One of the manifold grievances which parliament wished to
discuss before voting supply.

Although the bill never became law the free traders were
not really defeated for there is no evidence that (after 1623)
Gorges ever attempted to enforce his control over the fishery,
which indeed expanded considerably. Ten fishing ships sailed
there in 1621, and by 1625 there were 50.²

It has usually been suggested that the west Country
migratory fishery off New England was finally defeated by the
growth of a sedentary fish and the outbreak of the Civil War,³
but to talk of this as a 'defeat' may be misleading. The
migratory fishery was obviously declining by 1637 for only
fifteen ships went in that year.⁴ Almost certainly the
Western Adventurers simply found that it was better to establish
permanent fishing 'posts' on the mainland. As we have seen⁵:
the Plymouth supporters of Gorges planned from the outset to

¹. IBID. p 94.
3. For example IBID p 80.
4. IBID. p 72.
5. Above page 112.
leave crews during the winter. John White's fishing colony at Dorchester in 1623 consisted of one hundred settlers from Devon and Dorset, and Robert Trelawney of Plymouth established a fishing post on Richmond Island. It must have been around this time that Abraham Shapleigh of Dartmouth, a great trader to Newfoundland established another post at 'Kittery' in Maine. He and others in Maine were instrumental in developing that commerce to Newfoundland which later became (at least in the eyes of the Government) such a threat to the English fishery there.

If the American fishery were unsuccessful these traders bought fish at Newfoundland instead. Early settlements both in New England, but more especially in Maine owed much to emigration from the West of England.

Thus in its early stages the growth of a New England sedentary fishery could hardly be seen as a defeat for the Western Adventurers. Some merchants instead of sending out fishing ships chose to establish posts there, and although in the end Newfoundland and New England became competitive rather than complementary, this was not the case before 1660. In fact the Western Adventurers found other sources of profit from New England. As Professor Innes remarked, the inrush

immigrants provided fishing ships with the enormous profits from 'freighting' them out. In 1634 for example, the 'Regard' of Barnstaple carried twenty persons to Boston and bought fish to take to Europe and in the same year West Country skippers pointed out the benefit of New England to Newfoundland in a petition to the Council. In 1639 'Neptune' of Bristol transported 125 passengers to America before going on to collect fish at Newfoundland. In 1638 the merchants protested against a proclamation which forbade the carriage of passengers to New England without licence, on the grounds that the loss of these revenues would ruin the Newfoundland fishery.

Thus the connections between Newfoundland and New England; not yet competitive but complementary. Sedentary or migratory the fishery was all one as long as the same merchants profited from both.

The Western Charter.

Both in Newfoundland and New England, the Adventurers (with the exception of Plymouth in the latter) insisted upon a 'free fishery'- freedom to take fish, choose their own harbours and 'rooms', freely take and cut wood, and to be under no management but their own and the 'customs' which had evolved in Newfoundland. Such 'freedom' could and did become little more than anarchy - an anarchy moreover which:

1. Innes. Cod Fisheries. p 79.
threatened to harm the long term interests of the traders in themselves.

The need to get to Newfoundland quickly, the short fishing season and haste to get to market led to competition amongst merchants who scrupled not to take advantage of every possibility, legal or otherwise.

Their reluctance to sail in convoy resulted in many losses to pirates or privateers even at Newfoundland. ¹ To save time, the first arrivals stole boats, other people's bait, dismantled stages and engrossed far more land than they needed, to the detriment of latecomers who, according to Whitborne spent up to twenty days in repairing boats and stages.² Destruction of stages caused so much loss of time that at least some ships preferred to dismantle them and take them home to England every year.³ The crews went inland to cut timber and obtain bark('rind') to cover the fish whilst it was drying. Carried out in haste, and controlled by none the rinding was wasteful and resulted in the destruction of many fine trees.

Extravagant use of wood and careless lighting of fires was already denuding the 'shore line' timber near many harbours; fishing ships threw their ballast into the harbours whilst Sack Vessels did the same with 'prest stone' (rocks used to press the fish into the hold), and men talked (rather wildly).⁴

¹ Prowse, History of Newfoundland p 135. Quoting Vaughan.
² Innis, Cod Fisheries p 56.
⁴ Currents washed such rocks out to sea. A hundred years later men still claimed that harbours would 'soon' be silted up. They never were.
of the danger that harbours would silt up as a result.

In 1611 John Guy issued 'Laws' against these 'abuses' and laid down a scale of fines for offenders. Ballast tipping, the defacing of stages, cook rooms, wharfs and stages were forbidden as were the practices of 'altering' boats marks (marks of ownership) the use of boats owned by others, destruction of timber and the destruction of one's own landed property. 2

The Western adventurers made no complaint against these laws. No one could deny that if such abuses were prevalent then they should be prevented. In 1615 when Richard Whitborne came out with an Admiralty Commission 3 to investigate, no less than 170 captains made a presentment complaint of the tipping of ballast, destruction of property idleness of their men and neglect of the Sabbath. 4 Thus settlers and migratory men were in at least theoretical agreement concerning the need to reform the trade.

With the arrival of Mason however and growing tension between ships and settlers, the two sides differed upon how to reform such abuses. The Western petition of 1618 accused settlers of stealing salt, damaging stages, holding courts and entering the fishery, whilst the colonists retaliated

1. 'Cook rooms' were places in which the crews dwelt in summer.
2. Prowse, History of Newfoundland p 97
3. Or so he claimed!
4. T. Whitborne, Westward Ho for Avalon p 22.
by aiming that fishing ships wantonly destroyed stages, spoiled harbours and destroyed thousands of trees by careless use of fires in the woods. Whitborne and most other 'Impartial' observers were appalled at the lawless violence which appeared to be endemic amongst the fishing crews. In 1620 several men were killed in an Anglo-Portuguese affray at St. Johns and Betty Harbour, and another was murdered during a quarrel concerning ownership of a seine net. Mason claimed that the Portuguese and French were much more obedient towards authority than the Englishmen.¹

The planters pointed to this as justification for a governor. In this period there was considerable tension and the cultured men who hoped to plant colonies must have been genuinely outraged at such anarchy. Sir William Vaughan talked of the need to 'restrain their insolence who brag they are there by West and by Law', and of the 'Misgoverned and straggling courses of the western Adventurers'.²

Disregarding the question of whether colonists or migratory men were responsible (and the latter must have been mostly at fault), the west country position was based upon the fact that while they paid lip service to the need for law and order, they could not allow a resident governor to exercise authority for fear he would suppress or monopolise the fishery.

¹ Prowse, History of Newfoundland p 102
² Innis, Cod fisheries p 62.
After 1621 the arguments ceased for some years. The colonists were absorbed in their losing battle to create profitable settlements whilst the Western Adventurers were too worried about wars and Algerine pirates to pay much attention to this troublesome but essentially minor problem. In the 1630's however an end to war, and a temporary lull in piratical depredations led to the matter being again raised by the Western Adventurers. By now the last 'proprietors' had quitted Newfoundland and there were none to oppose the merchant interests.

In January 1633 the Council received a petition from Plymouth Dartmouth, Barnstaple 'and other places concerned' asking for laws to remedy abuses in the fishery. The original petition has been lost but it is possible to reconstruct much of it from the resulting 'Western Charter'.

Innis considered this charter to be the culmination of Western insistence upon free competition between London and foreigners in the carrying trade, but there is absolutely no evidence to prove that this was so. It is surely conclusive that not one of the clauses mentioned this problem. They concerned only problems at Newfoundland. Basically the merchants seem to have wished for the

2. C.O. 1/8 f 71 True Copy of the Western Charter 16 June 1653 Reproduced as Appendix 'A'
3. Innis, Cod Fisheries p 66.
reformation of the 'abuses' mentioned above, together with certain malpractices committed by the settlers. The Charter contained clauses against ballast tipping, destruction of property, the theft of fish, bait and nets, and the enforcement of Divine service on Sundays. To suppress the practice of first comers' 'engrossing' fishing rooms, the 'Admirals' were to choose their room within forty eight hours of arrival, were not to take up more ground that their fishing boats could use, and were to inform later arrivals of these decisions.

These clauses were little more than re-affirmations of 'Guy's Laws' of 1611, but there were additional measures. Section nine related to what may have been an increasing problem of drunkenness. No one was to set up Taverns or sell wine, beer, strong liquor or tobacco 'because it is found by such means they are debauched neglecting their labours, and poor ill governed men not only spend most part of their shares, ... upon which the life and maintenance of their wives and children dependeth, but are likewise hurtful in diverse other ways, as by neglecting and making themselves unfit for their labours by parroting and stealing from the owners and by making unlawful shifts to supply their disorder'.

One mysterious clause forbade the engrossing of supplies. All provisions were to be put up for public sale with six days of arrival, in Newfoundland. Clauses ten and eleven

1. Until 1700 almost all the seamen were employed on shares - or part of the proceeds of the voyage rather than upon 'wage.'
were aimed at the resident fishermen. No 'Planter' was to take more fishing room than he could use and in every harbour, planters were to concentrate their rooms into a block 'rather than scatter as they do now', for this resulted in great wastage of ground. No planter was to construct dwellings, make gardens or keep cattle on foreshore land suitable for drying fish.

The Charter's preamble helps to lay bare what lay behind it. 'Some of our subjects of our realme of England planting themselves in that countrey and there residing, upon concept yt for wrongs and injuries done there either on the shore, or on the sea adjoining they cannot be here impeached and the rather for that we or our progenitors have not hitherto given laws to the inhabitants there, and by thy example our subjects resorting thither injure one another; do all means of excess to the great hindrance of the voyage and the common damage of this realme.'

Attorney General Hove seems to have convinced the Council that the direct exercise of English judicial authority in Newfoundland would be illegal. Instead (possibly at the suggestion of the merchants) he proposed that the execution of the laws should be entrusted to the Mayors of the West Country fishing ports, and this was accordingly done.

2. IEBID.
The Western Charter, re-confirmed and enlarged in 1661 and 1670 became the Bible of the Adventurers - a weapon to be used against any who in future would attempt to monopolise the fishery. But how far was it aimed against settlement as such? Most of the clauses concerned abuses committed by the ships crews, and only three were concerned with the settlers. That which ordered them to concentrate their land holdings, and that which ordered them to take no more land than they could use. Given the need for fishing rooms no one could argue that property not necessary for fishing should not stand back from the shore. Significantly, the right of settlers to fish was recognised, and there was no attempt to make them settle well inland, let alone discourage any from coming to plant there.

As law however the Charter was a complete failure. It contained no 'penalty clauses', and even more the Western Mayors were all in the fishery themselves; merchants who broke the laws controlled these civic corporations and were all close friends and acquainances. Nothing has yet come to light to suggest that the laws were ever enforced.

But as a political measure, the Charter provided an indispensable if negative protection. Any proposals to alter the status quo at Newfoundland would have to be measured against this 'free fishing' law. Breaches of any part were

1. And as far as taking no more land than they could use, the Fishing Admirals had been similarly instructed.
of far less importance than observance of the principle which it embodied.

Sir David Kirke.

In November 1637 the Earl of Hamilton, Pembroke, Holland and Sir David Kirke obtained a proprietary patent to Newfoundland. The moving spirit was undoubtedly Kirke, a man of great experience in colonial ventures, gained as a member of Alexander's Scottish Company. Kirke had driven the French from Acadia and Quebec only to see them return after the Treaty of St. Germaine in 1632 to his 'great and extraordinary damage'. His widow later claimed that Newfoundland was given him as a compensation for this loss.

His partners probably knew very little about Newfoundland but they did wield great influence at Court and were probably attracted by Kirke's arguments. He suggested that by fishing, buying and making salt, the manufacture of potash, iron founding, baking and brewing, taxing alien fishermen and setting out 'Sack' ships, a colony could be made to yield handsome returns.

Kirke however, faced difficulties not met by the earlier proprietors. The land was already possessed either by the London and Bristol Company or Lord Baltimore, and the latter's

son, when he learnt of the new proposals, made a strong protest.
In 1637 he claimed that a deputy, Captain Hill was still at
Ferryland and that hence, the colony still existed. But
Cecilius had not the influence possessed by his late father and (apparently without making much investigation), the Council
granted Newfoundland to Kirke and Hamilton on the grounds that
all former colonies had been abandoned. None of the other
interested parties entered an appearance.

But if it proved easy to dispose of other proprietary
claims, those of the western Adventurers were, as the western
charter proved, only too apparent. Unless the king revoked
this, no settlements could be established in Newfoundland
which did not meet the desires of the migratory fishermen.
Fortunately the western agents proved amenable to negotiations,
and, 'the king being specially interested' an apparently
amiable settlement resulted in the definitive Charter of
13 November 1637.

The Adventurers must have been mainly concerned about
five points:—competition from sedentary fishermen, the
exercise of authority over fishing ships, interference in their
right to take land where they pleased, to take wood, and the
transport of fish to market, but their claims were fully met.

1. B.M.Eg MSS 2395 f 310. Lord Baltimore's Case.
2. The first Lord Baltimore died in 1632.
3. O.O. 195/1 f 11. Grant of Newfoundland to Hamilton
   etc. 13 Nov., 1637.
5. O.O. 195/1 f 11. Grant of Newfoundland. 13 Nov., 1637.
and the final Charter was in some ways even more advantageous to them than even their own Western Charter of 1634. Although settlers might fish (as indeed they might under the latter charter), they were now forbidden to live within six miles of the shore, or to 'take up' fishing rooms before the fishing vessels arrived. The Proprietors were forbidden to exercise any authority whatsoever over migratory fishermen and the rights of the latter to choose their own harbours and rooms, and to freely cut wood, were confirmed.

These concessions were apparently made without much discussion but one point threatened to endanger the negotiations. As part of a desire to assert English sovereignty over Newfoundland, the Council insisted that a tax of five per cent be laid upon all aliens fishing or trading there. The Adventurers protested that this would drive the aliens away leaving the Western men at the mercy of either London or the Proprietors in the carrying trade. Kirke immediately offered to take off as much fish as had been transported by aliens over a median of the last seven years 'at such prices as those English who go there yearly do pay', and offered to give security for this on the credit of certain London merchants. The West Country agents agreed and the Council issued an order stating that annually before leaving for Newfoundland, the Adventurers were to 'declare what quantity of fish they (would)
deliver to the Patentees'. The latter were to post bonds for the agreed price of this fish. Until this had been done no ship owned by the Patentees might sail to Newfoundland. This clause did not in fact appear in the definitive Charter, but it had received (presumably) the sanction of a Star Chamber Proclamation.

It is easy to see why the western adventurers raised no further objections. The Charter seemed to confirm, indeed to enlarge, their former rights, whilst the agreement concerning the transportation of fish could (if carried into effect) only be to their advantage. They could choose how much fish to deliver to theirent:; if the markets were liable to be bad, if war or piracy made a journey to market seem hazardous, the Company could be compelled to take these risks. If on the other hand the fishery flourished then the adventurers could cut back the amount they chose to give to the Company and take off the fish themselves. Either way they could not lose, and the Patentees would find it difficult to gain.

But why did the Patentees accept so limited a charter? The profits which they hoped to make from fish must be affected by the provision which forbade settlers to live within seven miles of the shore. By agreeing not to take up fishing rooms until the ships came, they were throwing away one of the few

1. Ibid. No. 371. 9 July 1637.
advantages which a sedentary possessed over a migratory fishery. An even worse restriction was the obligation not to lay any kind of tax upon the residents, but as far as not only those settlers which the Company might take out, but those who were already in Newfoundland were concerned, limitations upon the place of residence and the fishing season easily cancelled out the exemption from taxation which those already there had never paid anyway.

Did the Patentees seriously imagine that the colony could be financed on the slender basis of a 'scrag end' of the carrying trade supplemented with their own fishing operations, salt, iron and potash manufacture and trade with visiting ships? They surely knew what had occurred in the earlier Colonies. Indeed as late as 1639 Kirke still had finally to convince Lord Chancellor Rembroke against the scornful comments of other men. Kirke was certainly no stranger to the expense and risks entailed in colonial schemes and must have been quite often to Newfoundland itself. Either the proprietors were incredibly optimistic or, Kirke succeeded in fooling them whilst he cynically negotiated the Charter only to overcome the inevitable resistance of the Western Adventurers, intending to disregard its provisions as soon as a settlement was established.

Kirke went to Newfoundland with a hundred servants in

1. 0.0 I/1.0 ff 97-115 Kirke's reply to the Answereare 29 Sep 1639.
1638 and he immediately violated the Charter by residing in Baltimore's old house on the foreshore at Ferryland. Before a year had passed the planters were complaining of his exactions, for John Harrison of Ferryland wrote to Winthrop of 'his great tyranny, especially among the planters, so he is seldom spoken of without a curse'.

He antagonised the Western Adventurers with no less rapidity for in January 1639 the Exeter merchants petitioned against him, complaining that he had destroyed stales and cook rooms belonging to the fishing ships, had seized the best fishing rooms for his own use and was hiring them to his 'friends' and had established taverns whereby the fishermen were debauched.

Apparently this petition was ignored for the Council took no action during 1639. Possibly events in Scotland absorbed their energies. In 1640 however a fresh spate of petitions forced the distracted ministers to take action. In January the Plymouth Archbishop Laud to intercede. In 1639 Kirke had destroyed their property, set up taverns, had let out fishing rooms to "Hispanians and other aliens" and was trying to supplant them. In March the Law Officers

1. E.K. Eg Ms 2395 f 310 Lord Baltimore's Case.
3. C.O. I/10 f 129 Petition of Exeter Merchants 10 Jan. 1639.
were instructed to carry out an investigation, but by then the fishing ships were on their way to Newfoundland and the matter had to be adjourned. The Council did what it could by ordering Kirke to conform to his Charter, but at the same time some of his supporters on the Council appended a revealing footnote: 'We do not intend to restrain you', and allowing him to claim the six best fishing rooms at Petty Harbour, St. John's, Torbay and Quidi Vidi, respectively.  

But by now Kirke's London associates seem to have become dissatisfied. Possibly they had never expected and were innocent of Kirke's transgressions for on the ninth of June they ordered John Downing a London merchant to replace Kirke and send him home to England. The Council issued instructions to all planters and fishing ships to assist Downing in this matter.  

Kirke bluntly refused to return to England and contented himself with a letter in which he defended himself. He was completely innocent and moreover had enforced the Western Charter (which was of course, not his to enforce). The complaints were completely false: 'If when I am face to face before them and your Highnesses any man breathing can testify one of these complyants to be true I will lay downe my head at yr feete'.  

2. C.O. 1/38 f 70. Instructions to John Downing 16 Jun. 1640.  
This was completely specious. If he had been innocent, he would have obeyed orders and returned home. The fact that he was residing on the foreshore at Ferryland, had taken the best fishing rooms in the various harbours and claimed to have enforced the Western Charter (this was in itself and illegal exercise of authority over the fishing ships), is evidence enough that the Company's charter was not being observed.

The Council wanted to investigate further and prepared to hold an inquiry in the west of England, but within a very short time Laud was on trial for his life, the Council absorbed and divided about parliamentary affairs and in 1641, the outbreak of civil war ended for a time all interest in the affairs of Sir David Kirke.

The Civil War and Commonwealth.

Although the civil war allowed Sir David Kirke to survive a while, it did much more to Newfoundland than that. Most of the western ports either wholeheartedly supported Parliament or contained strong puritan elements, but they were surrounded by the overwhelmingly rural royalism of the West Country. Lyme Regis, Poole, Bideford, Barnstaple, Plymouth, Powey and Bristol were rapidly involved in the fighting and trade to Newfoundland had perforce to be neglected. Plymouth was besieged for nearly two years whilst Bristol changed hands twice - in 1642 and 1644. The merchants did not completely abandon their trade for Plymouth sent at least six ships to
Newfoundland in 1643 and a 'partial Trader' Roger Mallocke of Exeter sent two, but inevitably the trade dwindled alarmingly. Weymouth indeed is said to have suffered so much from the war that her trade never recovered and as late as 1649 Poole could send only eight ships to Newfoundland. The Civil war even spread into the fishery for in 1644 a London back ship was taken by Dartmouth privateers and it was rumoured that ships from there and Bristol intended to attack the 'rebel' London ships at Newfoundland. In 1649 ten vessels (the entire fleet) of royalist Jersey were taken by two parliamentary frigates and by 1651 Channel Islands trade to Newfoundland had almost ceased and distress and unemployment were the widespread results.

Even after the Royalist defeat, their privateers continued to threaten the fishing fleet. In 1648 one of Rupert's Irish privateers took a Southampton fishing ship.

1. Port Books E/190 1036/18, Plymouth 1642-3
3. Dorset Natural History Society Proceedings Vol 59 p 54 (1937)
5. Navy Records Society, Documents relating to the Civil War No. 122.
7. Southampton Records Society, List of Examinations Vol III P 64. List of Southampton Shipping 1603-49.
and in 1649 the Council of State was greatly alarmed at reports that Kirke had 'taken up' several hundred men from North Devon and was settling them in Newfoundland with a view to creating a Royalist stronghold. Rupert is said to have inflicted many losses upon Newfoundland traders until 1651.

The end of serious fighting between Royalist and Puritan did not ease matters for the Dutch War (1652-54) followed by that with France, and finally with Spain, prevented the English fishery from recovering. During the first Dutch war many ships were taken in the Mediterranean or off the European coasts, whilst Dunkirk and Ostend privateers took their toll in 1655 and 1656.

The greatest loss however was suffered during the war with Spain (1657-9). By this time most of the English maritime trade is said to have fallen to the Dutch who as neutral traders could visit the Mediterranean the Iberian peninsula in comparative safety. Writing in 1676 a London merchant claimed that during this war no less than twelve hundred English ships - many of them in the Newfoundland trade - had been lost 'to the great impoverishment of Plymouth, Dartmouth, Lyme, Poole and all other Western towns'.

Well understanding the importance of the fishery, the Council of State did what it could. In 1649 the 'Generals at Sea' were told to provide two warships for the Newfoundland convoy, and others were provided in 1650, 1652, 1654, 1655, 1658 and 1659. Although they did not invariably prevent losses, many of these warships performed sterling service in attacking the fisheries of other nations. In 1654 for example HMS 'Dragon' captured twenty five fishing ships of Dieppe.

But this expanded navy required men, and soon came increasing tension between the government and the Western ports. In 1652 the crew of the 'Samuelaconaventure' were pressed away at Leghorn and the master had great difficulty in bringing her home. In the following year three hundred and fifty men were pressed from North Devon, and the 'John' of Weymouth arriving in the Thames from Newfoundland lost her crew before they could set foot ashore. HMS 'Diana' obtained sixty two men from Roole, whilst in 1655 the 'Exchange' of London lost one crew, scraped up another — and lost that one as well.

Not surprisingly the Western Adventurers began to revise their opinions about republican government. Many of the men

5. IIBD 1651-2. p 500.
6. F.W. Mathews. Poole and Newfoundland. p 93.
taken up by Kirke in 1649 probably did in fact go out and settle in Newfoundland. Civil officials in the Western towns aided men to escape from the press gangs. In 1652 being ordered to provide three hundred men, the Mayor of Poole sent only thirty 'cripples', whilst one hundred and fifty able men were given warning to fly inland. In North Devon a naval captain complained of the connivance of mayors and magistrates. The seamen were collecting together and collecting arms to resist impressment. 'Many more could be got if you should rather trust swordsmen as governors than mayors'. The magistrates prevaricated until their ships had gone well manned to Newfoundland, and then rounded up a few old and infirm 'recruits'.

In 1653 it was said that not only were two thousand men preparing to sail to Newfoundland but that many men from the warships had deserted to join them.

Such evasions kept the fishery in existence but the evidence suggests that the adventurers did suffer heavily through the demand of the navy for men. In 1653 one trader asked for six or eight Dutch prisoners to make up the complement of his vessel.

Under wartime conditions the fishing fleet declined rapidly. In 1652 Plymouth sent only five ships and Barnstaple but ten. Dartmouth valiantly equipped thirty four, but this was a far cry from the enormous fleets sailing before 1640. By 1656 Dartmouth sent only twenty four 'and these impeded by the press', and the merchants of Plymouth and Totnes claimed that they were so ruined they could not afford to send agents up to London. At Poole in 1653 'not a single vessel is now employed in this port', and Barnstaple appealed to the Council of State. 'We trust that you will regard our safety that the sad hearts and oppressed cheeks of the oppressed may bless you as the repairers of our English Israel.'

The government was not indifferent to the welfare of the fishery. An 'Act for advancing and regulating the trade of this Commonwealthe' passed in 1651 specifically enjoined the Committee for Trade to encourage the Trade in Newfoundland, and an 'act of Parliament constituting a Council of State' (1659) did likewise. The 1651 Navigation Act contained a clause allowing the free sale of fish to aliens at Newfoundland.

at least until 1653, whilst in 1656 a West Country 'Bill for giving liberty of transporting fish' passed, despite considerable opposition, into law. The supporters argued successfully that without it England would lose the fish export trade to Spain. Between then and 1659 aliens were permitted to buy English fish in Newfoundland or America duty free, and from England upon payment of three pence per quintal-duty.

Thus the Governments consistently strove to aid the sailing industry. Exemption from Navigation laws, the provision of strong convoys and a continued attention in Parliament toward the welfare of the fishery. They likewise paid attention to the regulation of affairs at Newfoundland.

Kirke and Treworsie.

It is a measure of their hatred, that no sooner did active hostility in the West Country cease, than the merchants renewed their efforts to remove Sir David Kirke. In 1645 (possibly after discussions with New England traders), Plymouth again asked for Kirke to be removed. 'Your petitioners having by the blessing of God obtained some relaxation from their hostile employments and desirous to revive the said trade are so much discouraged by the insolencies and oppressions of Sir David Kirke Knt, a notorious malignant,

4. A copy of this petition can be found in the archives of Massachusetts.
and other the planters in the said Newfoundland. They repeated all the old complaints, accused him of violating the Western Charter and demanded he be brought home for trial; the petition was referred to the 'Committee for Foreign Affairs', to relieve the petitioners according to justice, but nothing seems to have been done.

In 1650 Plymouth tried again: Kirke was monopolising the sale of provisions, seizing their property, erecting and licensing taverns, granting land to the planters for rent, taking the best fishing rooms and hiring them out to the French, with the support of a 'rude populace and athiestical planteis'. Kirke was drunken and disaffected to the government. 2

By now the Council seemed more disposed to act, Kirke was known to have been once a strong royalist - in 1643 the King had personally asked him to shelter lady Hopkins 3 and in 1649 they had been alarmed by reports that Kirke was hiring large numbers of men to go to Newfoundland. 4 In 1651 the convoy commander was instructed to bring Kirke back for trial, John Treworgie a West Country merchant living in Newfoundland 5 was appointed governor in his place, and Kirke's property was sequestered upon some charge of debt. 6

3. B.M. Eg Ms. 2395 f 36. Charles I to Kirke 11 Nov 1643.
5. B.M. Eg Ms. 2395 f 649. Petition of John Treworgie 1659.
6. In the Privy Council; In the matter of the boundary dispute between Labrador and Quebec. 1924. Vol II No. II.
At last Kirke was forced to return to England. Although he prepared a defence and sought to please his inquisitors, 'And afterwards when by the providence of God this nation was reduced to a commonwealth', 1 he no longer had any friends amongst the mighty. Of the original proprietors he alone still lived and his greatest partner Hamilton had ended his life on the block for treachery against Parliament.

Treworgie was confirmed as governor in 1653, 2 and although Kirke seems to have obtained a restitution of his property he never returned to Newfoundland. 3 In 1653 Kirke obtained an order for Treworgie's arrest on the grounds that he had seized his property, 4 but was himself imprisoned on the suit of Lord Baltimore. 5 Soon afterwards he died of a heart attack and the extraordinary career of Sir David Kirke became a part of history, which nevertheless continued to exercise a baleful influence upon the West Country men in their attitude to settlement.

At this distance of time it is difficult to adjudicate upon the rights and wrongs of the dispute between Kirke and the merchants. There is plenty of evidence concerning the wrongs he is supposed to have committed but most historians have been quick to attribute this to the bias of witnesses.

An enquiry held in 1675 produced several West Country 'planters'

1. B.M.Eg Ms 2541 f 647. Narrative made by the late Sir David Kirke.
who had lived in Newfoundland under Kirke, and their evidence (if true) is damning. John Gull of Dartmouth claimed that Kirke had induced many of the best fishermen to stay and work for him in the best fishing rooms which he had engrossed. Richard Luce talked of a Plymouth ship being driven from a fishing rooms by armed force and Thomas Kitcher said the same thing had happened to him. Another witness talked of Kirke seizing rooms 'unless the first possessor there off did compound with him and give him a consideration to Injoy the same', and yet another talked of houses being built on the shore, woods destroyed, stores plundered, stages pulled down and fishermen debauched. Thomas Cruse alleged that Kirke had illegally taxed the planter, forced the... to purchase liquor from him and had engrossed all salt and other supplies, selling them to planters at his own price. 1

Although these were all west Countrymen, so by now must have been a large proportion of all who planted in Newfoundland and there is little reason to doubt that their evidence (if possibly exaggerated) was completely dishonest. We know that in 1639 the planters are said to have hated him; 2 we know that he did in fact seize the best fishing rooms, and we know that he lived right on the foreshore. 3 All these actions entailed a breach not only of the 'western' but of his own charter.

1. Plymouth City Library. Collected papers No. 60. Depositions taken at Totnes. 27 Nov., 1677.
2. See above p 126.
3. See above p 127.
We have no evidence to contradict any of the other charges laid against him. Judge Prowse, Kirke's stoutest defender, claimed that the witnesses were 'lying there heads off' but the only evidence that he could base this belief upon was that a Knight was most unlikely to operate a common Tavern. The Western Adventurers by now had thirty years experience of governors and settlements. For most of the time they had accepted this, but under certain limitations. They had agreed to the Charter under which Kirke obtained Newfoundland; they continued to maintain reasonably amicable relations with individual settlers, but from now on they were adamantly hostile to the establishment of any 'Strange' governors in Newfoundland.

The case of Treworgie shows that even now they were not absolutely hostile to settlement or authority. He was instructed to govern on the basis of the Western Charter, and a West Countryman himself, apparently ruled without incident until 1659. Neither settler nor migratory man ever seems to have complained of his rule.

The Adventurers later claimed that Kirke was responsible for the growth of settlement, and the Board of Trade accepted this claim at its face value, but this is an

2. He was given a Copy. C.O. 1738 f 71 16 June, 1653
3. Olymouth City Literary. Collected Papers No. 60
   Depositions taken at Totnes 1675.
4. see (for example) Cal State Papers Col Am & W.I. 1717-18
oversimplification. He may well have persuaded some of what
the merchants called 'the lower sort of people' to settle in
Newfoundland, but these (West Country) fishermen accepted
his invitation because of the war at home. We have seen that
even in the 1630's some were coming to Newfoundland and when
the civil war began others came out to avoid fighting on
either side, whilst later they came to avoid the demands of
the navy. This movement would have occurred even if Kirke
had never been born.

Whatever the arguments about this, the period between
1640 and 1650 almost certainly resulted in a considerable
increase in settlement. Kirke claimed that in 1650 there
were three hundred and fifty 'families' in Newfoundland -
possibly some fifteen hundred souls. After 1660 a continued
increase was to bring first, conflict with the migratory
fishermen and later their absorption into the western fishery,
which however hastened the decay of the fishing ship.

New England and Newfoundland.

Until 1640 New England far from being a competitor was
in part, an extension of the West Country fishery, but from
then onwards she became an increasingly dangerous competitor;
both in the growth of her own fishery and the development
of a 'supply' trade to Newfoundland. When the civil war
started New England's economy was still based upon selling
land, produce and livestock to the (till then) ever
increasing flood of emigrants from England. The cessation
of this traffic caused an immediate slump in her economy. To offset this, American merchants began to develop a fishery commerce. In 1641 a Boston built ship took cod to Bilbao and Malaga, and by 1652 American vessels were carrying American cod to Virginia, Barbados, Portugal and Spain in direct competition with the Western Adventurers to Newfoundland.

The war in England which disrupted supplies from England also encouraged settlement in Newfoundland and thus provided an opportunity (still extremely small however) for New England vessels to sell supplies in exchange for Bills of Exchange or Cod. Not until the scale of American involvement began to increase later in the century, did the English merchants begin to complain. Relations between men and Americans continued to be good, but a new and in the future, a dangerous competitor not only to Devon and Dorset but to the entire Newfoundland fishery had made an appearance.

CONCLUSION

By 1660 the Adventurers were in desperate straits, their men dispersed to Newfoundland or in foreign prisons, their shipping sunk or captured and their fortunes ruined. In

2. Innis, *Cod fisheries* p 75.
3. IEID p 79.
Newfoundland, an ever increasing population threatened to engross the fishery; Americans were competing in the fishery and entering the supply trade of Newfoundland, and a revived French fishery bid fair to complete the ruin of the West Country Adventurers.

The latter were learning that single minded concentration upon the Newfoundland fishery to the neglect of other maritime commerce was a dangerous affair.
CHAPTER FIVE.

Newfoundland under the Restoration.

Almost until 1675, wretched fishing seasons, 'ice staying late on the coast,' bad curing weather, and worse markets combined with two Dutch wars to inflict grave injury to merchants who could already look back over twenty years of almost incessant warfare. By now driven from the Channel 'Sallee Rovers' continued to take many Newfoundland men in the Mediterranean, and the Adventurers faced growing competition from French and American fishermen. By 1678 France, which formerly imported 50,000 quintals of English cod every year had become self-sufficient again and was even able to send occasional cargoes into the 'neutral' markets. The merchants of New England were beginning to engross the fish supply to the West Indies and Atlantic islands, even sending some to the ports of Atlantic Spain.

In those rare years when conditions were better the merchant still found it difficult to 'get a step ahead.' Continuous warfare had sent many men into Dutch or Spanish.

prison or to the bottom of the ocean, and others had 'transported themselves' to Newfoundland to avoid the press gang. Even those who did not were hiding from the same press in the remote inland villages of Devon and Dorset.

The merchants may have lost 'an infinite number' of ships especially during the Spanish war, but they probably found it difficult to man even those they yet possessed, for their shortage of both ships and men was due to the simple fact that most of them had become bankrupt. By 1675 most merchants could survive only by taking up money on bottomry at 20% interest. 'In bad years all profit goes to the userer and in good they cannot get a step forward and so in time will dwindle to nothing.' In the 'bad' years of 1668 the Plymouth and Dartmouth merchants claim to have lost 25% upon their 'outset,' and by 1684 when according to Captain Wheeler RN, fishing ships could make a profit of over 33%, the ship fishery had almost collapsed. This, it seems clear, was not due to any inherent unprofitability of the migratory fishery but because of past debt accumulations. Profits from a good season could not make up the loss on so many bad ones.

5. C.O. 1/55.149-50. The charge of fitting out ten boats. 1684.
The sedentary fishery was certainly in no better
condition. In 1661 one planter bewailed "the continuation
of the calamity of this country occasioned... by the
continuation of bad voyages"; and eleven years later Sir
William Poole saw no danger of increased settlement.

I affirm it to bee true, that if ye succeeding
years produce not more fish than that, in six years
time their will not be left ten planters in that
harbour (St. Johns), for they have not caught fish
enough this yeares to pay neither their servants,
nor the provisions they bought at the beginings
of this season.

In 1684 whilst the fishing ships made a profit of 33\% the
planters still lost over 20\% upon each boat they operated.
They had to offer very high wages to attract men from England
and their imported supplies cost double the amount for which
these could be obtained in England. 'by ye certaine
experience there is hardly a planter in ye country but is
a great scale worse than nothing, and altho' almost sure to
lose, must go on, or merchants will not sell them provisions'.

Thus for more than thirty years the fishery laboured
under conditions of extreme depression. Migratory merchants
could at least turn to some other trade (and indeed many of
them dropped from the fishery during this era), but the
residents had to carry on 'working for a dead horse'.

Paradoxically however, these conditions led to an increase

2. C.O. 1/41.147 Sir Wm. Poole - Comm of Trade 10 Oct. 1677.
in settlement, for men going to Newfoundland as "planters" or servants during prosperous years were trapped afterwards.

In 1660 about 100 English ships fished at Newfoundland, but this number decreased tremendously during the next ten years. The end of the Dutch war saw a considerable revival and in 1676 no less than 124 fishing ships went out, but this effort could not be sustained and by 1684 the number had fallen to 43. The number of boats used by fishing vessels reached 885 in 1677 but fell to 294 in 1684, and their catch fell from 172000 quintals to 58000. The planters, whose number fluctuated between 1100 and 1900 also caught less fish, but nevertheless did not decline as fast as did the migratory fishery. As we have seen however, this betokened not prosperity, but a lack of alternative employment.

James Houbion was over-optimistic when he predicted that the fishery would "windle to nothing", but he was partly right, and even before 1675 many of the weaker west country ports began to drop out. "Smyrnouth which had equipped 1000 tons of shipping every year before the civil war could send only 350 tons in 1671, whilst the Channel Islanders asked for

1. B. N. Eguss 2395. 264. A True State of Affairs 1660
2. C.O. I/35/42. Census of the fishery 1676.
assistance to promote emigration to America in order that the widespread unemployment might be eased. 1 Southampton became known as 'this formerly flourishing and now decayed town' and even Dartmouth was forced to plead for a ship reduction in some royal lease; 'we fear that these profits are much abated by the decay of the Newfoundland fishery'. 2 Between 1647 and 1677 not one ship went from Lyme Regis, and Plymouth and Bristol were greatly weakened. Only in Topsham and North Devon which for some reason seemed stronger than elsewhere, were the merchants relatively content. In every other town the merchants sank slowly under an enormous and ever-increasing burden of debt. In Dartmouth for example, most of the wealthiest merchants had disappeared by 1680.

The Bye Boat System

In an era when lack of men and money together with the uncertain fishing seasons and markets made the ship fishery a hazardous undertaking, the 'bye boat' emerged as a second best alternative. The system worked thus: a fishing shallop owned by a migratory fisherman was left in Newfoundland during the winter, whilst its owner and his crew

5. P. Russell, Dartmouth p 121.
travelled out and back annually as passengers on the fishing
ships. The bye boat keeper possessed, especially in periods of
depression, advantages over both the owner of a fishing ship
and the resident 'planter'. His initial outlay was much less
than a tenth of that necessary to equip a large fishing ship
with a crew of fifty men and ten boats, and he found it much
easier to obtain really skilled fishermen. His men were paid
wages whereas these on the ships worked for uncertain 'shares'
of the catch, because they travelled as passengers his
servants did not have to navigate the vessel, neither did they
have to go with a ship to market before returning to England
in the Autumn. The bye boat keeper could take passage on the
fastest vessels and thus by getting early to Newfoundland, take
his pick of the fishing rooms.

His advantage over the resident of Newfoundland lay in
the fact that by bringing his own tackle and provisions from
England he could obtain them much more cheaply, and (perhaps
even more important), since he spent the winter months in
England, he could turn to husbandry and thus supplement his
income in a manner impossible for the planters. Obviously
in times of prosperity the bye boat keeper could not hope to
make so great a profit as his larger competitors, but during

   Vol 88 (1956).
...the 1660's security was far more important than quick gain, and by competing for fishing rooms and skilled labour, the bye-boat man came into conflict with the fishing ship owner. Because of this historians have misunderstood their position in the fishery. Stephens linked them with the sack ships of London and Bristol, and Innis thought them to be 'independent' of both sack and fishing vessels, but they were in fact an integral part of the west country migratory fishery. In the first place in order to reach Newfoundland in time for the fishery they had to travel not upon the sack ships (who never reached the island until July or August), but upon fishing vessels. Indeed although some of them were 'not able or willing to buy a share in a fishing ship', others were 'some part owners or freighters in the vessels they sailed on': they (were) victualed out on ye same vessels and (brought) out all their tackle with them from England, and (went) home in the same ships that brought them. The bye-boat keepers financed their voyages on bottomry from the same 'money men' as did the ship fishermen, and in time contributed by their passage money to much of the profit earned by Devonshire fishing ships and 'bankers'.

3. C.O. 1/67.163 An Account of the Colony etc. 1678.
Not only were the two forms of migratory fishery linked in this way; by 1680 most of the bye boat men were sailing almost exclusively from the area between Dartmouth and Teignmouth in South Devon, an area which during this period absolutely dominated the ship fishery, and they fished in the same harbours in Newfoundland - in St. Johns, Petty Harbour, Bay Bulls and Torbay. Obviously therefore, some at least of the fishing ship owners were deeply involved in the bye boat system, but most, at least until 1680, were not, for if a fishing ship was to carry large numbers of passengers it obviously had to reduce its own crew and hence its own fishery. Thus by 1684 there were many 'fishing ships' carrying only twelve to twenty men, and operating only three or four boats. Most of their profits therefore must have come from 'freighting' the passengers and buying their fish, and their own fishery merely provided a means of employing the crews during the summer. Until 1680 however such vessels were in a minority and the large crewed fishing ship still predominated. The owners of the latter viewed the bye boat men with bitter hostility.

Even had labour been plentiful the best and most experienced fishermen would still have chosen the fixed wage and easier working conditions offered by the bye boat keepers, and the difference between a 'killed' and a 'green' crew often

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quite literally, entailed the difference between a 'saving voyage' and ruin. In the 1660's with the best men either imprisoned, in Newfoundland or hiding in the countryside, the obtaining of good men was even more important and even more difficult. Fitterness was increased by the fact that the bye boat keeper drew his labour from the area which was most important for the ship fishery. In 1675 for example Dartmouth equipped thirty ships manned by nearly eighteen hundred men and employing three hundred and thirty fishing boats. Her nearest rival, Bideford owned but eleven ships, three hundred mariners and sixty eight boats.¹

Merchants from Plymouth, North Devon, Exeter and Dorset condemned the bye boat keeper because he was able to obtain the best fishing rooms but the great opposition not unnaturally came from Dartmouth which also saw him obtaining the best local men. In general the wealthiest merchants - Shapley's, Humlehe's or Nudd's, stuck to the fishing ships they knew so well, and the ship owners involved with the 'freight' of bye boat men were much less influential. The Tapley family of Teignmouth were bye boat men and fishing ship captains in 1675,² planters at St. Johns in 1706,³ and finally owner/captains of Bank ships back in Teignmouth.⁴

¹ O.O. 1/35.134-142. Census of the Fishery 1675.
² O.O. 1/35.134-42 Census of the Fishery 1675.
Dartmouth fishing ship captain in 1676 and St. John's planter in 1681, before obtaining command of a London merchant sack ship in 1684. Many others also straddled the (imaginary) gulf between migratory and resident Newfoundland fishermen.

For all this however, the bye boat keepers were unimportant when compared with the still dominant ship fishery. In 1675 for example when over 3700 men worked in the ship fishery, only 300 worked in bye boats — the equivalent perhaps of five or six large fishing ship crews. In 1677 Captain Poole reported that (the bye boat fishery) 'has of late been very much disused'. In 1680 over five hundred men fished from 97 boats, but in 1681 the numbers again declined sharply.

Obviously because their equipment was simple and outfitting costs low the bye boat keepers in unpromising years might prefer to work as employees rather than as 'principals'. Even in the best years however the bye boat

1. C.O. 1/35.134-142 Census of the fishery 1675
2. C.O. 1/38.249 Census of the fishery 1676
3. C.O. 1/47.113 Census of the fishery 1681
4. C.O. 1/55.255 Census of the fishery 1684
5. C.O. 1/35.134-142 Census of the fishery 1675
6. C.O. 1/41.51 Captain Poole's report 1677
7. C.O. 1/46.22 Census of the fishery 1680
8. C.O. 1/46.113 Census of the fishery 1681
system was not carried on by enough men to become that "stay of the West Country" that it became in the eighteenth century. Instead (through the taking up of hundreds of the best fishermen) it was injuring the ship fishery upon which the Western Adventurers were still largely dependent. 

Opposition to the Bye Boat system.

Between 1660 and 1669 whilst they completely ignored the sedentary fishery, West Country merchants complained constantly about the bye boat keepers. In 1661 the "Western Charter" was re-confirmed by Charles II and an additional clause added which forbade the transportation of any persons to Newfoundland who were neither of the ships company nor intending to settle there. 1 This instruction was widely evaded and in 1663 the Mayors of Southampton, Weymouth, Lyme Regis, Dartmouth, Plymouh, Fowey and Barnstaple complained that numerous men had been 'enticed' into the employ of the bye boat keepers, who had also 'engrossed' the best fishing ships, as a result of which the ship fishery was so reduced that it was impossible to find hands to man a quarter of the shipping formerly employed. They asked that the Customs officers be joined with the Mayors to enforce the West Charter. 2

Why were the West Country mayors - who already possessed

the authority (if not the ability) to enforce the Charter, asking not for some additional sanctions (for the Charter penalties laid down no penalties) but merely for the assistance of the Customs service. Possibly because they were involved in the fishery themselves and had no wish to see the enforcement of other clauses (for example those which concerned the disposal of fishing rooms, the restrictions upon the use of timber or disposal of ballast into the harbours) which the inclusion of a 'penalty' clause would have entailed. Whatever their reasons however, the Adventurers never asked for sanctions to be included either in the various 'Western Charters' or in Statute 10 & 11 Ed 3 25 (1699).

Be that as it may, the Privy Council acceded to their request and authorised not only the Customs officers but local magistrates as well, to act with the Mayors in enforcing the Charter. The second Dutch war gave merchants other things to worry about but a petition presented in 1670 demonstrated that the bye boat keeper was still viewed with great hostility. In December a lengthy petition was presented by the mayors of Exeter, Dartmouth, Lyme, Barnstaple, Weymouth and Poole. 'In and since the last Dutch war persons have for their own interests carried great numbers of seamen to Newfoundland to fish in private boats where they being at

liberty, absented themselves. (i.e. remained in
Newfoundland). The consequent shortage of seamen was such
that 'the foundations of this fishery so prudently settled
by your Royall Progenitors are quite overturned and destroyed'.

Once more the Mayors preferred additional overseers to
stronger sanctions and asked that they be given authority to
dispute others 'both here and in Newfoundland' more effectively
to suppress the bye boat keeping. By this time however,
opposition to the bye boat keeper was becoming submerged in a
general hostility towards settlement and as a result a new
Western Charter in 1671 forbade the transportation of any
passengers to Newfoundland whatsoever.¹

It cannot be doubted that the difficulty experienced in
trying to suppress the bye boat men was in great part due to
the difficulty of distinguishing them from those 'intending
to go out to settle' who were specifically permitted under
the 1661 charter. Men 'planting' in Newfoundland often
returned to England quite regularly, both planter and bye
boat keeper depended upon migratory servants and there was
in fact little difference between the two groups, and even
the latter were at times prepared to stay in Newfoundland
over the winter. Thus inability to suppress the bye boat
contributed to the growing hostility towards settlement
manifested by the Adventurers from 1667 onwards.

¹ The Charter renewed and enlarged 10 Mar. 1670/1.
Reproduced as Appendix.
As time went on it became more and more difficult to suppress the bye boat system as more and more merchants became involved with it. By 1680 growing integration between ships and bye boats had signalled the end of any systematic opposition to the latter, but successive Governments continued to rail against them until well into the eighteenth century although, as Captain Wheeler pointed out in 1684, bye boat men were as 'migratory' as any fishing ship crew, and if they obtained little experience in deep sea navigation, were still trained boatmen, seasoned ocean travellers and well suited for the navy in wartime. In the eighteenth century they, and the 'bankers' which transported them formed merely the backbone, but almost the whole of the South Devon trade to Newfoundland.

It is important to note that whilst the mercantile opposition to the bye boat was (like that manifested towards settlement) a temporary phenomenon, officialdom, once aroused by West Country arguments maintained a hostility which increased as time went on. The adventurers had claimed that both were 'destructive to the nursery'; after 1680 the merchants would have preferred to forget this but the government would not.

1. Except for an absurd petition drawn up in 1705 by those very masters who, like Arthur Holdsworth, were most involved in their transportation. C.O. 194/3 289(b) Petition of Ships Masters 15 Oct. 1705.
Growth of Settlement in Newfoundland

Kirke exaggerated when he claimed that 350 families were living in Newfoundland by 1650 for ten years later their were but 180. Since a 'family' comprised the planter, his family (if any) and his servants, the population in 1660 could not have exceeded eleven hundred souls. Although many more men are said to have settled to avoid the press gangs during the Dutch wars, some to work for the planters, others to fish 'on their own account', by 1675 the population had only grown to 1655, which if a reasonably respectable figure great was hardly a marked increase over that of 1660. Many 'fugitives from the press gang' probably returned to England when the wars ended, but there were increasing reports of men being 'enticed' away to New England. This if true represented a grave threat to England's reserves of seamen and a hot debate raged around the subject. Captain's Davis and Berry blamed the adventurers whom they claimed, did this to save the expense of bringing surplus men home, and they were supported by (a would be governor) William Hinton.

2. B.L. Eg MSS. 2395.264, The True State of Affairs 1660.
6. C.O. 1/35.112-124 Captain Berry's report. 1675.
The Adventurers however blamed the settlers who whenever they were unable to pay their servants left the latter with a choice of starvation or emigration to America.

The government drew little if any distinction between those servants who fled to America and those who remained in Newfoundland, for both seemed lost to the royal navy, but to the Adventurers the distinction was important. Although many of the planters resided more or less permanently, their servants were obtained for them by the Adventurers and seldom stayed long in the island. Even in normal times at least half of the 'resident' population returned to England for any one winter. 1 Paradoxically the better the fishery the less the number staying during the winter for then the servants were paid, and those planters who wished to go 'home' could afford to do so. Only 184 servants remained to winter after the 1683 season, but a year later Wheeler reported that 'for want of a market there will be many more this year'. 2

The population was in this period, inherently unstable. In war or after bad seasons, fear of impressment or sheer bankruptcy forced many to remain, but in prosperous years many of the settlers spent at least some winters in England. Although the planters completely depended upon the fishing ship owners for a supply of labour, even whilst the two sides

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2. Ibid.
were at each other's throats the supply did not dry up completely. A few men could usually be obtained from the fishing ship masters who jumped at the chance to avoid taking surplus hands to markets, and by 1680 very few seamen were being 'marooned'. Those who remained did so at their own request 'some to serve ye planters or to keepe boats on their own account'. Many would stay for one winter, either from motives of economy to save the expense of a passage out and home, or from drunkenness which caused him to run into debt with his employer, 'but soe long as there comes noe women they are not fixed'.

The seventeenth century fishermen possessed few amenities but these - warmth, food, liquor and (above all women) he prized highly. Except for liquor such amenities were lacking in Newfoundland during winter, and the shortage of women was a prominent feature for long after this era. A few widows like the Ladies Kirke and Hopkins at Ferryland, Mrs Taverner of Bay de Verde or widows Gresham and Holman of St Johns did reside permanently and operated large fishing establishments, but they must have been averse to re-marriage for there must have been no lack of suitors. In 1682 the winter population at St Johns comprised 230 men and only 23 women. Thomas Oxford dignified his establishment with a maid servant but

1. C.0.1/46.19. Captain Robinson's report, 1680.
3. C.0.1/35.122. Census of the Fishery, 1675.
all the other women were married to boat keepers. \(^1\) There was indeed little to tempt a poor labourer to remain, although the Western merchants claimed that planters used their womenfolk to debauch ignorant mariners, \(^2\) (possibly, that is how Widow Waymouth many years before had persuaded Gabriel Viddomas of Berry Pomerosy to stay with her. \(^3\))

Those employed by the planters probably gained little, but some of the latter seem to have been fairly prosperous. Peter Butler of Cartonear and Thomas Edwards of Port de Grave owned a large ship which brought supplies from England and took their own fish to market. \(^4\) Almost twenty years later, Edwards (who though resident in Newfoundland was described as Mr. . . . of Bristol), acted as agent for Sir Thomas Herne a wealthy London merchant with strong ties with Dartmouth. \(^5\) Others, notably John Downing and Thomas Oxford at St John's, Lady Kirke at Ferryland, and George and Richard Periman at Trepassey were at least the equals of any fishing ship owner since they operated anything from four to twelve boats and employed in summer anything up to sixty men. \(^6\) These large planters can however be distinguished from their smaller

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1. 0.0.1/47.113. Census of the fishery. 1682.
2. 0.0.195/1 p 41. Petition of West Country Mayors. 23 Dec., 1670.
3. See above page.
6. Statistics taken from the various Censuses referred to throughout this chapter.
fellows in certain interesting ways. In the first instance, many of the larger planters disappeared after 1684. John Malson of Toads (now Tors) Cove, Thomas Loney, Oxford and the Downing's of St John's, William Jefferey of Bay de Verde, John Hooper of Renews or Jeremy Fortune of Harbour Maine are all examples of this. Secondly very few of these men were married. This would seem to indicate that most of them came out from the west of England intending only a temporary settlement. The Perimans probably came from North Devon Edwards from Bristol, William Roberts and Robert Krowse of Perryland hailed from Dartmouth, whilst Peter Bennet and Robert Taverner of Bay de Verde and John Carter of Old Perlican, came from Poole. Christopher Holland of Caplin Bay (now Calvert), and possibly John Hooper of Renews came from Bideford.

Although their scale of operation might indicate that at least in the 1670's many planters lived in modest prosperity, by 1684 most had fallen into almost irretrievable debt and

1. Taken from the same sources.
2. Another Periman captained a Bideford fishing ship in the same harbour between 1675 and 1681.
3. Signatory of an 'Avalon' petition in 1666, and described as 'Captain of Dartmouth in 1669.
4. Peter Bennet was a resident whilst Robert, Richard and John commanded Poole Sack of Fishing ships trading to Conception and Trinity Bays. 'Carter’s Bennett’s and Taverner’s all signed a Poole petition supporting settlement in 1680.
5. A John Hooper later commanded Bideford ships in various harbours around Renews.
6. By 1697 Christopher Holland, or his son had left Newfoundland to become a merchant and captain at Bideford.
remained so throughout the eighteenth century. The high cost of provisions imported from Ireland, America or England, together with the high wages necessary to attract men from England placed them at a grave disadvantage when compared with the fishing ships or bye boat owners. As we saw above their lot was considered to be even worse than that of the migratory merchant who could at least get out of the fishery. Possessing at most but modest capitals, the long series of tail seasons left the planters incapable of importing their own provisions and equally incapable of paying in cash for those purchased from 'speculative' merchants who left cargoes behind on the understanding they would be paid in fish during the next year's season. Inevitably most of them came under the control of West Country traders who, as the only persons coming regularly to Newfoundland were alone able to obtain their debts (since there were no law courts) by force, or able to allow the debt to be carried over if necessary from year to year.

The debt system has been heavily condemned but it is questionable whether any superior method of supporting the settlers could have developed. Given the vicissitudes of the fishery, especially during this period, few of the planters could accumulate either cash or bills of exchange and as they

2. G.0.1/46.359-362. For the problems facing 'speculative' traders see the petition of William Miles concerning debts owned to him by planters in Newfoundland.
ran deeper into debt, even a good year's catch could not
pay all they owed. Only the Western Adventurers were
capable of providing supplies and allowing debts to 'run
over' for many years.

Gradually small groups, or even individual merchants
came to dominate all trade in a particular outport but this
was inevitable. Because the planter could not pay for
supplies in cash, and his fish had long been mortgaged to
his supplier there was no inducement for 'partial' or
speculative traders, who might by competing have reduced
the prices of provisions, to attempt to break into the trade.
The Western Adventurer might dominate his planter, but at
least he kept him alive; no economy which was based upon
a fluctuating free trade could have ensured this.

Not surprisingly however very few men would if they
could avoid it, settle in Newfoundland to become 'slaves
of the merchant supplier'. Whilst after a bad season many
men might be left in Newfoundland by the migratory traders,
many others, receiving no pay from their resident employers
would be forced to emigrate to New England. The extent of
this migration varied according to the success of the fishery
but in 1687 over 500 men may have gone - a figure which
increased even more later on. Thus Newfoundland acted as
a 'half way house' for emigration from England to America.
The same adversity which forced many to stay in Newfoundland
was at the same time forcing others onwards to the mainland.
This, allied to the shortage of women, the high cost of living and the lack of amenities thus seriously retarded any increase in population, until the American Revolution (combined with other factors) ended the drain.

Besides such disadvantages the planters (who of course found it difficult to attract really good fishermen) were much less efficient than even fishing ships, let alone bye boat keepers. In 1677 for example Plymouth ships made a good 'voyage' at St. Johns, but the planters in that harbour did not take above 150 quintals a boat. Despite this however, the planters, having no choice but to continue their fishing, steadily increased their share of the total catch. In 1675 they took 47000 quintals compared to the fishing ships' 172000; in 1680 the proportions were 67000 to 134000, and in 1684, 57000 to 58000. Thus whilst ill success caused a decrease in the number of migratory fishermen, it had a much smaller effect upon the residents.

Growing integration between migratory and sedentary fishermen.

As the ship fishery declined many of the masters became bye boat keepers or planters and by 1680 strong family links existed to bind all modes of operation. Elias Martin, 'Vice Admiral' of St. Johns in 1679 and commanding a

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2. C.O. 1/35.124 Census of the Fishery 1675.
3. C.O. 1/46.152 Census of the Fishery 1680.
5. C.O. 1/44.43 Petition of John Downing 4 Nov. 1679.
ship in 1680, ¹ became a bye boat keeper in 1682, ² whilst taius
William Martin was a bye boat keeper in 1681 and a planter
in 1684. ³ Edward and Henry Browse were bye boat keepers
in 1680, ⁴ but in 1682 Henry commanded a Teignmouth ship. ⁵
Mathew Beard a bye boat keeper at St. Johns later became a
planter at Bay Bulls, to which place sailed Edward Beard
commander of a Topsham fishing ship. ⁶ Thomas Weymouth
commanded a Dartmouth fishing ship in 1677 but in 1682 he
and Robert Weymouth of St. Marychurch (South Devon) were
bye boat keepers at St. Johns, whilst one Michael was a
planter in that place. ⁸

The labours of St. Johns came from Teignmouth, the
Codners from Ipplepen, generations of branscombies from
Topsham and the ierceys probably came from Weymouth. These
examples do not exhaust all the possible links between
planters and migratory fishermen, for there were scores of
others. If there were but one or two it could be argued
that such examples were but co-incidence, but this cannot
be said of the vast number of names which can be gleaned.

¹ C.O. 1/46. 152 Census of the Fishery 1680.
² C.O. 1/49. 192 Census of the Fishery 1682.
³ C.O. 1/55. 257 Census of the Fishery 1684.
⁴ C.O. 1/46. 152 Census of the Fishery 1680.
⁵ C.O. 1/49. 192 Census of the Fishery 1682.
⁶ Ibid.
⁷ C.O. 1/41. 149 Census of the Fishery 1677.
⁸ C.O. 1/49. 192 Census of the Fishery 1682.
from the records. Planters, bye boat men and fishing captains were all untermixed and inter-related. There was no sharp division between the 'migratory' and the 'sedentary' fishery.

East Country towns in the fishery.

By 1675 the ancient ship fishery had become largely dependent upon the fortunes of Dartmouth. In that year her merchants sent out no less than one third of all the boats and seamen employed in the ships fishery, a share which actually increased until in 1677 40% of the ship fishery was carried on from there. By 1684 when the ship fishery was almost extinct Dartmouth sent fifteen of the total of forty three ships, but even more, operated 147 out of 294 boats, and employed 743 out of the 1495 mariners employed. In other words Dartmouth outfitted 50% of what was left of the ship fishery.

Such stubborn adherence to a trade which was being abandoned by other towns, almost killed Dartmouth in the end. By 1700 only two merchant families of note were left in Dartmouth and as late as 1716 her trade consisted of little more than a bye boat fishery. Thus was Dartmouth saved by the very bye boat against which her most substantial merchants had fought so hard.

4. The Holdsworth and Newman families.
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Other towns fared even worse. In 1675 Plymouth, with twelve ships was the third most important fishing town. In 1684 she sent no ships at all and in the eighteenth century played very little part in Newfoundland. Weymouth, Southampton and Lyme Regis also dropped out and many other ports took some time to recover. In 1684 no ships sailed from Topsham or the Channel Islands, and Poole did not prosper again until the end of Queen Anne's war. Only Bideford and Teignmouth seemed to thrive. Until 1680 many other ports sent a few fishing vessels but all had dropped out by 1684. London owned eight (probably sent from Dartmouth) in 1675, but only one in 1676, and Bristol sent two or three. Occasional (and extremely unsuccessful) fishing voyages were also made from Shoreham (Kent, Fowey, Waterford and Dublin as well as lone adventurers from Barbados (1676) and New England (1684). But Devonshire carried the ship fishery throughout this period.

The Sack Ships.

Although London was the most important outfitter of Sack ships between 1675 and 1681, she sent only four (of a total of fifty nine) in 1684, and even in the earlier years did not dominate the Sack trade. Dartmouth sent eleven in 1675, twelve in 1677 and no less than fourteen (many of them converted fishing ships) in 1684. Plymouth and Topsham sent from five to eleven Sacks annually and others sailed regularly from Poole, Weymouth, Bideford, Southampton and Barnstaple.

1. Which one imagines, should for all time destroy the theory of London and Bristol Sack ships 'being in opposition to' West Country Fishing ships.
Bristol during this era was insignificant for although she sent eight Sacks and a fishing ship in 1675, was by 1684 reduced to four small Sacks displacing but 335 tons and manned by only 49 men. Her influence in Newfoundland and (except at Harbour race and Carbonear) was, and remained, negligible until the Seven Year's war. Occasional Sack ships also sailed from Yarmouth, Gosport, Margate, Limerick, Waterford, Dublin and Falmouth.

There can have been little fundamental conflict between London and the Western ports by this time for they were linked by strong commercial and political bonds. The Herne family of London held one or both of the parliamentary seats at Dartmouth for more than thirty years, and were partners (in the fishery) with Thomas Haynes of Dartmouth. Sir John Frederick, probably the largest London trader to Newfoundland of his era was also a man of influence in Dartmouth and set out fishing ships from there. His daughter married Nathaniel Herne, member of parliament for Dartmouth, Governor of the East India Company and trader to Newfoundland. Even John Gould, an ardent supporter of settlement owned both sack and fishing vessels which sailed from Dartmouth. There cannot have been many merchants from London in the fishery, and in 1679 the most important

1. Russell, Dartmouth op cit 139
3. Devon & Cornwall Notes & Queries Vol. IX pt VI 1917
4. IBID
of them were said to be Frederick, Herne, Gould and Benjamin Newland. Of these men, only Gould openly supported settlement in Newfoundland. No wonder that in 1675 the Committee of Trade reported that not only the West Country but most of the principal merchants of the exchange opposed the colonisation of Newfoundland.

Trading areas in Newfoundland.

From the statistics which become available after 1675 it is possible to note something which later played an enormous part in the settlement and racial structure of Newfoundland. There was a tendency (except for Dartmouth's comparatively large fleet) for the eastern towns to fish in specific harbours on the east coast of Newfoundland. Bideford and Barnstaple never fished in any region except that between Trepassay and Acquafort, their main harbours being Trepassay, Renews, Pernews, Caplin bay and Aquafort, whilst they shared Ferryland and Cape Broyle with Dartmouth. The region between Cape Broyle and Cape St. Francis was dominated by the south Devon ports of Topsham, Teignmouth, Plymouth and Dartmouth. (Whilst St. Johns saw many 'Sack' ships from ports other than these), this area was monopolised by them, the main harbours being Toady's cove, Marables and Witless Bays, Bay Bulls, Petty Harbour, St. Johns and

Map 4: The English Shore in 1676 showing Trading Areas and Principal Outports

Trading Areas:
- North Devon
- South Devon
- Dorset
- Channel Islands
- Bristol

Legend:
- Plymouth, Dartmouth
- Teignmouth, Topsham
- Brigue South
- Caplin Bay (Calvert)
- Fermews
- Aquaforte
- Renewes
- Trepassay

Scale: 10 20 30 miles
Torbay: Conception Bay was 'no man's land' being the region most likely to be visited by occasional vessels from Cornwall and elsewhere, but Dartmouth dominated Bay Roberts, Brigus and Bell Island. Southampton sent one lone fishing ship to Cupids, Bristol traded to Harbour Grace. Poole's area began at Bay de Verd on the north shore of Conception Bay and continued through Trinity Bay to Bonavista - her main harbours being Bay de Verd, Old Perlican, New Perlican, Bonaventure and Bonavista. There was at this time no English fishery beyond the limits of Bonavista and Trepasssey - and by 1689 they had been forced out of the latter by French pressure.

A clear pattern can thus be seen. Trepasssey to Cape Broyle was a North Devon preserve; from thence to Cape St. Francis, that of South Devon. Conception Bay was already what it remained to the end, a 'free' fishery visited by ships from all over Britain, although Dartmouth, Bristol, Poole and the Channel Islands retained a dominant interest. The area North of Conception Bay had by 1700 become little more than an extension of Poole. This tendency was strengthened by the disappearance of many 'weaker' towns. The decline of Plymouth strengthened Sidford and Farnstable in their area, and Dartmouth and Teignmouth in theirs. The decay of Southampton, Lyme Regis and Weymouth,
together with a gradual concentration by the Channel Islands in Conception Bay, strengthened Poole in Trinity and Bonavista.

Foreign fisheries.

By 1675 any alien ships fishing on the 'Old english shore' were doing so under false colours. It was difficult to distinguish Jerseymen from Frenchmen and in 1675 the latter were said to be fishing at Bonavista and Trinity Harbour disguised as the former, whilst in 1677 four passengers on a Weymouth ship are said to have been French. The system also worked in reverse and if the English trade failed Channel Islanders obtained employment on French vessels, but in neither case could such traffic have reached any serious proportion. A succession of convoy commanders reported that no foreigners could be found between Trepassey and Bonavista.

This was a comparatively recent development. French and Portuguese vessels were at Ferryland and Harbour Grace in 1620, and Sir David Kirke was apparently able to find some French ships to tax upon the Avalon Peninsula in 1640. The imposition of this tax reflected a desire to assert English sovereignty over at least the Avalon Peninsula, but

4. Frowse, History of Newfoundland op cit p 103.
no one attempted claim this area as an exclusive preserve for England. At the Restoration the policy of asserting English sovereignty whilst allowing aliens to fish was continued, and in 1661 two warships were sent to collect the impost upon aliens. 1 By 1664 however the position was hardening for the Admiralty was ordered to expel all foreign vessels found in Newfoundland. The Navigation Acts of 1663 and 1667 in forbidding the carriage of English caught fish in foreign bottoms effectively excluded Dutch Sack ships, who had in any case long ago lost their dominant position in Newfoundland. 2 Foreign fishing ships however were not affected by navigation laws and in 1671 the Privy Council inserted a clause in the revised Western Charter, which banned them from the areas between Trepassey and Cape Bonavista. 3 In 1677 and 1684 the naval commanders reported that this area was now monopolised by English fishers and settlers. 4

This was due rather to a deliberate choice by foreign vessels than to English policy. By 1660 the Lberian fleet of about fifty vessels, 5 was already fishing to the

1. Acts Privy Council Col 1613-80 No
4. Captain’s Poole and Wheeler.
5. E.M. Eg Ms. 2395.264. A True State of Affaires 1660.
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**Notes:**

These statistics have been taken from the 'Annual' reports used in the narrative.

1. All figures for 'Planters' include 'bye boat keepers'.
2. Many of these convoy commanders were rather poor at arithmetic. These totals therefore have been obtained by re-adding their lists.
3. The number of planters engaged in the fishery was probably a little higher than that stated above. Since no separate statistics exist I have taken the number of adult males: undoubtedly the older children would have taken part in fishing, but there were very few of these. (Thus in 1684 there were only 199 children of all ages).
4. The missing figures in these columns occur because the statistics are too complex to decipher.
Northwards of Bonavista and twenty years later a series of unsuccessful seasons had forced them even farther north to St. Anthony's, where alas they were no more successful. When during King William's war they were attacked by both French and English privateers the Iberian fishery collapsed and by 1698 they lacked the men to revive the fishery even if they had possessed the other necessary factors. Spain and Portugal disappeared from Newfoundland until the Nineteenth century.

Thus England and France now competed for the markets controlled by Spain and Portugal. In the long run this entailed an English victory since the very size of France's domestic market impeded the development of a regular export trade sufficient to satisfy so large a demand. The exclusion of Dutch shipping could have been much more serious, but the Western Traders who for thirty years had resisted all Navigation Acts did not oppose those enacted after 1660. It was probably a question of timing; in the 1630s they depended upon the Dutch for supplies of shipping and naval stores, and besides their pathological fear that London would dominate an all-English carrying trade, must have feared the effects of possible Dutch retaliation against English protective legislation. During the 1650's wartime hazards forced the

1. CO.1/55.244. Captain Wheeler's report 1684.
Adventurers to welcome any 'neutral' who could take their fish to market but after 1660 the problem changed. The English were now short, not of shipping, but of men, money and fish. Fear of Dutch retaliation vanished as English traders made great inroads into the Baltic trade and thus secured the supply of naval stores. What was not built could be purchased from those who had taken Dutch prizes — of which there were many. From now on the Western Traders enthusiastically supported the Navigation Acts, some even to the extent of attempting to secure the exclusion of Jersey, Irish, Scottish and American ships from Newfoundland.

The French in Newfoundland.

Beset by their own internal problems the French were until 1658 unable to profit from England's involvement in civil and foreign wars. After that however a vigorous revival in the French fisheries called forth increasing comment from English observers — especially after the settlement of Placentia in 1662. The French had long ago ceased to send any great number of vessels to the English shore, but on the Southern and North Eastern coasts, numerous vessels from Channel and Biscayan ports built up a large and prosperous industry. If the French settled in the North East as well as at Placentia, the English fishery would be completely encircled.

In 1659, (forgetting that French fish was sold in Bilboa as late as 1613) some London merchants drew the attention of the government to the 'New' French fishery, which by obtaining 'permission' to sell fish in Bilboa and San Sebastian was threatening to oust England from these markets. As was their wont the traders exaggerated the threat of French competition for during the Restoration period the latter were just as involved in war as were the English, and after 1680 a series of bad seasons almost ruined their fishery in the 'petit bord'. Nevertheless French fish probably posed a considerable threat by 1675.

The West Country traders stoutly insisted that they were perfectly able to meet competition in Spain and Portugal, but many observers disagreed. The latter argued that (especially in the South coast fishery at St. Ierre, Breassey, St. Mary's, Colinet and Placentia) the French enjoyed great advantages. Fish 'came in' to that coast much earlier than it did on the eastern shore, and in greater quantity. The French were thus able to 'save' their fish before the English and hence, arrived in the markets up to six weeks before them, and thus obtained the best price. French seamen were paid less, and ate less, and because Placentia possessed a good beach there was no need to erect costly and time consuming flake stations.

2. C.0.1/55.244. Captain Wheeler's report 1684.
3. C.0.1/67.115. Report of the committee for trade. 5 May, 1675.
Although an upsurge in the French fishery must have contributed to the decline of their English competitors it is difficult to gauge the extent. It certainly caused the loss of a French market which had previously taken 50,000 quintals of English fish every year,\(^2\) and the high tariff barrier erected by France in 1678 probably did little more than 'nationalise' an industry already predominantly French. As late as 1681 three English vessels took fish to France but by 1690 this market had been lost, and was never recovered. The loss of such a 'vent' must have had serious effects upon an English industry whose catch during this era seldom if ever exceeded 220,000 quintals a year.\(^4\)

Whether the French made serious inroads into the neutral markets is however less certain. They were exporting to Bilbao in the 1670's\(^5\) and to Spain and Italy in 1691,\(^6\) but in 1692 were reported as sending fish only to Genoa (where the English never gained a good entry), and Leghorn (which would have been much more serious).\(^7\) Even if the French were exporting to some foreign markets it is doubtful whether they

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3. Except for a short period in 1814.
4. In 1675 the catch totalled 219,000 quintals, and in 1684, 115,000.
sent large and regular quantities. Judging by the price paid for English cod in Newfoundland there seems to have been no lack of demand, for between 1675 and 1681 the price of merchantable cod varied between 11/- and 12/6 a quintal. In the eighteenth century prices were often as low or lower, yet the fishery prospered. Almost certainly, at least until 1681 the Adventurers could find markets providing only that they could catch the fish. There may however have been some crisis in demand during the mid 1680's for in 1684 although the catch was miserably low, and many sack ships competed for what was available, the price dropped to 10/-. This was certainly not due to overproduction, and therefore either the markets were extremely 'low' or many merchants so disheartened that they were abandoning the fishery altogether. This situation may have been partly due to French competition but was far more the result of the financial crisis within the West Country fishery.

The French colony.

France had never recognised any claim that England was the sole owner of Newfoundland, and after 1658 'being anxious to forestall the English', her government paid increasing attention to the establishment of a colony on the South Coast, which would be well placed to guard the approaches to Canada. In 1658 Gargot obtained a feudal grant of Placentia but

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1. O.0. 1/55. 254. Captain Wheeler's report. 1684.
Op position from the 'Company of One Hundred' who looked upon Newfoundland as part of their domain prevented him from proceeding. In 1662 however Canada was placed under Royal government and a governor and garrison despatched to Placentia. During the first winter the governor was murdered by mutinous soldiers, but by the time his replacement arrived in 1664 some two hundred Frenchmen were scattered along the 'French shore' between Cape Race and Cape May.\(^1\)

The colony soon decayed however and in 1670 when La Roippe was appointed governor, contained only seventy three persons.\(^2\) Despite substantial financial support from the Government, Placentia never really flourished. Successive governors were unable to abstain from entering the trade and fishery or from selling government provisions to the planters at enhanced prices.\(^3\) The government soon lost interest in Placentia and in 1685 La Roippe, embittered by lack of support resigned to be replaced by Larat. By this time the population amounted to 643 of whom only a few lived in Great Placentia.\(^4\)

Larat, like his predecessors interfered in the fishery, kept a Tavern, trafficked in food and munitions and quarrelled with Constabelle, the settlers and Basque fishing ships,\(^5\) so

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5. *IBID.*
much that when he was recalled to France in 1690 the latter refused to transport him. 1

The French colony was therefore always much smaller than that of the English, but they did possess a garrison of sorts. Those Englishmen who wished to see firm government in Newfoundland pointed to French practice and moreover wildly exaggerated the number of French settlers. 2 Those who opposed English settlement belittled French strength and argued that it was in no way a threat to the English fishery. Nevertheless the French colony at Placentia was an important factor in the English government's final decision not to remove the English planters.

The New England fishery and trade to Newfoundland.

Whilst French competition and settlement impelled the English government to allow settlement in Newfoundland, that of New England made them wish to end it. As a result of England's civil war New England was forced to develop her own fisheries and commerce. By 1660 Boston alone owned over three hundred vessels which traded regularly to Nova Scotia, Newfoundland, the West Indies, Spain and Madeira. 3 By 1675 the American cod fishery was exporting 60,000 quintals every year and thus competing directly with the Newfoundland fishermen.

2. William Hinton in 1675 claimed that 2,000 French colonists were living in Newfoundland. C.O.1/38.69. Petition of Hinton. 7 Nov., 1675.
America's rapidly monopolised markets in the West Indies, made great gains in the 'Atlantic Islands' and even sent fish to Bilbao and Lisbon. 1

The American merchants however had problems of their own; King Philip's war by crippling New England trade and finance caused a sharp if temporary decline in the fishery, 2 which was also affected by growing French competition in the waters off Nova Scotia. 3 'There fishery doth greatly decreases by Reason Ye French have liberty to fysh in ye Same places as they doe, wch takes their bread of fishing from them'. 3 It would appear therefore that competition from New England was hardly a grave threat to Newfoundland. The largest American markets in the West Indies or the Atlantic islands had never been of such importance to Newfoundland, for their demand was small and they took only the 'madeira' and 'refuse' grades of cod, which being greatly inferior to 'prime merchantable' sold at a greatly reduced price. The very few cargoes sent from America to Spain could not at this time have injured the Newfoundland markets there.

What worried the government was not American competition so much as the realisation that the mainland fishery had once

1. 0.0.1/35.325. Captain Berry's report. 1675.
2. 0.0.1/41.150. Captain Poole's report. 1677.
3. 0.0.1/46.30. Captain Robinson's report. 1680.
carried on by migratory adventurers but was now part of independent New England. Might not Newfoundland develop in the same way? The growing importation there of New England foodstuffs and rum might seriously affect the consumption of English provisions. Once again, this danger was more potential than actual for although American bread, livestock, molasses and rum were imported to Newfoundland during the 1670s, there were seldom more than six or eight American ships in Newfoundland for any one year. Warship commanders denied that this could represent any threat to the English merchants, but did express alarm at the introduction of rum 'which proves very pernicious to the planters and boat keepers in the winter'.

The government, already struggling to reduce Massachusetts to some sort of obedience was alarmed at reports that American vessels carried enumerated commodities to Newfoundland, exchanging them for the produce of foreign Europe brought out direct by the salt ships, and the enticement of men to New England was viewed as a serious drain upon the 'nursery of seamen'. Thus whilst the French tended to make governments support settlement, American expansion and independence seemed to point the other way. If the soil and climate (of Newfoundland) were good, they would rather adhere to New England and in time treat in the

1. O.O. 1/38.59 Petition of John Downing 7 Nov. 1676.
2. O.O. 1/55.240 Captain Wheeler's report 1684.
same steps, to the loss of the many advantages which at present, by the method things are in, we yet enjoy'.

By 1675 the government faced a difficult decision. Should a colony and governor be 'settled' in Newfoundland? This would cause the creation of collapse of the migratory fishery, the nursery of seamen and supporter of thousands in England. But if settlement were to be discouraged, the French would inevitably become masters of Newfoundland, and the migratory fishery would even more certainly collapse. In the end a compromise was reached - settlement without government - but for over twenty years, government policy oscillated between the two extremes.

The Government of Newfoundland.

The Council of State in appointing John Treworgie to be governor of Newfoundland in 1653, had given some direction to affairs in the colony, but the decision to restore Charles II undermined this settlement, and no less than three claimants appeared. Treworgie asked for confirmation, the Kirke family for a retention of the proprietorship given to the late Sir David, and Cecilius Lord Baltimore re-opened his campaign to have the latter nullified. The council of State was unwilling to make a binding decision until a new Parliament was elected and so
Freworgie (who as an appointed official was removable at will), was confirmed in his post. In fact he never again exercised authority for on the 17th June the Council decided in favour of Lord Baltimore. Newfoundland was again a proprietary colony.

Captain France and Rayner, appointed deputies by Baltimore sailed to Newfoundland in 1661 and at once ran into trouble. Lady Kirke refused to surrender Baltimore's old house, and Captain France (who seems to have been an old associate of Sir David Kirke) took her side. Rayner antagonised the planters by collecting back rents, and they in self defence rallied behind the Kirkes. In 1663 Rayner was replaced by Captain Swanley, and France also disappeared from the scene, but Baltimore found it necessary to obtain an Order in Council directing ships and settlers to aid him in 'dispossessing the Kirke family from their pretended claims'.

Whilst Baltimore's deputies attempted to obtain rents and taxes they completely ignored their implied responsibility to provide government and defence. When in 1665 De Ruyter burnt St. Johns, whilst leaving Placentia unharmed, the

3. B.M. Eg Ms 2395.308 Chashill - John Kirke 12 Sep. 1661.
planters revolted and begged George Kirks to become their governor. By this time Swanley had apparently left Newfoundland, and (rather surprisingly) Baltimore took no action to replace him. From now on the government acted as though Newfoundland had no proprietor, and nothing more was heard from the Baltimores until 1745 when a descendant suddenly revived their claims.

So ended the era of 'proprietary government': Baltimore like his predecessors was anxious to obtain some return upon the considerable expenses inherent in creating colonies. Like them he found that unless the fishery was taxed (and this was illegal), it was impossible to recoup one's losses let alone make a profit. This caused a vicious circle in which Baltimore tried to collect taxes which the settlers would not pay, and the latter wanted government and fortifications which Baltimore could not afford. Private ownership was incompatible with good government.

From these affairs the western adventurers stood aloof, being neither involved in the 1660 proceedings, nor entering any opinions upon the course of events which followed. Those who argue that the Adventurers were consistent and determined opponents of any government in Newfoundland must find this inexplicable, but as has been argued above this was not the case. The merchants had not protested when the first Lord...

In fact they opposed settlement only twice — the London and Bristol Company (but not until 1617), and government of Kirke. They took no official action against Vaughan, Falkland or Willoughby and accepted with equanimity the ministration of John Treworgie. As long as the governor did not interfere with their rights, the adventurers were probably indifferent. Whilst Lord Baltimore was fighting for his rights, they concentrated upon securing a re-confirmation of their Charter — which indeed would provide security enough against any abuses which Baltimore might be tempted to commit. Until 1667 their concern was not with the settlers (whom the Charters had always recognised), but with the _miscarried_ bye boat keeper.

By 1670 however the Western adventurers were resisting not only the establishment of a governor, but the existence of any planter whatsoever. Indications of this changed attitude first appeared in 1667. In August the merchants expressed alarm concerning men who 'for private ends' were attempting to obtain a Governor in Newfoundland,¹ and the Mayor of Dartmouth begged Sir Thomas Clifford to prevent this.² Long before these mysterious men revealed themselves a commission of enquiry at Totnes collected what was

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². Cal State Papers Col Am & W.I. 1660-7 no 1548. 16 Aug. 1667.
**The Population of Newfoundland 1675-1684**

**Note:** This is the vastly inflated 'summer' total. Many would return to England when the season was over. Statistics taken from the 'annual' reports.

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Total Inhabited Harbours = 37

**Notes:**
1 & 2 incomplete returns.
3. in Conception Bay
4. Now Tors Cove
5. Mosquito, Conception Bay.
presumably damning evidence against a proposal not yet
officially promulgated, 1 In December merchants of London
and Southampton asked that a governor be sent out and forts
constructed, 2 and the Bristol traders begged that more
security be provided for the merchants. 3 An ad hoc committee
of the Privy Council, after hearing the evidence of agents
from London, Exeter, Plymouth and Totnes, opposed the idea 4
and no governor was sent to replace those who had served
under Baltimore.

No evidence has yet appeared which might enable this
affair to be judged more clearly. As far as one can tell,
some men alarmed by De Ruyter's raid and the collapse of
Baltimore's colony, felt that a new governor was necessary,
whilst the Western agents somehow convinced the government
that this would be pointless. However the petitioners might
have been associated with William Hinton. 5 In 1668 he
appeared at Weymouth on his way to Newfoundland to take up
what he claimed to be his post as governor. 6 Hinton may
have travelled to Newfoundland but he certainly never
exercised any authority and most people were unaware of his

   28 Aug. 1667.
   Southampton merchants. 6 Dec. 1667.
   1667.
5. One of the many 'hangers on' at the Court who hoped for
   some reward for services (real or imagined) rendered to the
   Crown before 1660.
6. Cal State Papers Dom 1667-9 p 548. Fococke to Hickes
   22 Aug. 1668.
In 1669 two new parties entered the field as supporters of government, Captain Robert Robinson RN¹ and a small group of men claiming the support of London, Bristol, Weymouth and 'other places'² (possibly Portsmouth, the Isle of Wight, Looe and Fowey).³ There is no evidence that these parties were connected; Robinson asked that he be appointed Governor and the others asked only that 'some' man be appointed.

Both petitions stressed the danger of a French attack upon a defenceless and disorganised English fishery. Robinson 'humbly beg(ing) excuse touching any interest of my owne', argued that the French were now engaged in a worldwide scheme of commercial and colonial expansion in which Newfoundland, as a nursery of seamen was to play an important role. If England did not send out an experienced governor and build forts at St Johns, harbour Grace and Feryland, Newfoundland must inevitably fall to the French; England would lose its trade and nursery whilst those of her rival would increase in proportion. He anticipated West Country opposition by pointing out that although Kirke might have been a bad governor this was no argument against any government, and suggested that the expense of his proposals

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¹ C.0.1/22.17. Petition of Robinson (no date 1669 ?)
² C.0.1/22.14. et eq. The present condition of Newfoundland truly stated. (no date 1669 ?).
could be met by a tax upon the fishery.

The other petition merely echoed (in a much less concise manner) Robinson's structures about the French, but is interesting for the composition of those who signed it. Five men claimed the support of towns above mentioned who supposedly controlled three quarters of the Newfoundland trade. Far from 'controlling' Newfoundland these ports represented the weakest in the fishery. Portsmouth and the Isle of Wight were hardly known to send a ship to Newfoundland and the Cornish ports sent very few. Southampton and Weymouth had become and would remain insignificant, Bristol did not revive (in Newfoundland) until the eighteenth century, and even London was at most of fluctuating importance.

The organisers of the petition were a strange assortment. Nothing is known of 'Major Scott', but William Hill was an ex warship officer (who is not known to have visited Newfoundland); Captain Hayher was Baltimore's old deputy and Messrs Hoyle and Wakeham were Dartmouth merchants. Why would Hayner, who had done nothing to provide security when in Newfoundland, suddenly express the purest concern for the Island? What motivated Scott and Hill when they had no connection at all with the fishery? Thus the petition was promoted by an unlikely group of men who claimed the backing of a decaying group of towns — none of which, except Weymouth and London, took any part in the

1. A claim not unnaturally denied with some heat by the vastly more important Devonshire towns.
struggle to establish a governor in, and after 1675. Was there in fact some private interest? As Kirke had shown a governor through control of trade and land could 'do well by doing harm'.

This petition was ignored by the Adventurers but they presented a vigorous answer to Robinson. ¹ Basically they argued three points: a denial that the French could, or even desired to, attack the English fishery (their fort was for defence from Indians, and they had never 'encroached' upon English fishing areas, whilst the latter had never fished on the South or North East Coasts); secondly the defence of Newfoundland could not be secured through the erection of two or three forts because the 'English shore' contained forty eight major harbours scattered on a coastline of nearly three hundred miles. A Governor at St Johns could be neither useful nor necessary as he could ever hope to direct any defence outside that town, and in the other harbours the fishing admirals would still have the task of organising any defence. Government and fortifications were not only valueless but expensive, and this could not be met by a tax upon the fishery which the latter (faced with foreign competition) could not bear, and which moreover would be illegal under Stat 15 Chas II c 16 (1663), ² section three of which ordained that 'Noe

1. C.0.1/22.119. The humble reply of the Marchants owners of ships of the Westerne Parts into the Assertions of Captain Robert Robinson concerning the Newfoundland fishery. (1669 or 1670).
2. Stat 15 Chas II cap 16. An Act for better regulating the Fisheries and Trade of Great Britain. 1663.
persons...doe collect.... or cause to be leavyed or taken in Newfoundland, any toll or other duties of or for any codd or poor john, or other fish of English catching'. The Adventurers concluded by arguing that as Sir David Kirke had demonstrated, a Governor would be not only useless and expensive but a positive burden on the trade. 'Wee doe humbly conceive....that a Governor will be more disadvantious and tend rather to the lessening of shippes and seamen (continuing the inhabitants)'. 'Not but that Government is honourable (where there is a people and a fitting countrey) and soe esteemed by us though we are charged with anarchy'.

So far both sides had confined themselves to the problem of defence, but now for the first time the western traders suggested that the settlers be removed. The latter were blamed for an alarming decay in the fishery caused by Taverns, destruction of timber, the encroasement (together with bye boat owners) of the best men and fishing rooms, and by carrying on a growing trade with America. 'Soe if a Governour be settled and the inhabitants thus continued we may expect that this trade in a few yeares and all the Advantages thereby both to your Majtie and this Kingdom will be removed from us, and become as that fishery of New England which att first was maintained from these parts'.

This 'humbly reply' contained important arguments. Would a governor at St Johns be able to control and defend all the
scattered English harbours? Who was to pay the expense of fortification and government? If settlement were unduly encouraged would not the migratory fishery decay, and with it the exportation of English produce, and the nursery of seamen? Why were the merchants suddenly inflamed against settlement? If the latter were guilty of all that was charged against them some tension would be understandable, but why should this tension arise in the later 1660's rather than earlier? In fact many of the 'abuses' blamed upon settlers were committed by the migratory venturers. Certainly the planters had gradually acquired many of the best fishing rooms but the Adventurers had never suggested that the only way to prevent this lay in the forcible deportation of all settlers.

The explanation probably lies in that growing decay which afflicted fishing ship and settler alike. Ship owners were fighting to avoid bankruptcy and wanted scapegoats. They looked back to a 'golden age' when the fishery had prospered without bye boat men or settlers. If these were removed matters would return to 'normal'; fishing rooms would be free, seamen would be plentiful, destruction of property would cease and the fishing ship, freed from unfair competition would regain its ancient prosperity.

The Committee of Trade rejected Robinson's petition but suggested that a Chaplain be despatched to reform the planters and that the convoy commanders be given more power to enforce
If this disappointed Robinson, it pleased the merchants no more, and in December 1670, after enumerating the damage caused by settlement they asked for additional clauses in their Charter. No passengers at all should go to Newfoundland, the fishery should be carried on only by 'owners of fishing ships'; no-one should remain in Newfoundland during the winter, and the Western Mayors should be empowered to appoint deputies in Newfoundland, and to imprison those who offended against the Charter.

If there was an organised party to advocate settlement it was not apparent in 1671 for no one appeared at the Privy Council to resist these demands. With the support of the Committee of Trade, most of the new clauses appeared in a new Charter issued in March 1671. Not only were passengers forbidden, but the old provision which in Kirke's charter had banned habitation within six miles of the shore was revived. No planter might 'take up' a fishing room until all the ships had been accommodated, and although the planters could remain during the winter, no member of a ship crew could. The fishing admirals 'for the time being' were to preserve law and order, and 'encouragement (was to) be given to the inhabitants of Newfoundland to transport themselves to Jamaica.'

Not all their demands were met, but the Westcountry men had no reason to be dismayed, for if enforced this Charter would have destroyed all settlement. Why however, did the government accept their arguments? It was pre-disposed to accept any plea which suggested that English trade and the nursery of seamen was in danger but the matter went deeper than that. Those wanting a governor in 1667 and 1669 had talked only of the danger of enemy attack and the threat of French 'encroachments'. At this time the latter were (if increasingly unpopular) allies, and the government was now aware that the cost of maintaining a governor and fortifications must be met by England and not the fishery. The arguments presented by the Western Adventurers (lacking any effective rejoinder) seemed conclusive. A governor could not defend or control the scattered fishery, and might well become a despot in those areas which he could oversee. The decay of trade, since it was caused by settlement, would be remedied by removal of the residents. Not only would trade revive, but there would be need for neither governor nor forts since there would be nothing to defend. Newfoundland instead of going the way of New England would remain an English fishery and an English nursery of seamen.

2. Specifically — no deputies in Newfoundland, no powers of imprisonment and no enforced removal of the planters.
We must consider not only the weight of argument, but the weight of those who did the arguing. London, Bristol and Southampton gave half hearted support to the idea of government in 1667, and their support was claimed again in 1669. However none of their agents appeared personally before the council, nor from any other town whose support had been claimed by Captain Rayner and company. The defenders of settlement thus seemed to come down to two men, each of whom wished to be appointed Governor, and another group of five individuals who almost certainly represented no one but themselves. No planter had appeared from Newfoundland, neither had any 'principal merchant of the Exchange' expressed support. The Western Adventurers in contrast were, and were known to be, the most important body in the fishery. Lacking impartial information the Committee of Trade had perforce to accept their evidence at its face value.

Execution of the Charter was delayed by the Dutch War of 1672. Like their New England neighbours, Newfoundland men might (had they been religious) have seen the hand of God in this temporary stay of execution. There was no reconciliation between planter and fisherman; both sides waited for the return of peace.

Even before any of the parties put in an appearance, the Committee of Trade in 1674, returned to the problem of Newfoundland. 'Whether to establish a colony.....has been a break for thirty years or more....N.B. three voyages made good—

when the contest was renewed in 1675 William Hinton fired
the first shot by asking that the petitions of 1669 be re-
examined in the light of those fresh arguments which he now
presented. The fishery, which had flourished under Kirke was
now in decay whilst the French (under their governor) were
expanding and beginning to encroach upon English fishing areas.
English planters might well be responsible for all charged
against them by the Adventurers, but surely this was because
they lacked a governor to restrain them. The merchants too
were spoiling the harbours by throwing ballast overboard and
such worse, were sending their surplus employees to New England.
Because of the 1671 charter the planters had threatened to
join the French and were in desperate need of a religious
ministry and 'equal justice'. Only the appointment of a
governor could prevent the ruin of Newfoundland. 2

A few days later James Hoblon of London presented an
audacious paper. The central problem was of ascertaining the
best way to meet French competition and the answer was clear;
The fishing ship was far too uneconomic being expensive to
equip, difficult to man and having to be laid up during the
fishing season. The Adventurers, all by now bankrupt, just
could not afford to continue this mode of fishing. The

1. 0.0.324/3. p 26. Secretary Williamson's Note Book. 1674.
planters by contrast could fish for a much longer period, maintain their stages during the winter and take fish much more cheaply. Their expansion should not be resisted since the merchants would still control the fishery through their control of shipping, for Newfoundland would never develop an "independent" economy. Besides they or their agents will be the first planters', 'and it will better answer their small stock'. However if a governor were appointed he should be 'a plain industrious man, for the trade will not stand tyranny and expense'. He should be elected by the planters, who should have the power to make their own laws. 

The Western ports were asked to comment upon these arguments and three more papers were presented in support of a governor, only of which however, came from the West. Plymouth (or at least George Kley) supported the proposal as the only way to end the wanton destruction of timber, the spoiling of harbours and to counter French aggression. 

Plymouth (a fishing ship town) said nothing about planters catching more fish economically than the migratory fishermen.

Houblon's arguments were echoed by John Gould, another London trader. 'The experience of many years hath showne us that ye wrong way to work and yet ye right remedy is not applied, which of necessity ye must be ye manadging of ye fishery of ye Newfoundland by inhabitants and not by sending ships'. Planters

1. C.0.1.67.97. Houblon - Comm of trade. 25 Mar., 1675.
3. C.0.1/34.49-50. Kley to Comm of Trade. 17 Mar., 1675.
could fish nine months in the year, could maintain their
equipment during the winter and did not require the large
capital outlay inherent in fishing ship operations. The
French were now taking twice as much fish as the English and
would soon monopolise the entire trade. 1

An anonymous writer approached the problem in another
manner. 2 Newfoundland was of value only insofar as it
provided English merchants and the nation with trade and
employment, and contributed to her naval power. Of what use
could she be if the French engrossed the fishery? 'All the rest
(would) fall to the ground'. The paramount task was to meet
French competition and only a sedentary fishery would suffice.
The writer, like Gould argued that the Adventurers would still
control the fishery, the planters would still purchase English
produce, and ships would still be required to transport these
supplies and take fish to the markets. If there was to be
settlement there must be a governor; 'when there was no king
in Israel, every man did what was right in his own eyes, where
noe Governor noe Governt; Lawes are of noe effect where noe
magistrates; and where noe order is confusion'.

'But I had almost forgott the Marchants particular gaine which
must be weighed in the Ballance & I doubt they apprehend it
will not only abate, by encouraging the inhabitants to fish,
but alse that something may goe out of their guaines towards
the maintenances of this settlement'.

1. C.0.1/67.95. Gould to Comm of Trade. 18 Mar., 1675.
2. C.0.1/24.59-72. Some Modest Observations & Queries
upon the last debate before the Committee of Lords for
Newfoundland. 1675.
However the Governor's power to tax could easily be limited. Even if the migratory fishery survived, government and forts would still be required to defend the small settlements which in any case must continue.

'It were so much pity that in this case any English heart or head should take up the phansey of the Irish in those days, who articles against my Lord Strafford for a great oppressor, because he would not lett them draw their horses by tales as they were wont, but injoyed them the better way of Harness; For all the argument used against encouragement to the Inhabitants and settling a Governt & Governor doe seem strongly to imply a necessity of both'.

In other words, The Adventurers were obstinate reactionaries, too blind to see that a sedentary fishery was the only way in which even they might find salvation. Doubtless this writer's fortune was not tied up in fishing ships! In the long run some merchants might adapt, but the others were surely doomed if settlement increased. From the viewpoint of any individual merchant the 'long run' could be very remote indeed.

The West Country reply came through Mr Ferrott of London, whilst yet another commission at Totnes produced fresh evidence concerning the depredations of Sir David Kirke. Their arguments lack the cogency of those presented by Hinton, Houblon and Gould, but they possessed a direct simplicity which amply compensated for this. Establishment of a sedentary

1. He normally acted as the agent for Plymouth.
### DISTRIBUTION OF FISHING SHIPS AT NEWFOUNDLAND

**1675-81**

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**Notes:**
- a. is the number of ships
- b. is the number of men they carry
- c. is the number of fishing boats they operate.
### CAPE BAY

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**NEW PERLICAN**

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**HEARTS EASE**

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**ENGLISH HARBOUR**

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**Kesel**

- 1675: No ships fishing there
- 1676: Weymouth 1 32 6
- 1677: No data available
- 1681: No ships fishing there

**Salvage**

- 1679: No ships fishing there
- 1676: Dartmouth 1 22 4
- 1677: No data available
- 1681: No ships fishing there
fishery would inevitably destroy the nursery of seamen. Even were settlement desirable, it would be impossible since the country is not in the least improvable for subsistence, being nothing but Woods Boggas and Rockes'. If settlement did expand supplies would be obtained not from England but from France, Ireland and New England so that Newfoundland would in time become as independent and as useless to the mother country as New England. The decline of the ship fishery was due not to any incurable inefficiency, but to the unfair practices of eye boat men and planters. The latter would never provide any men for the Navy and (as past wars had shown) rather hindered the war effort by encouraging men to remain there. As far defence was concerned, neither a governor nor forts were necessary because hundreds of fishing ships could provide their own defence in summer, whilst ice protected the coast in winter. As a final and telling point, the Adventurers pointed out that this fearsome French fishery was carried on almost completely as a migratory industry. This clearly demonstrated that the principle cause of English decay had been the growth of settlement.¹

In a long and closely argued paper which was accepted by the Privy Council, the Committee of Trade found absolutely for the West Country. They pointed out an alarming increase

in French competition and commented adversely upon the
growth of the 'sedentary' New England fishery. The English
occupation in the decline was due to war, bad fishing seasons and the increase
in settlement which had inevitably entailed an increase in the amount of damage, and the number of fishing rooms which
the planters were taking to the great injury of the ship fishermen. 'We could not find that a governor could cure
this decay' because the planters were too scattered to be controlled from St. Johns, and in the winter 'when all the
abuses are committed' there was no passage between the harbours by land or sea, and thus at least forty settlements
could not be governed. The fishery could not bear any expense which the erection of forts or the provision of government
(both of which were unnecessary anyway) would entail. 'Newfoundland will always belong to the superior sea power'.

'Unless we could see reasons for a colony we could see none for a government'. The climate was rigorous, the land
infertile, the settlers dethrashed through their enforced idleness in winter and they chiefly consumed American produce.
If climate and soil had been better then the planters would adhere to New England 'and in time tread in the same stepps;
to the loss of the many advantages which at present by the method things are in, we yet enjoy'. Newfoundland could not be regulated under the Laws of Trade 'for fish cannot bear the charge of coming home but must go direct to market'. They agreed that the French fishery was migratory, accepted
uniform claims that their fort was intended only as a
defence against Indians and agreed that English fish could
still compete in the markets. 'We find the rules settled
by you in council on the 10th March 1671 to be proper and
effectual'. All plantation should be discouraged, the
settlers were to be asked to leave, and if they refused, then
in 1676 the rule forbidding settlement within six miles of
the shore should be rigorously enforced.¹

An Order in Council approved the report, ordered the
convoy commander to 'admonish' the settlers to leave, and
the Governor of Barbados to receive any who might appear
there.²

Once again the government had decided in favour of the
Adventurers and now Newfoundland was to have neither
government nor settlement. This may have been partly due to
natural lethargy - the decision of 1671 had been made and
the onus was upon its opponents to show why government
policy should be reversed. This they had failed to do.

'All had agreed' that Newfoundland's value rested upon the
extent to which it provided employment, revenue and seamen
for England, and this formed the basis of argument for both
sides. Arguments concerning the need for 'justice' or
'regulation' were essentially secondary. Everything turned

   5 May 1675.
2. C.O. 1/34.151 Order in Council 5 May 1675.
therefore upon the extent of the French threat and the best way to meet it. Those arguing that a sedentary fishery was more profitable had given no proof of this, and the government therefore accepted the Western argument that decline was due to settlement, a conclusion certainly strengthened by the undeniable fact that the French fishery was migratory.

The problem of defence was clarified by the quite correct conclusion that 'Newfoundland will always belong to the strongest sea power'. Even if the French went overland to a tack the English harbours they would be forced to withdraw before the English fleet arrived in the Spring. If the latter could not provide this security then a few forts would not prevent Newfoundland from becoming French. In addition, if there were no settlers there would be nothing worthy of attack during the winter.

Thus the positive arguments in favour of settlement were refuted. For the rest, as even the 'pro settlement' party admitted, the creation of government and the expansion of settlement must diminish the number of seamen. Even if provisions were still obtained from England (and this was doubtful), small crewed merchant vessels were a poor substitute for the enormous complements carried on the fishing ships.

The experience of New England convinced the government that to create a Colony would entail not only the loss of so many seamen but of all advantages of trade as well. The adventurers claimed that the removal of settlers would revive their trade.
If this were correct then all problems would be solved and Newfoundland would remain a British fishery.

The Committee of Trade must again have been influenced by the nature and influence of those who appeared before it.

The pro-settler group (if group it was) contained hardly more weight than that of 1670; William Hinton, the town of Weymouth, and only two (and these not the largest) merchants of London. The other London traders did not support settlement, as is demonstrated in the Committee's report.

We heard evidence from their agents (the west country) and other principal merchants of the exchange. Some were for and some were against government or colony, but many more were against both.¹ What was the attitude of Sir John Frederick and Sir Nathaniel Herne, or of the third 'great trader' to Newfoundland, Benjamin Newland? Of all the towns who were supposed to have supported the petition of 1679 only Weymouth did so in 1675. Bristol said nothing, and the planters in Newfoundland had still not sent an agent to speak for them. Once again the Committee of Trade, predisposed towards the migratory fishery, found that the weight of personal opinion and influence agreed with them. Following this decision the merchants, encouraged by the end of war and desperate to repair their waning fortunes sent 170 ships to Newfoundland, most of which were fishing vessels. More...

¹ Acts Privy Council Col. 1613-80 No. 1023. 5 May, 1675.
fishing ships operating more boats, arrived to find that as a result of the war an increased population had appropriated more of the good fishing rooms. Ship captains were that the fortune of their owners might depend upon this one voyage, were not inclined to allow the settlers to have any good rooms and bitter conflict occurred.

Fortunately for the settlers, Sir John Berry, appointed convoy commander for 1675, became firmly convinced of the necessity for settlement and in August made a slapping attack upon the ship fishermen. The 'abuses' which were destroying trade were committed not by the planters but by the migratory men; far from hindering the migratory trader the planters gave such assistance to them that their removal would mean the collapse of the fishery. They protected equipment during the winter, relieved crews who arrived suffering from frostbite or scurvy, and prepared lumber, oars and boats which were sold to the fishing ships at extremely reasonable prices. The settlers (who now numbered nearly 1600) were taking one third of the total catch, and if they were removed the ships could never make up for this. Very little produce was coming from America since only about six ships came from there annually. The debauchment of seamen was due not to New England rum but to European wine and brandy brought illegally on the West Country 'salt' ships coming direct from

Europe. True, the planters dispensed this liquor, but they were in turn supplied by the merchants—toward whom Berry manifested a bitter dislike. 'I stand in admiration how those people that laid soe many informations could appeare before H.M. with soe many untruths against ye inhabitants'. He had obeyed the order to command settlers to quit Newfoundland, but Mr. Perrot and others had 'abused his Majesty with contrary relations which I utterly disown'.

After attacking the merchants for smuggling, destroying property and leaving men in Newfoundland Berry recommended the appointment of a governor. 'It's my opinion yt his majestie will never have a regulation of this fishery unless a governor be settled for here... he yt is strongest treads down ye weakest'. Most damaging of all, Berry claimed that forty five west country captains had stated that the removal of settlers would destroy the English fishery; Newfoundland would inevitably fall to the French.

Coming from the first (presumably) impartial witness ever to report on Newfoundland, this letter caused quite a shock. Pepys recorded the arrival of a letter 'greatly differing from the measures lately taken by my Lords the Committee of trad' which he was instructed to lay before them as soon as possible. 1 An angry discussion ensued after Berry returned.

to England, Sir John Powell, Mr. Ryder, and Perrot claiming that he was personally involved and encouraging the settlers to persuade their friends to come over and settle, but Secretary Williamson had turned against the Adventurers. The design was to exclude the poor from being sharers in anything, and these gentlemen of the West Country were shown to be very faulty, who having for five years had H.M. allowance for certain rules had neglected to pursue them. Williamson's anger was justified. The merchants ever since 1669 had posed as upholders of the public good, concerned only to enforce the Charter against 'degenerated' Eye boat men and planters who were ruining the trade. How it appeared that much of the blame was to be placed upon the Adventurers themselves. The whole basis of the West Country position was laid open to question. They had argued that the ship fishery was decaying mainly because of abuses committed by planters; if as it now appeared, these were committed by the migratory men, how could the removal of settlers do anything to restore the English fishery?

It would be unrealistic to expect the Government to reverse completely a 'pro fishing ship' policy which had been maturing for a decade or more, but in January 1676 a new charter introduced considerable changes. Most of the

1. Agents for Plymouth, Dartmouth and Weymouth respectively.
Additional clauses incorporated into the Charter in 1671 and 1675 were repealed, and those of 1634 and 1661 were confirmed with certain additions. Planters were not to live, or cut timber within six miles of the shore, and were not (a vague clause this) to 'engross' the free fishing rooms. To prevent unfair competition no fishing ship was to leave England before March; and must carry at least one 'green' man for every five members of the crew. Western mayors were to take bonds for the last and offenders were to be reported to a Secretary of State. This may not seem to be a great improvement upon the position in 1675, but the planters were now not only permitted to remain, but could fish and (a vital point) once again recruit servants from England. Experience had shown that no restrictions on where to live or what fishing rooms to take up had ever been enforceable, especially (and ironically) if no government was established in Newfoundland.

Apparently the Adventurers protested for another enquiry was held at the end of February. The Committee of Trade refused to reconsider their decision and matters rested as the fishing ships prepared for their annual voyage to the fishery. In 1676 more men and more boats were carried by the ships than even in 1675; thus more men searched anxiously for good fishing rooms, their tempers inflamed by the partial revocation (and the ambiguities) represented in the new Charter.
Captain Russell the convoy commander took the same line as Perry had done, laid the blame for most evils upon the ship fishermen and averred that the planters could take fish as cheaply as the migratory men. He reported an alarming increase in tension between the two, and complained that merchant captains ignored his authority.

"The masters of the fishing ships of England since the renewal of the last patent are so insupportably insolent, and doe soe extremely oppress ye inhabitants won if great care be not taken the next yeare to prevent it, here will be cutting of threats the next year between them".

Having for two years lived under the threat of deportation the planters finally intervened in the debate and at the end of the season John Downing of St. Johns sailed to London. He pointed out that most of the settlers had gone to Newfoundland under the various early patents which had expressly encouraged plantation. They and their descendents had built houses, cleared land, raised crops and cattle and built wharfs and stages for their fishing, having heretofore lived...maintaining by their owne Industry themselves their wives and their children in peace and comfort, but now some of your sub...extant subjects pretending yo'r Majesties Patent and orders for the same, have contumely taken their houses goods stages and Roomes built and enjoyed by yr petre and there ffathers for many yeares last past...contrary to the ancient lawes...and also to common humanity".

These arguments were expanded in Downing's "Briefe Narrative Concerning Newfoundland". His father had been sent out in 1640 to replace Sir David Kirke, under whose charter people had been encouraged to settle, "for the encouragement of all that would inhabit that the Children bound there should bee free denizens of England with as many of the freedoms and Indemnities (of England), (and hence by implication, freedom from arbitrary expulsion from their homes). Even under Cromwell when the inhabitants were accused for traitors to his Government yet by an order, then we had liberty to enjoy our Houses wee had built, possess stages, and rooms for fishing freely for as many men as wee had, wee might build houses, keep cattle, clear ground where fish was not dried'.

Now because the settlers were far from England they had been unjustly charged with abuses which were committed by the migratory men.

'If the inhabitants are forced to quit, they and their servants will fall into extensive poverty, and if they get some relief it must come from the landed gentlemen to whom the extreme poverty of the distressed families will be neither pleasant nor profitable'.

He claimed that many settlers either had or had threatened to join the French at Placentia, and refuted the claim that ice provided security enough in the winter. Ships had visited Newfoundland in December, and could certainly arrive there.

2. See above p. 127.
before the English fishing fleet. Both settlement and government were essential.

Downing's re-enunciation of West country abuses and French competition were not important (since this was hardly new evidence), but by introducing the question of why the settlers had come to Newfoundland he changed the whole basis of the debate. Until his appearance it had been merely a question of how to meet French military and commercial expansion; did English settlement help or hinder this objective? Now however, it must centre upon the question of by what right could the settlers be removed even if their presence was still deemed contrary to the national interest?

If the government accepted (and this was indisputable) that the planters were in Newfoundland as a result of earlier state encouragement they could not in good faith forcibly remove them; neither could they in common humanity restrain settlers from a fishery upon which, as everyone realised, their lives depended.

The Committee of Trade was ordered to examine Downing's petition 'and make such order as seems proper for relief of petitioners'. They did not inform the western ports who remained in ignorance of this affair until February. On the 16th of that month the Committee was ordered 'to meet on the 24th of February to consider Downing's petition on injuries.'

1. O.O. 1/38.69 Order in Council 7 Nov. 1676.
done to him by order of the merchants and Traders' but the West Country heard nothing until the 27th when Mr. Ryder (who was attending the Committee about another matter) was abruptly asked to comment on Downing's charges. Taken by surprise the Western towns asked for, and obtained a postponement until the 24th of March, but the Committee had already made up its mind. On the 16th of March Anglesey informed Williamson that things were to 'stay as they are until H.M. decides. If order be not sent to prevent mischief we shall run great hazard to lose that country ....and give it up entirely to the French'.

The government had clearly decided that settlement was vital and had cleverly adopted the old West Country practice of drawing out and keeping secret, all preliminary discussion. When the Enquiry finally took place its proceedings were therefore farcical since a decision had already been made. The Adventurers secured another postponement until the 10th of April, but to ensure that the planters were not molested nor forced to move six miles from the coast the 'St. John Merchant' of Dartmouth was ordered to take orders forbidding any molestation of the planters and allowing 'them to live

   27 Feb. 1676/7.
in fact the Western agents did not present their case until May, by which time the government had been angered by reports that at Dartmouth the 'mayor and others' had attempted to prevent the 'St. Johns merchant' from sailing. At the enquiry Downing was supported by Captain berry and Russell but there was no reported attendance by Gould, Hinton, Houblon or any of those who had argued for settlement in 1675 and 1676.

The West Country agents Perrot and Koliexen repeated the old arguments, insisted that the settlers were responsible for the fishery's decline and denied that the French in any way threatened English interests. Downing, with Russell and berry repeated their arguments concerning the 'right' of men to settle in Newfoundland, and their indispensability both to the fishery and for defence. The Board of Trade still refused to appoint a governor and recommended that 'affairs in Newfoundland to remain as they are until further orders'.

This however represented a further step in the anti-settlement legislation since planters could now live near the shore. As yet the decision was only temporary, but obviously the battle against settlement had been well and

2. C.O. 391/2.23 26 April 1677.
3. Devonshire M.P. and later member of the Board of Trade.
5. ibid. P 47. 18 May 1677.
truly lost. In politics as in war that side triumphs which possesses the last reserve of men or arguments. The West had reached its peak in 1675 and could go nowhere but backwards. The reports of Berry and Russell had created sufficient doubt to prevent a rigorous enforcement of the 1675 Charter, and now Downing had presented a completely new array of arguments in favour of settlement. His opponents could only repeat arguments already stale from constant re-iteration. The 'temporary' protection to settlement would become permanent; the question of whether a government could be created remained open.

The 1677 convoy commander presented another report in favour of settlement, and in December the planters pressed home their advantage by offering to pay the cost of fortifications and part of the cost of a governor. The Adventurers had by now given up hope of obtaining the settlers' expulsion and therefore countered by asking that the 1676 Charter be confirmed. This at least would deny the planters any right to live near the shore, and prevent them obtaining labour from England.

Although another enquiry was ordered, there was for some unknown reason a considerable delay and the matter was taken up not again until January 1679. The Committee of Trade:

1. CO. 1/41.147-152 Captain Sir William Pole's report 1677.
recommended that certain revisions be made in the Western Charter. Planters were to be allowed to live by the shore, and obtain labour from England, could retain those fishing rooms they already possessed but could take up no more until all the ships had arrived, after which they might build new stages which they could always possess.¹

In April however, another inquiry was held and the Committee abruptly changed its mind. The Planters were represented by Downing and Thomas Oxford of St. Johns, the West Country by Benjamin Scotte of Poole. The latter had nothing new to offer and 'were resolved to rely upon the validity of their charter without agreeing to any qualification whatever'. Rather surprisingly 'Their Lordships do not come to any resolution about it'² and matter remained in the same confusion as they had been in 1677. Evidence to explain this change of mind is lacking; possibly the merchants were engaged in some intensive 'backstairs' diplomacy.

William Hinton suddenly popped up in July and asked that his 'oft promised' grant of Newfoundland be implemented.³ A few West Country agents were summoned but once again no decision was reached.⁴ 1680 however proved to be 'high tide'.

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² Ibid. p 133. 28 Apr. 1679.
³ C.O. 1/44.28 Petition of William Hinton Jul. 1679.
⁴ Probably because most of the merchants would have gone to Newfoundland by July.
for those who advocated government. In February Downing presented a petition from the planters asking for a governor to protect them from West Country terrorism, and that asking to be concentrated into three or four harbours where they might be conveniently governed and defended. Downing then offered (as agent to the settlers) to pay the entire cost of Government and defence by a tax upon the sedentary fishery, so that neither the English government nor the migratory fishery would have had to pay anything. To please the Adventurers he stated that the inhabitants were prepared to refrain from taking up any more land, provided their children may in time, be allowed to erect stages as they increased, and presented a petition (rejected as 'unduly obtained') of support from twenty merchants in Poole.

The Committee of Trade accepted his proposals and recommended more revisions in the Western Charter. Passengers should be freely permitted to go to Newfoundland, and the Fishing admirals were not to exercise any kind of authority over the settlers. And at last 'It is necessary to send a governor for the security of Newfoundland' to provide order and justice in the colony and to control the depredations of migratory fishermen when they were ashore.

2. Ibid. 63. Humble representation of His Majesties subjects the Inhabitants of Newfoundland.
That would seem to have been that, but it was not.

Five days later it was decided that the governor should exercise no authority over ships crews, and that the planters should be forbidden to erect houses or cultivate land within a quarter mile of the shore. Downing was to 'say what contribution inhabitants will make towards a governor and what security they are ready to give that this will be regularly paid'.

Thomas Oxford outlined proposals to cover the cost of a fort at Johns.

The Committee then ran into some unexpected resistance from the Collector of Customs, who opposed the appointment of a governor from experience gained when Kirke had been in Newfoundland. He feared the fishery would be monopolised by such a man. However, a clutch of naval officers insisted that the French would inevitably gain the island unless a governor were appointed, and the Collector's opposition was overruled.

In April the Western Ports were asked, not for their comments in general but only for suggestions as to how a governor might best be established. In October Messrs. Hoilexfen, Perrot and Scutt gave the inevitable rejoinder. 'We see no reason to change our mind; a governor will be very prejudicial', to which the Committee replied, 'we see no reason to change our mind...to proceed.

2. C.O. 1/44.85 Proposals of Oxford and Downing.
3. C.O. 391/3 149-150. 4 Mar. 1680.
4. IBID ff 169-70 27 Apr, 1680.
further to prepare rules and provisions for this
land. Thus in five years government policy had gone
from one extreme to the other. Newfoundland was to become a
colony and would be governed by rushed to make application.
William Hinton, supported by the Bishop of London reminded
the Council of 'promises oft made to him', and claimed that
a 'papist' Mr Cary of Bristol was 'standing in opposition
to me'. In 1682 Captain Talbot RN asked to be given the
proprietorship of Newfoundland 'He will not put HM to any
charge thereby'. 'But their Lordships having often laid the
state of the matter before the king did not think fit to make
any further recommendation thereon'. Other applicants
included Captain Jones RN (1683) and Sir Robert Robinson and a merchant, Hugh Redmond in 1694, but all were rejected
out of hand. By the end of 1682 William Downing became
alarmed at the lack of activity and informed the government
that 'despairing of redress' his friends intended to leave
Newfoundland at the first sign of war. Neither he nor his
successor as leader of the settlers, William Strong ever
received a reply. In 1691 the latter claimed that petitions

1. IIBID f 211. 11 Oct. 1680.
2. Probably the Bristol merchant of that name.
3. C.O.I.44.28 Petition of William Hinton (No date 1680?)
had been sent via Sir William Floyd (?) and 'my friend' Mr. Searle of Plymouth, but these never even reached Whitshall. "Our servants become our masters."1

In 1680 the government had made an apparently firm decision to make Newfoundland a colony; by 1682 this had been completely and mysteriously abandoned. One can only theorise as to why this happened. Browne attributed it to West Country bribery, but there might have been other reasons. When the Earl of Shaftesbury opposed colonisation in 1683 he did so on the well trodden grounds that it would be 'unnecessary and expensive'.2 Probably someone in the government had been pointing out that a governor by increasing settlement would destroy the migratory fishery.

Whatever their reasons, the government had taken the only decision which could even begin to reconcile two absolutely opposed factors. If settlers were removed the French would possess the whole island, but if a governor was sent, then settlement would be unduly encouraged and Newfoundland would become another New England. The only possible compromise - a restricted number of settlers without a governor who might encourage too many people to remain there.

Such a compromise inevitably created its own problems: As Gould had predicted the West Country merchants did 'become the first planters', and completely dominated the

1. IBID (1699 Addenda). No. 1281. 15 Oct. 1691.
2. IBID.
Boat keepers continued to leave men unpaid and sell so much rum that their servants became little more than slaves. In their turn the latter—especially during the winter—terrorised their masters; when times were bad both fled to America.

On the other hand the 'debt system' which gave absolute control to the merchant would probably have arisen anyway and at best a governor could have only mitigated its worst effects. Would a governor have been able to control the scattered settlement? Unless roads had been constructed the answer must be no. Until the railway was built even relatively close outports might be isolated from St. Johns in the winter, and in summer the governor could not be everywhere at once (as the Naval Captains were to discover). Government would have been effective only if subordinate officials had been appointed in the major outports, but they would either have had to be paid—and the English government was not prepared to meet the cost—or if voluntary would certainly have exacted their own rewards for service (as did the magistrates after 1729). Moreover the men capable of holding such positions were the merchants and perhaps one or two of the largest boat keepers. The merchant would hence have still exercised both economic and political control over Newfoundland. The only difference would have been that it cost more in taxes.
Would the governors have ruled with wisdom and justice? Possibly, as long as their salaries were not only sufficient but regularly paid. But if this salary came from within Newfoundland it would have been paid by the merchants and boat keepers, in whose hands the governor would have become a prisoner. In fact, once the first flush of enthusiasm was over his salary would probably have not been paid. In 1699 the residents of St. John's agreed to contribute towards the support of a clergyman, but by 1706 all had ceased payment.

If one examines the actions of French governors at Palencia or the first English garrison commanders, it seems unlikely that persons in authority would have refrained from abusing it. All without exception entered the fishery, monopolised the sale of provisions, sold government supplies and seized every fishing room they could lay their hands on. Unless the governor's salary was to be truly magnificent the temptations must have been enormous.

Was this another chapter in the struggle between London, Bristol and the Cutports? We have seen that it certainly had nothing to do with 'sack' ownership since all ports operated such vessels. W.E. Stephens saw the struggle as between 'declining' fishing ships, and a 'sack ship'-bye-boat!

1. BM Addl MS 9747.f27 Petition to the Bishop of London 30 Aug. 1699.
complex, but as we have seen the bye boat was connected with the fishing ship. It was pointless for them to take out passage in a Sack ship which arrived in Newfoundland when the fishing season was over. Even had the Sack trade been prosperous, by 1684 London and Bristol owned only eight of them, and in fact this trade was not flourishing. The Sack vessel depended on the fisherman; if the catch was low the Sacks could never prosper, and in 1684 Captain Wheeler reported that their owners had lost heavily for several years. In the long run an 'independent' Sack merchant made very little profit. London which tended to specialise in the Mediterranean markets, could not get its vessels back to England in time to visit Portugal for salt on the next trip out to Newfoundland. In consequence, they ran out regularly in a most unprofitable ballast.

It is also misleading to see this struggle in terms of London and Bristol against the West Country, because no one group carried on a systematic campaign to establish government. The Avalon planters who asked George Kirke to become governor in 1666 played no part thereafter. London, Bristol and Southampton asked for fortifications in 1667, and may have passively supported the applications of Messrs. Hoyle, Hill Haynor & Co. in 1669 but were not involved thereafter.

1. W.B. Stephens, West Country Ports, Trans Devon Assoc 88 (1956)
2. C.O. 1/55.245. Captain Wheeler’s report 1684
3. C.O. 194/1 f. 184 et seq. Census of the fisheries 1699. Out of thirteen ships arriving in ballast, eleven came from London, the others from Bristol and Southampton.
and neither were Lodge, Powey, Portsmouth or the Isle of Wight. Only Weymouth supported in 1675 and it too dropped out after the advent of William Downing and the planters in 1676. Neither Hinton nor Robinson - in competition for the same job - were in obvious alliance with any one, and the Hoyle, Hill, Rayner group also disappeared after 1670. There was no one to argue for settlement in the discussions which took place in 1670, and even in 1675 only Hinton and two London merchants resisted the end of settlement. The 'real' settlers - represented by Downing and Oxford - did not appear until 1676, at which time the London merchants promptly dropped out of the debate. Only Hinton and Robinson were continuously involved and they were interested parties.

The West Country was obviously divided in this matter for Hoyle, Wakeham and Mathews were Dartmouth merchants who supported settlement. The Coole petition of 1680 included the Mayor William Carter who had relatives living in Old Perlican, and obviously those who transported yea boat men or obtained servants for the planters would not have actively demanded an end to settlement, although they may well have remained passive. Andrew Hopkins of Bideford is said to have acted as governor at some time in the 1650's, or 1660's, Ambrose Mudd and William Newman of Dartmouth may have supported

1. Who was interestingly, the owner of the 'St. Johns merchant' which took the order forbidding molestation to Newfoundland.
Settlement in the latter decade, and a little later, Christopher Coke of Exeter, whilst no advocate of government was firmly convinced of the need for settlement.

Because the various petitions of this era do not bear any signatures it is almost impossible to solve the problem of who were for, and who against settlement, but it is surely possible that some men differed, not because they were 'fishing ship' or 'bye boat' operates but through honest divergence of opinion. After all the dispute arose because of the collapse of Baltimore's colony, the Dutch raids and growing French expansion. Would men be immediately so aware of the danger of building forts or having a governor that they would reject it out of hand? Might not others (Hoyte, Wakeham and Mathews for example) have changed their minds as the arguments and their implication became clearer? Why should Gould and Koutlin support settlement only because they were London merchants. Might they not have been honestly convinced that a sedentary fishery represented the only hope for English merchants? Perhaps we look too hard for complete self interest and lack of doubt.

Perhaps the most interesting feature is that only two of the individual protagonists were fated to survive long in the fishery. The Dartmouth 'pro-settlement' group disappeared along with most of the fishing merchants who had

Opposed them. John Downing, like so many Newfoundland men went to America, his descendants coming to rest in North Carolina and the London merchants, Houbon, Herne, Gould, Frederick and Perrot had all disappeared from the Newfoundland trade by the end of Queen Anne's war. Only two survived to found merchant dynasties - Benjamin Skutt the fishing merchant, and John Carter the planter.

Thus the survivors were 'lesser' men who either worked ships on in the migratory fishery or settled in Newfoundland. Skutt, and Carter represented the final compromise - settlement without government.

CHAPTER SIX 1689-1713

In deciding not to build forts or send a governor to Newfoundland, the Committee of Trade had accepted West Country arguments that these were unnecessary since in the winter fishing ships could not go to Newfoundland, and during the summer numerous fishing ships would provide their own defence. But on the day after war was declared in 1689, the Committee (largely composed of new personnel) hastily decided that this theory should not be too closely tested. They recommended that an engineer be sent to establish whether forts could be erected at St. Johns and Ferryland, decided to construct a small fort at St. Johns, and recommended that 'for the duration of the war', a governor should be sent to Newfoundland. Unfortunately they soon discovered that what may be accomplished during the leisure of peacetime, is not so easily performed in the midst of war. Soon far more pressing problems of defence in the English Channel and Ireland absorbed the energy of Officialdom and nothing was done in Newfoundland until the (temporary) loss of almost all the

English settlements there in 1696. The west Country theory was therefore tested to the full.

When a privateer commander with only thirty five men took Placentia by a surprise night attack in December 1689, men could no longer contend that Newfoundland possessed any sort of 'natural' defence in winter, and it soon became apparent that the other argument was equally invalid. The fishing fleet which was supposed to defend itself during the summer, simply failed to materialise, for the enormous demands of the navy saw an embargo upon 'fishing ships' which lasted until 1693, and from 1689 till then, not one ship fished at Newfoundland.

The defence of Newfoundland was left therefore to the scattered and ill armed settlers, with what help they might receive from the royal navy, isolated English privateers, and the badly armed weakly manned, 'jack' ships.

However until 1695, neither French nor English suffered serious damage in Newfoundland. French privateers at various times sacked ferryland and Bay Bulls, whilst trepassey was evacuated by the English after a raid in 1690. Both sides lost quite a few merchant ships, and Commodore Wheeler destroyed the French settlements in St. Pierre, but after a

4. C.O. 194/3 f 82 Memorandum of Minisford merchants 3 July, 1697.
not too close examination of its defences, he and his lieutenants concluded that Placentia was too strongly fortified, to be assaulted, and what a small privateer had accomplished in 1689 was not even attempted by a large naval Squadron in 1693. Fortunately the French navy showed little more aggression and an attack upon St. Johns was easily repulsed by the merchantmen and planters in that harbour. From 1695 onwards however, the French took a much greater initiative and the English settlements in Newfoundland were almost completely destroyed. In the summer of 1695 eight French privateers raided many harbours along the coast, and Neufond plundered the harbours south of St. Johns, capturing no fewer than thirty five ships, mainly from North Devon.

In November the French, reinforced by 'Canadians, Indians and gentlemen' led by d'Iberville finally began to fight a 'land war' in Newfoundland. After an overland march lasting nine days they destroyed Ferryland, marched on to Lay Hulls, and from there to St. Johns which, after a gallant defence by 'fishermen commanded by a farmer' surrendered on the 30th of November. Small forts had been 'privately' erected there but (like Singapore) they were not sited for a dwarf defence.

4. C.O. 194/1.5 Riceford petition Nov. 1696.
Brouillon returned to Placentia but d'Iberville pressed home his advantage and by the end of January English settlement in Newfoundland had been reduced to Bonavista and Carbonear Island. Lack of numbers prevented the French from even attempting to hold what they had taken but every English settler was removed; some six or seven hundred to Placentia, and the rest deported to Dartmouth and Appledore.

The inevitable outcry with which this was greeted in England resulted in the despatch of a large land and sea force to recover Newfoundland in 1697. They discovered that the French had returned to Placentia, English planters promptly resettled and by the autumn of 1698 one would hardly have known that an attack had ever taken place.

The ramshackle houses and stages were quickly rebuilt for Newfoundland being 'nought but a fishery' it was easy (as long as the fish remained) to restore even the greatest devastation in these primitive settlements.

It seemed that unless forts and garrisons were established land defence in winter would be impossible, but in fact (as later events were to show) a fort at St. Johns was not only unable to protect other harbours, it could not defend its own. In 1705 although the fort held out, the town

2. C.O. 194/1.15 Petition of Newfoundland Inhabitants Nov., 1696.
3. The settlers at Bay Bulls reported to have said that 'they had lost only their houses which they expect to rebuild in the spring an carry on their fishery as usual'.

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was still burnt to the ground. Sir Josiah Child was teaching the real lesson; "If the fleet cannot protect our colonies our cause will be sad". As d'Iberville had found, it was much easier to devastate the 'English shore' than to hold on to it. The expedition sent from England to recover Newfoundland would certainly have made short work of the scattered defenders whom d'Iberville might have left behind had he been a rash man. Of course had Nesmond met and defeated Commodore Norris then Newfoundland would probably have become French, but this would have been the result-of-seapower. 'Newfoundland will always belong to the most powerful sea power'.

Effects of the war in other theatres.

Forced to concentrate its resources near home the Navy was unable to prevent heavy losses amongst the merchant fleet and the Newfoundland trade paid its share of the toll. Teignmouth was burnt in 1690 and in 1692 nine ships (from a convoy of ten) were taken richly laden on their way home from the Mediterranean and many more were taken off, off Spain and Portugal. At least thirty six more Newfoundland ships were captured in 1693, whilst in 1695 Nesmond alone

1. Josiah Child, A Discourse on Trade (London 2nd Ed 1694) p211.
2. Perhaps four thousand vessels were taken in all. K. Davis, Rise of English merchant Shipping p 315.
3. Devon & Cornwall Notes & Queries Vol XI 1st. IV 1926.
4. C.O. 388/2.221 Petition of Italian merchants 1693.
5. C.O. 388/2.218 Petition of Newfoundland merchants Sep., 1693.
we sore than that, and another forty were lost in 1697. These difficulties were compounded by unparalleled pressings into the Navy. It has been estimated that of some 50,000 merchant mariners afloat in 1689 no less than 30,000 were taken up into the king's fleet. An embargo upon 'fishing ships' lasted until the beginning of 1693 and at first even the 'Sack' ships were 'stayed'. Deprived of their supplies the Newfoundland planters lived through a long and dreadful winter; and in 1690 they lacked food and even clothing. The merchants were prepared to send ships in November, but the government would not allow them to sail until the spring of 1691.

Thus only some fifty (sack) ships went out in 1690 and most of their small crews were pressed away as soon as they returned. The merchants, finding it impossible to man fishing ships had perforce to undertake only 'trading'
Even when the ship fishery was at last revived in 1693, men could be found to equip 59 vessels and only 1100 men went out, compared to the fifteen hundred who came out on only 43 ships in the depression year of 1684. Most of these were not trained fishermen but 'green men' or indeed foreigners.

Until 1695 the migratory fishery suffered badly, but the residents benefitted. Not only did they monopolise the fishery until 1693 but the price of fish (8/-d a quintal in the late 1680's) had risen to 12/- by 1691, and the fish 'came in' so abundantly that men who had taken no more than 200 quintals per boat in the previous decade, now caught four or even five hundred. The sedentary fishery thus experienced a brief but undeniable prosperity. In 1691 every boat made a profit of 113 pounds (or over 100%) and Baudit was amazed at the wealth of planters in Carbonear and Harbour Grace. No fishing ships came to quarrel with the planters and successive convoy captains reported a profound peace over the fishery. On the other hand, because

5. IBID
6. IBID
the fishing ships did not come the planters could not obtain servants, and so could not expand sufficiently to take advantage of their monopoly position. In 1692 the population had fallen below that of 1684 and only 1150 adult males were available to work in the boats. Thus when the fishing ships returned in 1693 an unintended filip was given to settlement. About forty men came to 'plant' and many of the crews deserted to avoid being pressed on their return home. The adult male population soared to nearly 1800. This made it more difficult for the migratory merchants to obtain crews in the following years, so only forty fishing ships could be manned. In their turn nearly two hundred men deserted from them. Thus whilst merchants lost heavily, the settlers benefitted from their comparative security in Newfoundland.

After 1695 the position changed and the settlers lost as much if not more than did the migratory men. French attacks destroyed their hard won prosperity and by 1697 hardly an English remained South of St. Johns, and the Northerly settlements were in ruins.

1. C.O.1/68.268 Captain Crawley's report 15 Dec., 1692.
3. C.O.1/68.291 Captain Hong's report 15 Nov., 1694.
The loss of Planter and merchant became the gain of American traders. Although the trade and fisheries of New England were badly disrupted by the wars, the decline of English shipping at Newfoundland provided the Americans with a means of employing their half-employed shipping; Massachusetts merchants began to supply Newfoundland with provisions previously bought from England. This was welcomed at first for, as Captain Hogg pointed out the French were desperate through lack of supply whereas the English 'having great assistance in great quantities from New England, lived much better than they do'.

Of course American vessels had been visiting Newfoundland from the 1640's, but they had done so on a 'speculative' basis—selling their cargoes to any who would buy and then returning to the mainland until the next year; now they formed a 'Society' which soon established 'factors' and permanent warehouses on the Island. Supplies were then sold during the winter at the 'enlarged' prices gained by monopoly. The chronic shortage of cash which afflicted most of the Northern Colonies made American traders prefer money or bills of exchange to fish, but this had an adverse affect upon Newfoundland, where the shortage of currency was if anything even worse. Soon their factors began to purchase

1. CO.1/68.291 Captain Hogg's report 15 Nov., 1694
cargoes from English vessels and these too were sold later, at greatly enhanced prices. Not surprisingly, 'all great and complaint against them' soon arose amongst both the planters, and the English merchants. By 1700 at least twenty American vessels were annually visiting Newfoundland and fears that America would dominate the 'sedentary' fishery were revived. To the Committee of Trade and the Board of Customs, more New England ships meant more smuggling and throughout the decade convoy commanders complained incessantly that such was the case.

The Parliamentary Enquiry of 1696.

When news of the capture of St. Johns reached England the merchants (forgetting that they as much as anyone were responsible for the lack of land defence in Newfoundland) brought down a hurricane upon the unfortunate Committee of Trade. In November and December petitions from Exeter, Poole, Bristol, Dartmouth and London were presented in the House of Commons, all of which demanded immediate and massive action to recapture the Island. A Parliamentary committee was appointed and to protect themselves, officials of the Committee of Trade asked the Western towns for advice; the answer concerned much more than mere recapture of the Newfoundland.

Strangely enough London and Weymouth asked only that Newfoundland be recaptured and for better convoy protection, but the other ports argued the pros and cons of establishing fortifications and Government - and even the virtues of settlement. Under the impact of war, many had modified their opinions considerably. Every town except Bideford and Barnstaple now argued that forts should be built although (depending on their own trading areas in Newfoundland) they disagreed upon their possible location. Exeter and Poole went even further and argued that, at least for the duration of war, a Governor should be appointed. At least one Exeter man argued that the campaigns had shown how essential were the settlers if Newfoundland were to remain English.

Nevertheless there was much disagreement. To erect forts at every suggested location (eight) would have entailed unbearable expense, but to do less would leave some ports dissatisfied. Plymouth, Bideford and Barnstaple opposed any appointment of a governor and complained of the pernicious effect of settlement. In their attitude towards defence, government and settlement the Adventurers were (at least temporarily) badly divided. Still, Plymouth and North

1. C.0.194/1/30 Proposals of London merchants 1 Dec., 1696.
2. C.0.194/1/29 Proposals of Weymouth 2 Dec., 1696.
3. C.0.194/1/32 Proposals of Exeter 1 Dec., 1696.
4. C.0.194/1/36 Proposals of Poole 1 Dec., 1696.
5. C.0.194/1/56 Coke to Rollesden 16 Jan., 1696/7.
6. C.0.194/1/17 Proposals of Bideford/Barnstaple 30 Nov., 1696.
Devon, alone, continued to oppose any settlement, and whilst only Exeter and Poole wanted government, at least, most ports were now agreed upon the necessity of some form of land defences. The despatch of a garrison to Newfoundland would at least entail the creation of a military government there.

In a report (which was never presented) the Committee of Trade appears to have followed west country inclinations. Settlers should (for reasons of defence) be allowed, but their number should be restricted to one thousand. Little forts should be built at St. Johns, Ferryland and Renews, but since some think a general governor would be too much an encouragement to the planters' each fort should be commanded separately. Thus the merchants, who in 1680 had been against any proposals which might establish a 'colony', were now moderating their views, whilst a government which had then planned to create one, was now constricting settlement. Both sides continued to modify their original opinions until in 1718, the Committee of Trade showed itself completely hostile to any settlement, whilst the merchants had become dependent upon it.

Ignorant (one presumes) of these discussions Parliament concerned itself only with the recovery of Newfoundland.

1. This was a strange plan; the trade from St. Johns Southwards would have received ample protection, but that to the North would have been left defenceless.
2. O.0.194/1.73 Report of the Comm of Trade 1697. (not presented)
to which end Commodore Norris's expedition was despatched.

When the fleet returned in the Autumn the military commander left behind a detachment of troops to act as a garrison in St. Johns. By 1701 a fort had been built and Newfoundland had both land defence and a military governor. Events were to show that these blessings were not unmixed.

Statute 10 & 11 William III c 25

In 1680 the Privy Council had, by its decision to leave matters unresolved, left the affairs of Newfoundland in considerable disarray. The expansion of settlement, growth of American trade and military conclusions drawn from the war demonstrated that some clarification was necessary; this Statute represented not so much a change as an attempt to codify and systematize the conception that Newfoundland should be 'Great ship moored near the banks', rather than a settled colony.

Nevertheless it is not easy to see why the year 1699 was chosen for its inception. The storm of 1696 had died away, and there is no evidence that any traders were pressing for new laws, and until the 20th of February, 1699, when three men were given leave to bring in the bill, there was (as far as the writer is aware) no indication that any

2. Hereafter referred to as the Newfoundland Act Reproduced as Appendix.
agitation was afoot. There was considerable parliamentary
opposition to certain details of the Bill, with amendments
being moved both to help "planters" and "fishing ships", and
nobody seems to have had a good word for the bye boat men.
but outside the House only one or two London merchants offered
any objection and thus for the only time in history, a
measure of fundamental importance to the fishery was passed
in an atmosphere of calm which would suggest only universal
approval or universal indifference.

The attitude which government would henceforth adopt
towards Newfoundland was succinctly expressed in the Preamble,
which stressed three points: Newfoundland was of value only
insofar as it promoted a nursery of seamen, the consumption
of English manufactures, trade and navigation, and provided
(from the 'returns') bullion or commodities from foreign parts. Most of its clauses were taken intact from the West
Eastern Charters' but an important portion concerned itself with the vital problem of fishing rooms. Clause five ordered that formerly 'free' rooms which since 1685 had been
'engrossed' by settlers were to be given up, and Clause six

1. The Committee Stage was passed by a vote of 85-63.
3. Cal State Papers Col Am & W.1. 1699 no 216 Minute of
Comm of Trade 29 Mar 1699.
4. Provisions concerning theft, drunkenness, the 'Admiral'
rights and duties, Divine service, trial of criminals' destruction of timber.
ordained that, to prevent further 'engrossments' of such rooms, no planters were to take possession of any room known to be used by fishing ships until all ships had been provided for, but (Clause seven) anyone who had since 1685 or would in future clear land which had never previously been used for the fishery might 'peaceably enjoy' the same.

Another clause attempted to assure a nursery of seamen; all ships were to carry one green man for every five members of the crew, whilst bye boat keepers and planters were to employ them in a ratio of two in six. Clause Fifteen stated that

'in case of dispute between the fishing ships and the inhabitants, the Admirals shall determine them and if any party shall think themselves aggrieved they can appeal to the commanders of His Majesty's ships of war appointed as convoys'.

Prowse and Innis saw this statute as 'pro West Country'; the former indeed being unable to attribute it to anything but West Country bribery. Insofar as it failed to create a 'colony' in Newfoundland this did ensure West Country control of the fishery, but there is no reason to believe that the government intended this. During the 1670's the government had accepted the view that the promotion of English interests would best be ensured by a continuation of the migratory fishery, and a discouragement of settlement. On the other hand the war had shown that some settlement was essential to prevent Newfoundland becoming French. But a

1. Prowse, History of Newfoundland p 225.
governor (even if he did not interfere in the fishery, and even if the expense of this were accepted) would encourage too much settlement. Thus the Act was a compromise abuse! settlement without government.

Given that a governor was ruled out, who should administer law in Newfoundland? Only the fishing admirals and convoy captains were available and therefore it was inevitable that the former should continue to exercise jurisdiction. Many provisions of the Act were not necessarily in accordance with traditional West Country views. By making the convoy captains act as 'Appeal Judges' something was done to mitigate any flagrant misuse of power by the fishing admirals (and indeed laid the foundation for the later appointment of the former as actual 'governors' of Newfoundland). Similarly because Planters were not only permitted to keep such 'rooms' as they had possessed before 1685, but might build new ones as well, this had the effect of confining the ship fishery to those rooms which they had always used. Thus any expansion in the fishery would be caused by settlers (or at least land owners) rather than fishing ships.

Results of the Statute

As far as the government was concerned it was a miserable failure. Two of the greatest 'abuses' - smuggling and the drain of men to America were not even mentioned; the clauses relating to 'rooms' were far more ambiguous than the actual
wording might suggest, and worst of all because no 'penal' clauses were inserted: there was no way in which offences against the Act could be punished. Most of the old 'abuses' continued unchecked.

Ownership of land was the crucial factor for upon the availability of fishing rooms depended the existence of a migratory fishery. One defect did not appear until the Southern Coast was ceded by France in the Treaty of Utrecht. Clause Seven enacted that settlers might clear and use rooms never used by fishing ships, but when the English moved into Placentia Bay, Colonel Moody purchased the entire foreshore from its French owners and thus prevented the expansion of a 'free' migratory fishery to that region. The Committee of Trade urged that this be forbidden and that 'the disposal of such rooms to the (said) fishing ships... be entirely left to the directions of the Act of Parliament'. But what were these 'directions'? Placentia whilst it had been visited by French fishing ships had never been used by the English. Surely therefore, anyone had a perfect right to establish 'property' in that region. A similar problem arose in the 1730's as Englishmen slowly moved into the (then) 'concurrent' fishing areas on Fogo and Twilligate Islands.

The problem was complicated by the fact that if the French 'concurrent' rights were to mean anything at all they must

be able to compete for the best fishing rooms; this meant
that these must be disposed of on a 'first come, first
served' basis to fishing vessels, whether French or English.
But the English settlers inevitably took up the best rooms.
This clause ensured (at the very least), that if planters
moved into an area before the fishing ships, the best land
would be appropriated. Thus the English migratory fishery
might be confined to the 'old English shore', and once again
would find it difficult to expand.

Another (and worse) problem was similarly not foreseen.
In 1701 Commodore Graydon reported that after an investigation
he had forced the settlers to surrender all land taken up
since 1685, ¹ but in the following year Captain Leake had to
repeat this task,² and by 1706 Captain Underdown wearily
reported that 'A great many of the ships rooms at St. Johns
(are) now engrossed'.³ Captain Crow in 1711 again
dispossessed several planters at St. Johns,⁴ and in 1713
disputes over property were said to be 'at an end'.⁵ This
however was not because all land had been restored, but
(and this had not been anticipated by the government) because
it was the western Adventurers who were now the most prominent

report 8 Sep., 1702.
Underdown's report 11 Nov., 1706.
5. Cal State Papers Col Am & W.I. 1714-1715 no 64. Leake's
report 12 Oct., 1714.
Almost without exception the men dispossessed by Captain Crow were fishing ship captains, i.e., Arthur Holdsworth of Dartmouth, Captain Stafford of Topsham, Harris of Exeter and two Squarries from Teignmouth. 

Basically the old ship fishery had largely disappeared during the wars and merchants (especially as wood near the harbours had by now almost disappeared) found it uneconomic to spend time and money in erecting wharfs and stages etc. which might be used by someone else in the following year. Shortage of accessible timber meant that fishing premises began to represent not only places from which to fish, but valuable and expensive property. The merchants thus rushed to seize the best rooms. Once they became involved in this 'engrossment' of land the government lost all chance of their maintaining Newfoundland as a 'free' fishery. The convoy captains, appointed for three years at most, spent a maximum of two or three months a year in Newfoundland. They were thus dependent upon men in the fishery for advice and information. When the Board of Trade ordered a survey of the 'rooms' to be taken, the fishing Admirals blandly replied that no one knew which land was 'public' and which 'private'.

Two years later, Captain Challoner Ogle received the same reply. In believing that this was due to ineptitude and ignorance on the part of the Admirals, he was probably misled by the Admirals themselves. They and everyone else knew well enough what land belonged to whom. After 1720 no further attempt was made to check the spread of property until the advent of Palliser in 1764, and the practice grew rapidly.

Far from aiding a 'free' and migratory fishery the Newfoundland Act had placed the island into the hands of those already established there in 1700. By 1760 newcomers were finding it very difficult to obtain fishing rooms, and the West Country grip strengthened. This was due basically to the rejection of any permanent government; even during their short stay, naval captains found it impossible to be in every harbour at once, and for up to ten months of the year the Island knew only the authority of the merchant or his agent.

Lack of impartial government also nullified the other provisions in the 'Newfoundland Act'. General responsibility for law and order, and for seeing that the Statute was observed, lay with the fishing Admirals with convoy commanders acting only in an appellate capacity. By 1715 the Admirals were only mouthpieces for their employers, could not be expected to act impartially in cases of civil debt or wages.

disputed and were of course deeply implicated in most abuses - renting, the engrossment of land, sale of liquor, tipping of ballast etc. - against which the Act had been directed.

Because even the Admirals were only in Newfoundland between May and October there was no law for the rest of the year, and servants - especially after an influx of Irish Catholics in the 1720's 'became the masters' of their employers. Theoretically Capital criminals were supposed to be returned (together with two witnesses) for trial in England, but the Admiral had to bring them home at his own expense, and the unfortunate witnesses had to pay their own travel costs and living expenses in England. On top of this they invariably missed at least one, and sometimes two, fishing seasons through their absence. Not surprisingly, hardly any capital crimes were ever punished.

The great defect lay in the fact that the Statute lay down no penalties for breach of its own clauses; even if the convoy captain or a fishing admiral discovered some 'abuse' they had no means to remedy it.

Almost immediately after the Statute was enacted, reports from the convoy commander, but more especially from a customs official, began to show how defective it was. The latter (George Larkin) bluntly stated the need for some form of 'winter justice', and urged that a 'trained lawyer' should
reside in Newfoundland, charged with the duty to hold circuit courts in all the harbours.¹ Though this might have done something to mitigate crime, it would also have created 'settled government' and was rejected out of hand.

In November 1702 the Committee of Trade informed the House of Lords that the Statute was being violated in every clause and pointed out the lack of means to deal with smuggling and the drain of men to New England. They urged that new clauses should be inserted which would not only cover the last named evils, but lay down some scale of penalties and some procedure for trying offences.²

The government (probably absorbed in the war) would not introduce new legislation, and the Committee of Trade which until 1706 received yearly confirmation of continuing abuses could do nothing. The loss of St. Johns in 1705 resulted in another parliamentary inquiry and gave the Committee a chance to revive its proposals, but Parliament again ignored them and for the moment the hope of obtaining new legislation was at an end.³ The Committee therefore asked the Solicitor General whether he could suggest some remedy which would not entail recourse to Parliament and he duly obliged. In his

royal proclamations were discontinued and

Upon the recommendation of the Committee of Trade a

Royal Proclamation 'putting the Statute into effect' and

empowering the convoy commander to suppress disorder and

punish offenders was issued, 1 thirty copies of which, were

sent to Newfoundland. 2 Thus the naval captains were

undertaking judicial functions which went far beyond those

granted in the 'Newfoundland Act'.

The destruction of St. Johns (and capture of its

garrison) in 1709 so absorbed the energy of convoy

commanders that no action was taken until 1711, Captain

Crow was ordered to redress 'public abuses', by means of

'customary' punishments and 'customary' redress. 3 Crow

soon realised the danger of acting under so vague an

authority and asked for clearer instructions, but Popple

could only advise him that since the Statute contained no

penalties he was to 'do what he can'. 4 Crow must have been

a brave man for he not only issued a series of proclamations

but actually inflicted small fines and attempted to evict

such powerful men as Arthur Holsworth from the 'Admirals'.

2. Cal State Papers Col Am & W.I. 1708-1709 No. 47. which Popple to Lurchett 15 Jul., 1708.
rooms which they had engrossed. However in the normal course of affairs Crow was in 1712 replaced by Captain Trevanian, the special instructions were discontinued and Newfoundland speedily returned to its accustomed anarchy.

Thus, although the Committee of Trade knew from the outset that its Statute was unworkable, they were unable to obtain any remedy. This may have been partly due to the interruptions and distractions of war, but (in view of the fact that they had no better success after 1713) it is doubtful whether the Act could have ever succeeded unless most of the Western Adventurers wanted it to. But the government in 1699 was thinking mainly in terms of arguments presented by the (largely ship fishery) merchants of the 1670's. By 1700 this mode was already dying out, the attitude of the traders was no longer hostile towards settlement (in which as Gould had predicted, they or their agents had become the first planters), and by 1713 the seventeenth century ship fishery had disappeared; replaced by a combination of residents, bye boat men and 'bank' ships.

Thus in terms of what was happening, as distinct from what the government wished to happen, Statute 10 & 11 William III was obsolete even as it was being passed.

As time passed successive governments became ever more resolved to force conditions to fit policy, a strategy which reaching its climax under Palliser resulted only in further

Captain Crow's report 24 Aug. 1711.
extending a **sedentary** fishery, to the detriment of the

extensive, the revised ship fishery assumed certain
migratory one. The 'Newfoundland Act' is a shining example
of the ineffectiveness of laws which are not based upon a
realistic appreciation, not only of present, but of **future**
conditions. The Government had wanted a ship fishery, but
one in which (through the convoy captains) it could exercise
some authority; they **obtained** an increasingly sedentary
fishery dominated completely by the merchants.

The Fishery 1698-1701.

In 1698

In 1698, the adventurers, forgetting the difficulties
their predecessors were unable to surmount, by
or imagining that the inhabitants (through
losses) were unable to carry on the fishery, vain
or very probably adhering (for their own ends)
to the practice of those refractory masters...
who carried passengers, resumed their old
trade with vigour.

In this way did the Committee of Trade interpret the

**great revival** of the fishery after the Treaty of**Ryswick.**

It is more probable that all in the fishery, planter, bye-
boatman and fishing captain alike, were only doing what they
always did at the end of war - expanding their operations
in the hope of finding good markets - for it the ship fishery
flourished and the resident population (despite wartime, the
destruction) increased even more. In 1698 the population
reached three thousand, \(^1\), and by 1700 three thousand seven

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Comm of Trade 19 Dec., 1718.

2. **C.O. 194/1.210 et seq. Census of the fishery 1698.**
hundred, by boat keepers, had materially no interaction with. Even more, the revived ship fishery masked certain fundamental changes. Until the war, Dartmouth dominated, but in 1698 she was well behind London, Topsham and Bideford. Whilst her fleet comprised only sixteen fishing and four sack ships, Bideford sent nearly forty (almost all large fishing ships), Topsham owned twenty eight, and London (which in 1684 had almost abandoned the trade) sent no less than seventy three. Dartmouth had not decayed alone for Poole, Jersey, Lyme, Weymouth, Southampton and Plymouth were in even worse condition, and the vacuum thus created was filled not only by Bideford Topsham and London, but by a considerable volume of shipping from towns such as Dublin, Cork, Liverpool, Portsmouth, Bridgewater, Colchester, Sandwich, Newcastle, Youghal, Gosport, Chester, Hull, Lymington and Lancaster who were not traditionally associated with Newfoundland. For the first (and until 1790 last) time, the West Country monopoly seemed in serious danger.

**Structure of the fishery.**

Dartmouth and north Devon continued to use large 'inshore' fishing ships which each operated far more boats than those from other towns, but whilst this had caused the ruin of Dartmouth, the latter towns thrived. North Devon

1. C.O. 194/2.48 et seq. Census of the fishery 1700.
2. This information has been compiled from the 1699 'census' and from those for 1699 and 1700.
sent no bye boat keepers had practically no intercourse with the settlers and scorned 'sack' ships by taking their own fish to market, yet until 1750 her merchants found it profitable enough despite the expense of carrying larger crews. Possibly Dartmouth (as the largest shipowning port) had sustained the great losses in the preceding war, but the success of Bideford and Barnstable, despite their, attachment to an antiquated mode of fishing remains one of the minor mysteries of Newfoundland history.

Their dependance on large numbers of seamen made such ships extremely vulnerable to the press gangs and this did eventually destroy North Devon during the Seven Years War. Until then however, her traders continued in their old ways, sublimely indifferent to every change which occurred around them.

In most ports however a new form of vessel, neither 'sack' nor 'fishing' had arisen. Whereas the old 'fishing' ship employed large six man 'shallops', the new ships employed from one to five light 'skiffs' requiring only two or three crewmen. The complement of such vessels seldom exceeded twenty men whose catch (rarely above six hundred quintals) was not sufficient to provide a full cargo.

1. Bideford's Port Books show that only rarely did her ships take anything but salt (for their own use) to Newfoundland. Thus they can have had little if any trade with the inhabitants.
The "Recovery" of Poole carried six men and a skiff; the "Rocket" of London had two skiffs; the "Speedwell" of Youghal one; and the "Peace" of Topsham three. They obtained most of their fish from planters or bye boatmen, but at least their crews were employed during the season. The "Recovery" caught one hundred quintals and purchased three hundred and forty from planters at bay de Verdes, whilst the "Speedwell" of Youghal caught only thirty quintals, purchasing another six hundred at Old Kerlican.

For many such 'hybrids' a considerable portion of their profit was gained through the transportation of passengers, especially those which sailed from Poole, Teignmouth and Dartmouth, whilst the growth of settlement entailed an expansion in the carriage of English food and manufactures. Thus the "Increase" of Topsham brought salt from St. Martina but took fifty passengers home to England; the "Unity" of Bristol brought rum and molasses from Barbados, the "Hope" of London brought nets and lines from Topsham, whilst the "Loyal Merchant" of Topsham and the "Recovery" and "Greyhound" of Bristol took cloth from Dartmouth to Carbonear. Only the back ships were omitted from this profitable commerce for, sailing late in the year they were unable to bring provisions in time to catch the beginning of the fishing season.

Thus the fishing ships had lessened their crews and fishing boats in order to take out salt, supplies or
passengers, whilst many 'Sack' merchants had added a few skiffs and set out their shipping earlier in the year in order to be able to trade with planters or collect salt from France, Spain or Portugal. The Sack owner could ensure that if (because of competition from other Sack ships) he could not obtain a full cargo from planters, at least some fish of his own catching would be secured to him. When the 'Bank' fishery emerged after 1714 most Devonshire merchants dropped even this form of 'ship' fishery, but in Dorset, Bristol and the Channel Islands the mode persisted into the Nineteenth century.

The London Merchants

The expansion of London shipping at Newfoundland—four vessels in 1684 and seventy three in 1696—calls for some comment. Her merchants had little in common for whilst many few like Redman, Simon Cole and James Campbell actually built warehouses in Newfoundland, others like Samuel Ayres or James Houblon confined their operations to the despatch of 'Sack' or fishing ships, and some, like Sir Alexander Cairnes or David Waterhouse had only an indirect interest in Newfoundland, their main concern lying in marine insurance and the 'Acceptance' of bills of exchange which came back from Portugal or Italy when the fish was sold.

2. C.O.194/1.51 J. Sykes to Cole 10 Jan., 1696/7.
3. C.O.194/3.177(b). His brother Colin acted as resident agent.
They do seem to have had one thing in common, however—and this distinguished them from the West Country merchants. Whereas the latter had begun with the fishery and had, moreover, developed a more general commerce, the London traders seem to have been primarily interested in the general commerce in Spain and the Mediterranean. The ramifications of their activities, however, reached into almost every sphere of economic and political life. The Houllon family's main interest was in the Portuguese trade, but James lent money to the government and Sir John was a Lord of the Admiralty. Sir Gilbert Heathcote traded to Spain the West Indies and Denmark but also engaged in an 'interlopers' trade to the East Indies. Sir Joseph Herne ventured to Spain and Portugal, the West Indies was a prominent member of the East India Company, involved in the manufacture of cannon, and Governor of the 'English Company' in New England.

3. C.0. 44/236.337. Petition of Gilbert Heathcote/Arthur Shollett 1692.
7. C.0. 388/2.175. Spanish merchants petition, 26 Jul., 1695.
8. C.0. 388/2.175. Petition of Joseph Herne/Quantrill, 1692.
10. C.0. 388/2.126. Herne to Comm. of Trade, 15 Aug., 1691.
Samuel Baker, Solomon Merrett and Simon Cole traded mainly to Newfoundland and New England, Hugh Redman to Germany and Holland, whilst James Dooliffe, John Radbourne and Edward Gould were deeply interested in the Italian trade.

Those most deeply involved in Newfoundland, maintained strong links with the West Country merchants. Solomon Merrett, a native of Poole represented her on government enquiries, whilst Arthur Shollett and Samuel Ayres did the same for Weymouth. Sir Alexander Cairnes was London 'agent' for North Devon, and Simon Cole, John Sykes and of course Sir Joseph Herne acted in a like manner for Dartmouth. Most of these men probably operated ships from the West Country ports, and these strong commercial and political bonds helped to destroy the hatred of London which had been so ripe in earlier times; it also perhaps, reduced the threat which London might have posed to the West Country fishermen.

Despite appearances the London traders were still at a disadvantage when compared with West Country compatriots.

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3. C.O.A.
5. A.D. 1/3815. Petition of merchants trading to Italy Dec. 1718.
6. E.P.J. Mathews, Gallant Neighbours 'Poole' 1934 p 82.
7. 45.0
Only three of them are known to have established permanent facilities in Newfoundland and at least one of these (Simon Cole) traded there from Dartmouth. The strong connection between Western and London merchants ensured that London would not overtly attempt to engross the fishery and the geographical advantage possessed by Devon and Dorset ensured that (in order to arrive before the season began) most vessels would continue to sail from there. Besides this the Newfoundland planters themselves came mainly from the West Country, and whatever London might do in the time carrying trade, remained firmly under the control of their 'relatives' the merchants. The London men lacked knowledge of the fishery and even a back captain was required to know the markets and be a fair judge of the quality of dry cod. Thus London 'constant' traders to Newfoundland were often commanded by West Country skippers like John Pitt of Weymouth, Edward Fortune of Sidmouth, Caleb Barnes and Henry Yard of Dartmouth, Humphrey Bryant of Bideford and the Aaron Durell of Boole. 1

The importance of intbred experience cannot be over-emphasised; by 1700 the Western adventurers had seen two hundred years of almost unbroken trade to Newfoundland, and not until an increased population proved beyond the control

1. Information compiled from the 'Censuses' of the fishery, 1698-1701.
of the West Country (in the Nineteenth century) was their grip broken. Even then 'them old West of England captains' continued to be eagerly sought out even for Sack ships. Paradoxically however, the greatest security for the West Country lay in the wide flung activities of London traders. To them the fishery was only one of many trades — and in comparatively unimportant at that. If it appeared unprofitable they could shrug and turn elsewhere. The Corn Adventurers were not so lucky and their dependence upon the fishery such that they must stick with it in good times and bad. This basic difference was to be amply demonstrated during Queen Anne's War.

But if the statistics over-estimated London's strength, they under-stated that of the West of England, for whom this era was one not of decay but of reconstruction. Dartmouth may have lost her old power and her wealthiest merchants but Holdsworth, Hewman and Coape continued to prosper and the south Devon bye boat keepers increased steadily. In 1699 they owned one hundred and fifteen fishing boats and outnumbered the permanent settlers at St. John's and Quidi Vidi. In these years the Stafford's, Readon's, Rollett's and Boddies of Topsham who were to dominate the fishery at Trepassey and Bay Bulls for a century, first came to Newfoundland on the

1. C.O.194/1.355 et seq. Census of the fishery 1699.
During this period whatever distinction may have existed between 'Western Adventurers' and 'planters' finally disappeared for the largest merchants built warehouses, sent out agents, or even resided themselves (for a time) in Newfoundland. More than a third of the planters continued to return 'home' when the season ended in 1699 and many more Westcountrymen were deciding to stay for a few years at least. The Goas brothers of Teignmouth (Giles, Mark and Thomas) 'planted' at St. Johns, and Abraham Ashe of Topsham lived in Newfoundland for a few years before returning to sea as master of the 'Peaceable Mary'. John and Humphrey Eyre of Dartmouth owned boats in St. Johns and Torbay, and George Skeffington of Poole, after settling at Bonavista, became the first Englishman to venture into the uncharted realms beyond that point, where he began a thriving salmon fishery. George Squarry of Teignmouth somehow combined
command of a fishing ship with ownership of a plantation, and his relatives John, Robert and Thomas were also settled at St. John's. All later returned to Teignmouth and upon their death, 'Squarry's Plantation' was inherited by an English Goldsmith who knew of Newfoundland only the rent which he drew from these fishing rooms. The Tapleys also of Teignmouth sent Francis, William and Henry to 'plant' at St. John's, and by 1742 William had died and bequeathed his estates to his wife and a schoolmaster brother in law in Devon. Thus did a race of 'absentee landlords' begin to arise in Newfoundland.

Whilst West Countrymen settled in Newfoundland ambitious young planters crossed to England to become captains and with luck (and the hand of their 'owner's daughter) merchants in their own right. John Corbin of Old Serlican commanded the 'Olive Trees' for Kerrett & Cole, and his descendents became small merchants in Poole. Rierson of Kay De Verde commanded the 'Betty' of Dublin, and later a London fishing ship. John Masters of Scilly Cove went as a boy to England in 1696; although his father returned to Newfoundland.

5. I.5.4D.
6. C.O.194/2.48 et seq. Census of the fishery 1700.
Masters was apprenticed to Captain William Taverner (himself a merchant who maintained a trading post from Bay de Verd). He became the mate of a ship, then returned to Newfoundland as a 'planter' until 1715 when he obtained command of a Bristol vessel. An extremely industrious man he entered business and in 1735 left the Newfoundland end of his affairs to his agent Captain Ballard. Having married Taverner's daughter, Masters at one time hoped to become member of Parliament for Roole, but lacking support had to settle for election to mayor. 1

William Taverner born in Bay de Verd also 'succeeded to an eminent degree'. While his brothers Jacob, John and Abraham lived and died as planters, William and his brother owned and commanded Roole vessels. Almost ruined by the French attack of 1709 William was hired by a London group to establish a cod fishery off Scotland, 2 after which (through the influence of Rolingbroke) he was appointed to survey the area vacated by the French. 3 He then worked for the government to expose fraud in the exportation of fish from England, 4 before again obtaining a commission to survey Newfoundland in 1726. 5 When he died in 1763 Taverner bequeathed a useful fortune, a hard reputation and a family

feud with most of the other merchants of Poole.

These biographies demonstrate growing cohesion between 'migratory' and 'sedentary' fishermen, and the equality of status and opportunity which existed at the beginning of the eighteenth century. The time when merchants like Lester, Jefferey or Newman would control thousands of fishermen had not yet come, and a prosperous planter was fully the equal of a small ship owner. The careers of Taverner and Masters show that it is slightly misleading even to talk of settlers as 'the slaves of the Western Adventurers'.

Henceforth the division would not be between 'residents' and 'migratory' men but between merchants (together with their captains and agents), the more important boat keepers (Fengerş, Watermanş, Tavernerş, etc.) and the servants and smaller boat keepers.

It cannot be doubted however, that most of the settlers were failing under merchant control. Captain Graydon blamed their 'extravagance' and idle life during the winter. By the time ships arrived in the spring from New England the planters had exhausted their supplies and had to pay exhorbitant prices for relief. Once in debt a boatkeeper, too often tempted to 'make off clandestinely' with his fish,

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2. This even if true would have been irrelevant, for lacking any winter employment, the settler could never pay for 'spring' supplies.
to some other merchant. But this made matters worse for he was now in debt not to one, but to several suppliers who, as the fishing season neared its end fought each other for what fish there was. Traditionally the 'season' had finished on the 20th of August but now competing creditors began to 'strip the rocks' of fish before it was even cured properly. Indeed some were taken away as early as June. The successful creditor made no attempt to weigh the fish and often took more than he was owed, but another creditor might attempt to steal the fish off him, and large quantities of fish were thus spoiled in the tussles. The other creditors received nothing, and because the planter could not pay them his servants were unable to return to England.  

'After consideration of how the poor fishermen are used I admire how the planters and inhabitants get hands from England to fish for them'.

Captain Kempthorne reported that this situation caused so much ill feeling that 'very likely murder would have ensued had I not controlled them'.

This situation was strongly condemned by the Committee of Trade, for indebted planters 'run away' to America, and their servants had almost no choice but to do likewise. But the fishing admirals - deeply involved as creditors - would

1. Ibid No. 756 George Larkin's report 20 Aug., 1701.
do nothing, and the convoy captains could not be everywhere at once. In 1716, the Board of Trade recommended that 'no debts be esteemed good unless settled under the direction of the naval commander, or the fishing admirals, and that payment be in fish at current market prices', but Parliament declining to intervene nothing was done and the problem continued until the fishery solved its own problem in its own way by evolving the 'dealer' system under which a 'planter' dealt continuously with one 'House'. He might never be out of debt, but neither did he starve, and at least the mutually destructive quarrels between rival creditors were ended.

New England and Newfoundland.

On one point fishing ship and warship captains agreed; the American trade was detestable. After 1698 an increasing number of American vessels began to use Newfoundland as an entrepôt for their illegal trade with French Canada and the practice of leaving permanent agents increased. The adventurers claimed that these men 'enforced' the planters into debt, detaching them with rum, were underestimating English 'fair' traders and in a few years when (as inevitably she must) America developed manufactures the English fishery would be ruined. With these claims

Convoy commanders were in fervent agreement; the planters were 'already in perpetual debt and servitude to them', in and hundreds of men were smuggled to America by these 'new England Chines'.

George Larkin 1701 claimed that five hundred men had recently gone from Conception Bay alone.

As usual the Board of Trade was in a dilemma for though the growth of New England trade might threaten Newfoundland as a 'nursery of seamen' many reporters stressed her importance as a source of supply. The reverend Jackson of St. Johns pointed out that her vessels, being able to arrive long before English ones, often succoured the inhabitants who (as winter supplies ran out) were generally in great need by May, and Captain Aldred bluntly stated that without American provisions the planters would often have starved.

Obviously it was impossible to ban all American trade to Newfoundland, so the Board could only attempt to regulate it. In 1702 Parliament was asked to approve legislation against 'enticement' but refused, so the Board tried another way. Naval captains were ordered to take bonds of one thousand pounds from American ships that no

'deserters' would be taken to New England.\(^1\) Their skippers cheerfully complied, secure in the knowledge that no one in America was going to enquire too closely as to whether they had passengers or not. Even when they were apprehended with deserters aboard no further action was taken,\(^2\) and the affair rapidly turned into a battle of wits which the Royal Navy could not hope to win. Captain Passenger thought he had found an answer when he forced all American vessels to leave with his convoy in the Autumn, but they simply returned to Newfoundland after parting company from him. Too many planters were involved in this traffic and no co-operation could be had from anybody in the fishery.\(^3\)

Like most of the problems facing the government in Newfoundland this one was intractable. This abuse could only have been reduced to manageable proportions through the establishment of customs officers in at least the major harbours, and this would have entailed an intolerable expense. Nevertheless (although no one seems to have realised it) New England may have performed a worthwhile function for the government. These planters who prospered usually retired home to England; those who did not, fled.

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to America. As a result the population of Newfoundland actually fell during eras of depression, and the 1700 population was not greatly exceeded until 1748. This of course meant that plenty of 'rooms' were available for migratory bye boats and fishing ships. Thus the Americans helped to retard the growth of population.

The New England Factors.

Until mid century (when English merchants began to settle in considerable numbers) the American 'factors' played an important role in the internal affairs of Newfoundland. William Keen of Boston settled at St. Johns in 1702 or 1703 and soon became the most important resident on the Island. In 1718 Captain Scott urged that he be made a magistrate for 'tho' a native of New England, seems concerned for the prosperity of the fishery and has spirit enough. He was instrumental in securing the creation of 'winter justices' in 1729 and himself became the 'chief' Justice. 2 By 1736 Keen owned at least four ships, traded from Carbonear, Harbour Grace and St. Johns, and even chartered other vessels from London and Jersey. 3 He became one of the first 'Commissioners of Yver and Terminator' at St. Johns in 1750, 4 whilst his son was already acting as

Scott to Popele 16 Nov., 1718.  
4. G.O. 194/12 70 Assizes at St. Johns. 27 Sep., 1750.
the Naval officer.\textsuperscript{1} Until he was murdered by a group of robbers in 1753\textsuperscript{2} Keen was undoubtedly the 'first man' in Newfoundland.

On Keen's death, his position seems to have been inherited by Michael Gill, yet another native of New England. His father, master of a sloop, was trading at Newfoundland by 1698,\textsuperscript{3} and played a valiant part against the French during Queen Anne's war.\textsuperscript{4} By 1729 his son was also trading to St. Johns\textsuperscript{5} and during the 1730's the family built up a flourishing business there. Michael Gill became Chief Justice, and (in 1757) 'Colonel of the Militia'\textsuperscript{6} and Judge of the Vice Admiralty Court,\textsuperscript{7} in which his son acted as registrar and recorder. All were closely identified with West Country interests at St. Johns, in particular Arthur Holdsworth of Dartmouth.\textsuperscript{8}

Not all Americans were so highly regarded. Arnold Southmead of Boston gave up command of a sloop to become first a boat keeper and later a publican. 'A surly New England fellow,' he was deeply involved in smuggling men to

\begin{itemize}
\item \textsuperscript{1} C.O.194/11.94 Governor Eyng - Comm of Trade 22 Feb., 1743.
\item \textsuperscript{2} C.O.194/13.113 Assizes at St. Johns Oct. 1754.
\item \textsuperscript{3} Frowse, History of Newfoundland p 240.
\item \textsuperscript{4} Ibid p
\item \textsuperscript{5} Add 7/134 Register of Rasses 1729.
\item \textsuperscript{6} Frowse, History of Newfoundland p 240.
\item \textsuperscript{7} Cal Home Office Papers 1770-1772 no 563. Holdsworth to Lyon 14 Mar., 1771.
\item \textsuperscript{8} 1793 Inquiry. Third Report. Routh's evidence.
\end{itemize}
America, but his fellow planters esteemed him none the less and in 1724 elected him to be a Magistrate.

Queen Anne's War.

With the outbreak of war in 1702 what appeared to have been a promising revival in the fishery abruptly ceased, and the ensuing conflict caused perhaps more damage than had William's War. Spain was now an enemy and the largest markets for West Country wheat, cloth and other produce as well as for fish were closed although the merchants sought to minimise the effects of this. Solomon Perrett suggested that if the government wished to keep Spanish trade open 'which is the only way to keep our woollen manufactures and fisheries in use', they should send a convoy of merchantmen to Cadiz 'about the time of Vintage'. He claimed that in 1659 many English vessels had traded to Spain under neutral colours although the port officials knew their true identity well enough. 'Most English merchants trading to Spain have friends there who will trade in war."

Although this suggestion was supported by the Board of Trade, it was rejected by the government and trade to

Spain ceased abruptly. Despite protests from the board that 'at this point a diminution in America between French and Spanish trade has become more than ever necessary in point of trade', the trade embargo was confirmed and Newfoundland suffered accordingly. Only forty sack and fishing vessels went out in 1702 but even the small quantity of fish taken to market caused a glut and much had to be left 'over' on the Island.

In 1703 the merchants expanded their trade to Portugal (more than one hundred cargoes were sent there) but the situation remained grave, since this was likely to glut that market in future years. Following the capture of Gibraltar, Secretary Hedges suggested that it be made a free port from which place neutral shipping could transport Newfoundland fish to Spain and even that neutrals should be allowed to go to Newfoundland to purchase fish. His first suggestion was rejected, and only a few neutrals were permitted to go to Newfoundland.

Thus in 1706 closed markets in Spain and Italy continued to burden the fishery. Fortunately Leghorn was in Austrian territory and the English factors previously

resident in Spain, Naples or Sicily, began to move there. By 1711 her imports of English manufactures cloth and especially Newfoundland cod had risen tremendously, and she became a general mart for the Mediterranean, for as long as the war lasted, with ships of all nations trading there freely. ¹

As the war continued Portugal developed a thriving re-export trade in Newfoundland cod, which the dominions of Spain still needed. From Uporto and Braga fish was smuggled overland into Spain, and imports to Lisbon leapt up; a traffic + very advantageous and beneficial to the English merchants. ² Needless to say Portugal exacted a price for their monopoly position and the Uporto merchants (handling cloth and fish) complained that they were forced to sell their fish at low prices to Portuguese monopoly companies. A tax of 120 reis was levied on every quintal, the proceeds being used (illegally) to support a regiment of Portuguese infantry. ²

By that time however Portugal was losing her monopoly as allied victories, and especially intervention in the Spanish civil war re-opened many ports. In 1710 English ships took fish to Bilbao and Barcelona as well as to Portugal, Gibraltar, Leghorn and Genoa, ³ but the earlier

2. C.O.388.15.1 Petition of the Factory at Uporto 17 Aug., 1711.
expedients had enabled the fishery to overcome what might have been a disastrous export problem, which was however only one of many difficulties caused by the war.

In 1702 all ships were embargoed until the demands of naval manpower were filled and by the time the Newfoundland fleet sailed Poole alone had surrendered two hundred seamen.¹ This caused an immediate decline in the migratory fishery and fishing ships and bye boats alike could man only forty four boats. Lacking labour from England even the planters had to reduce their fishery. In February 1703 all sea going ships were forced to give up one quarter of their crews,² whilst those who tried to evade this had to surrender one half.³ John Hooper of Dartmouth protested that the merchants would not have time to replace these men for most young and able males were already impressed and only old and sick persons remained in the port towns. 'Teny labour and you tacitly prohibit the trade'.⁴

Merrett claimed that only a few London merchants were now concerned in Newfoundland and gloomily vowed 'to uphold a sinking trade'.⁵ Only seven ships went from London in 1703,⁶ and her merchants begged that 'protections'

2. Ibid. No. 860, Order in Council 1 Feb., 1703.
be given to one seamen for every ten tons burthen of shipping and 'as many landsmen as can be obtained'; 1 Bideford which intended to send only five ships found it difficult to man even these. 2

Lacking skilled men the merchants did what they could with 'green men'. In 1703 the complement of ships fitted out by Poole, Exeter, London and Dartmouth amounted to 167 seamen and 337 landsmen. 3 (in peace-time one green man was taken for every four mariners).

The resident fishery fared no better for they could obtain no labour from the West Country. By 1705 the summer population had fallen to 1130—less than one third that of 1700—and the number of 'resident' boats had dropped from 674 to 130. 4 As was so often the case the government would do nothing until some disaster forced them. Following the capture of St. Johns in 1705 the House of Commons passed a resolution against the pressing of seamen and fishermen from Newfoundland, 5 and the Admiralty reluctantly complied. 6 As far as can be ascertained, no more men were pressed from the Newfoundland fleet for the

2. Bideford merchants to Kopple May 1703.
3. IVID, Account of ships going this year to Newfoundland. Feb. 1703.
rest of the war. 1

Convoy

The organisation of convoy was (as usual) in chaos. In 1703 London asked for stronger escorts 'since none of our ships will go without a convoy if they can have one. Where they have, it has been the ruin of our voyage'. The Admiralty retorted that when (at the expense of other operations) war-ships were sent to Newfoundland, the merchantmen often refused to sail with them. 2

It was the usual problem; wait for the convoy and lose the fishing season or the market, or take a chance and risk capture by sailing alone. Those London merchants who sent the above petition complained in 1704 that they had suffered great loss because their Sack ship convoy had arrived late at Lisbon, and that since all the vessels arrived together the price of fish fell ruinously. Even worse, these delays meant that the ships had not returned to England in time to go again to Newfoundland in 1704. But in the same letter they complained that through lack of protection, some sixty to eighty Newfoundland ships had been lost off kortuval since the outbreak of war. 3

One's sympathies must go to the Admiralty. Whether they provided a convoy or not they were still doomed to face

1. Although men were still pressed away before they could 'sign on' for voyages.
criticism. Later in the century Gibraltar based Frigates
could clear Spanish and French privateers from the Iberian
coast before the Newfoundland fleet appeared, but this was
not possible (through lack of bases) in Queen Anne's War.
Nevertheless the warships seem to have fought with less
than traditional spirit. In 1704 the 'Coventry' was captured
with several of her charges and two years later privateers
'cut out' at least two vessels from a convoy escorted by
the 'Falkland' and the 'Medway Prize'.

In 1706 the House of Commons requested that at least
six warships go annually to Newfoundland, and a normally
lethargic Admiralty provided not only a large convoy, but
one which sailed on time 'and proved very beneficial'. This
success was not repeated and in 1707 the back convoy sailed
a month late. The voyage in 1709 was entirely ruined, and
the merchants again lost heavily in 1710.

Judging the fishery only by the wail of merchants, all
should have been ruined years ago, but the same names
appeared on annual petitions which repeated the same cry
that the trade was almost ruined. Most of these vociferous

1. Ibid No. 511. Thurston to Popple 17 Aug. 1704.
merchants to Comm of Trade 10 Jan., 1706/7.
merchants to Popple 28 Jan., 1709/10.
and pessimistic men passed the Treaty of Utrecht with
fortunes if not intact, still much in evidence, although
most of the London merchants dropped out of Newfoundland.
Land defence and the garrison.

The garrison left behind by Colonel Gibson in 1697
lacked proper accommodation and the experience of a
Newfoundland winter compelled its commander to return home
on a plea of 'sickness', Lieutenant Lilburne being left in
control. A subaltern’s pay was little enough but when an
incompetent Victualling Office delayed the despatch of pay,
clothing and victuals Lilburne and the garrison were in a
dreadful condition. This he solved by hiring the soldiers
out in the fishery, and pocketing most of their wages.¹

The garrison commander was during the winter, the only man
of rank and power in Newfoundland; with soldiers behind him
and illiterate settlers around him he soon dominated all
life in St. Johns. Lack of money and an abundance of
power led all the early garrison commanders to take part in trade.

In 1701 Captain Ford of Topsham complained that
Lilburne had forced him out of the harbour after he refused
to hire a fishing room from the garrison (later rented to
Captain Branscombe of Dartmouth).² Such flagrant
interference in the disposal of fishing rooms underlines

to Popple 8 Feb., 1700/1701.
to Popple 8 Feb., 1700/1701.
what would have happened on a much larger scale if a resident but badly paid civil governor had been appointed. Lilburne finally met his match through quarrelling with Captain Holdsworth who with two hundred seamen behind him was even more powerful. Holdsworth challenged him to a duel which, being refused led to an accusation of cowardice and (for other reasons as well) Lilburne's replacement by Lieutenant Lloyd.¹

If anything lloyd was even worse. In 1703 London merchants charged that he was 'trading on his own account', whilst forbidding the starving garrison to purchase bread from their factors,² and a year later the half-starved ill clothed and unpaid garrison mutinied. In a petition to Commodore Bridge the soldiers (including all subordinate officers) claimed that lloyd had forced them to work for the planters.³ For this he had received eighteen pounds per man, of which they received only six, and that in supplies at exhorbitant prices.⁴

lloyd was duly relieved and sent home for trial, being replaced by his second in command Captain Moody.

Unfortunately bridge (stupid or exceedingly cautious) gave lloyd a testimonial,⁵ and by the time that substantial

1. IPID
5. Cal State Papers Col Am & W.I. 1704-1705 No. 703 (iii) Petition held by Commodore Bridge 12 Sept., 1704.
evidence from other sources had confirmed his malpractices, he had regained his command in Newfoundland, whilst Moody came home to face an enquiry into the loss of St. Johns in 1705.

Thus the military were loathed by planters and seamen enlisted men were mutinous and the officers at odds with each other. Not the best condition in which to go to war!

Even if they had been drawn from the cream of the army an eighty man garrison at St. Johns would have been no use to the outports, but they might at least have deterred an attack upon St. Johns, which the government (to its credit) had taken steps to fortify. An engineer officer was sent to build a fort in 1700, but he was retarded by the refusal of both London and western merchants to carry out the unprofitable loads of stone required. Patriotism — nay even long term self interest — was never allowed to interfere with immediate profit. The merchants had one thing in common; an inability to look beyond the next fishing season.

The outports were attacked by French-Indian parties as soon as war was declared. Billy Cove (Trinity Bay) was burnt in 1702; whilst Bonavista was levelled with monotonous regularity in every winter until 1706, and by

2. Stock, Proceedings and debates Vol. III
the end of 1703 every village in Conception Bay had been destroyed 'often'. The merchants began to demand forts in the areas to which they traded, Poole suggesting Cartonear and Trinity Harbour (she wanted garrisons as well), Dartmouth suggested no less than six suitable harbours and North Devon (converted at last) demanded a fort at Ferryland. An enquiry was held but as Captain Richards (the engineer officer) had pointed out that 'only numbers can make a place strong', the settlers were few and scattered, and instead should be concentrated at St. Johns. Eminently reasonable from a military viewpoint such an action would have destroyed the fishery without French aid. Had all the settlers gone to St. Johns neither they nor the migratory men would have room to fish.

Military defence of the outports (especially against overland attack) presented yet more insoluble problems. During Queen Anne's war a population which fluctuated between one and two thousand was scattered in some thirty harbours. A fort at Ferryland (for example) would have given no protection to Caplin Bay (but three land miles distant), let alone to Renews, Fernews, Aquafort or Cape Broyle, and (unless regular garrisons were despatched) was it certain

that untrained men could successfully defend such forts? Might not the fishing fleet arrive to find them manned by the enemy?

On the whole the fishing fleet together with the warships and privateers did prevent attack from the sea during summer, but the only answer to an overland French attack from Placentia during winter was to counter attack. True Placentia was thought to be well garrisoned and the other French settlement inaccessible by land, but all were open to the sea. England's superior naval power off Newfoundland ensured that attacks could be made in the summer when, because their fishing vessels were present a heavier loss could be inflicted upon the French.

Captain Leake in 1702 destroyed French settlements at Trepassey, St. Mary's, Colinet and St. Lawrence, claiming as well the destruction of fifty fishing ships, and in 1705 Dutch and English privateers took many vessels off Placentia. Two years later Captain Underdown with the assistance of Major Lloyd virtually wiped out an entire French fishing season, from which the latter did not recover until the war had ended. Whilst English seapower ruled during the summer, superior initiative and leadership provided French dominance during the winter.

3. Roope to Comm of Trade. 8 Jan., 1705/6.
Unfortunately whilst destruction of French outports appeased the desire for revenge it did nothing to improve the security of English Newfoundland. The raiding parties from Placentia, augmented by French-Indian parties from the mainland were not in the least affected by a destruction of the French fishery. Complete security was dependent upon the capture of Placentia but military and naval commanders all thought this beyond them! Underdown's destruction of French outports was only a 'face saver' for his failure to carry out instructions to take Placentia.

In these circumstances English outports north of St. Johns must face continual attack, but that town should have been able to hold out.

Unable to stand hardship any longer perhaps thirty of the little garrison had by 1704 deserted to the French, who realising the weakness of St. Johns decided to attack in January 1705. When the fishing fleet arrived in May they found that whilst the fort had resisted all attack, the town was burnt to the ground, some two hundred and thirty civilians being carried off to Placentia or Canada.

Throughout the year French and Indian parties roamed at will through the 'English shore' and by the end of the season

   Moody to Governor Dudley 20 Apr., 1705.
   Roope to Comm. of Trade 8 Jan., 1705/6.
English merchants were claiming a loss of 188,000 pounds, (James Campbell alone put his loss at 111,000).

The merchants were so alarmed that they not only presented a swarm of petitions to Parliament - they even began to demand the appointment of 'magistrates' or 'chief constables' both to command the settlers in war and to control New England 'abuses'. Hoole had urged the appointment of 'civil governors' as early as 1703, and now London suggested the same, and a circulation of this proposal revealed widespread support in the West of England. Weymouth, Exeter and Bristol warmly supported the idea, whilst John Hooper of Dartmouth even urged that the settlers be sent into 'winter quarters' at St Johns. A 'chief' should be elected annually before the fishing fleet left Newfoundland. Only North Devon continued to oppose any form of civil government.

1. I/EID no 25. Newfoundland merchants to the King. 23 Jan. 1705/6.
This does not really imply that the merchants were now prepared to see a regular and unified government. Hooper argued that an 'overall' governor would 'cripple' the fishery since if he acted arbitrarily the settlers (who could spare neither time nor money) would find it difficult to obtain redress from distant England, and as Lilburne and Lloyd had proved, would be overawed or bribed to 'say anything in his favour.'

It was now time for the merchants to be confused. To control the garrison Poole wanted some superior civil governor at least during the winter, but would this solve anything? If he were given power to overawe the military he could certainly overawe the civilians and (if he desired) impose his will upon the fishery, and would be able perhaps to dominate the outports as well as St. John's. The adventurers decided on a compromise - Isolated magistrates, elected annually by the settlers and having no authority beyond their own harbour. London wanted the admirals and fishing captains to have a vote as well.

Given the near unanimity of the traders it is surprising that the board of Trade made no mention of these proposals in their report to Parliament. They did talk of planters being disorganised and defenceless but concentrated mainly

upon breaches of the 'Newfoundland Act' and of abuses committed by New England merchants. ¹

This would hardly have impressed the merchants and their parliamentary supporters. A war was being fought (in Newfoundland not very well) and security was far more important than problems of law enforcement. Nevertheless when West Country petitions were presented in the Commons they dropped all mention of 'civil magistrates', and indeed harped mainly on one point; the English fishery was almost ruined, the French were prospering. What was the government going to do about it?²

Its recommendations being irrelevant to current needs the Board of Trade was ignored in Parliament which instead heard of cowardice and avarice in the garrison, and inefficiency in the Navy. Thus when an address was drawn up for the queen, Newfoundland's internal affairs were not mentioned. The French must be 'beaten' from the trade, better convoys provided and Newfoundland mariners exempted from impressment. Not a word about land defence, the conduct of the garrison or civil magistrates.³ The Board of Trade had lost a golden opportunity to introduce into Newfoundland a civil magistracy which would have had at

least temporary support from the merchants. Twenty three years later when the board were converted to civilian justice, they discovered that the Adventurers no longer wanted it!

For the moment Parliament's failure to insist upon a re-organisation of the garrison was much more disastrous. Bickering between soldiers and civilians continued, and a bitter feud developed between Major Lloyd (returning in vengeful triumph to St Johns) and Captain Moody who was sent off to fight with Marlborough.¹ The settlers, having been told (by fishing ship masters) that Moody had no authority over them refused to obey his orders even in matters concerning defence, and he continued to engage in trade. The matter being raised in the House of Commons it was 'resolved' that the 'fishery laws' be strictly executed against naval or military officers who demanded or received 'money or rewards' from the fishermen,² but the Board of Trade reported that Lloyd was now trading 'secretly' through factors.³ Steps for his recall were being taken⁴ when St Johns was again captured, after which Lloyd died in captivity.⁵

As usual the attackers came overland from Placentia but this time no resistance was offered by the garrison, town and fort being razed in December 1708. Whilst the soldiers...

². C.O. 195/5. p 30. Commons Address to the Queen. 31 Mar., 1708.
³. IBID p 37. Comm. of Trade to the Queen 19 May 1708.
⁴. IBID.
went into captivity the settlers had to pay a considerable ransom after witnessing the destruction of every house, flake and stage in the town. They continued to lack food and clothing even after the fishing fleet had arrived.  

No steps to send a new garrison were taken so it became necessary to organise a militia. At St. John's Michael Collins 'a man of good repute' was appointed to be 'governor' and other 'governors' were appointed in the major outports. There, however, the dispirited planters had abandoned their mainland harbours to concentrate on cartouche island (Conception Bay), and the isle aux bois (Ferryland), something which did nothing to improve the fishery.

Far from opposing this quasi 'civil' government, the merchants 'begged' Collins to accept the post, (probably through fear that Moody might return). The latter was in fact re-appointed in May 1709 but did not take up his post. This again may have been due to mercantile opposition for in 1710 the London traders asked that any new commander should be 'a stranger to Newfoundland', the feud between Moody and Lloyd having created great strife amongst both sedentary and

3. Ibid. no. 756(b) militia coll. Oct. 1709.
4. Ibid no. 659. Captain Taylor to hopple 18 Nov., 1709.
migratory fishermen. William Keen laid fresh charges against (the now deceased) Lloyd in 1711, and Dartmouth said that Woody's return would entirely ruin the trade. By 1712 however the merchants had realised that a bad commander was better than none. Ships crews had had to man the fort, and Collins found that his office interfered with his business. Two years later Dartmouth asked for a new garrison.

The French (who by now were almost starving) made no more attacks upon English settlements but enormous loss had been inflicted upon all in the fishery, which was in so low a condition that in 1712 only 64,000 quintals were taken — an all time low. Never was an address of thanks upon the cession of arms presented with more fervour than by the fishermen of Newfoundland.

Effects of the war.

At first the Northern settlements, together with those

6. James Campbell claimed that even before the second capture of St. Johns the Newfoundland trade had suffered damage amounting to 300,000 pounds. Cal State Papers Col Am & W.I. 1708-1709 No. 545. Campbell to ropple 27 May, 1709.
from Dorset, Bristol and London who traded there, suffered
most, but with the capture of St. Johns the Devonshire
merchants received their share of disaster. This and the
losses at sea caused every port to reduce its 'outset',
In North Devon, Barnstaple lost almost all
in 1712 for example only one ship cleared for the fishery.
The 'Sack Fleet', of which London owned so many, was
badly affected by poor convoy arrangements but even more
by the vast decline in the catch, and in 1708 (for example)
only seven vessels even bothered to visit Newfoundland.
Some towns suffered more than others for Keymouth lost almost
all its overseas commerce to neighbouring Poole, and by 1710
the Cornish ports 'had sent no ships (to Newfoundland) for
many years but are the most part taken and lost by this
unhappy war'. London's decline was however the most
important. Those who like Cole and Campbell had established
'plantations' do not appear after the war, and though an
attempt was made to revive the 'Sack' trade, a long
depression in the fishery had driven most whalers out of
Newfoundland and its commerce by 1720. Until the nineteenth
century London served only as place from which Poole and

1. G.0.38/18.22 ships clearing for Newfoundland 1709-1715.
2. G.0.194/4.253 Esq. Census of fisher. 1708.
   Fowey to Popple 30 Jan., 1709/10.
Dartmouth could charter shipping, and as a market for 'train' oil.

In North Devon, Barnstaple went the way of Weymouth and lost much of her commerce to Bideford which, although still important never completely recovered from the effects of this war. Her losses at Newfoundland were compounded by the depredations of privateers, who named Barnstaple Bay 'The Golden Bay'.

In 1710 the Mayor of Exeter had asked the Board of Trade to

"Compare ye riches, populousness and splendour of our southern ports and the great numbers of seamen, with the poverty and thinness of the inhabitants that now appears in most of them"

but after war she (or rather her component ports of Topsham and Teignmouth) together with Ilfracombe, Dartmouth and to a lesser extent Jersey and Bristol became beneficiaries from the ruin of other towns. These, together with New England practically monopolised Newfoundland until 1783.

The effect upon the planters is not so easy to calculate. Most of them were probably bankrupted from successive destruction of their property, and the restricted fishery.

by 1709 for example only nine men owned more than one boat.

2. Cal State papers -ol An & W.I. 1710-1711 No.91. Exeter mayor to Comm. of Trade 22 Feb. 1710/11
Eight of these lived at St. Johns or nearby Petty Harbour, and at least four were probably not really 'planters' at all but 'migratory' merchants who kept 'winter crews' in Newfoundland. Evidence concerning the postwar years indicates that most planters were irretrievably in debt to the merchants of England and America, although some (especially in the outports) later seemed independent enough. James Renger of Ferryland inherited the diminished Kirke estates and by 1750 his son was a merchant and magistrate, as was Jacob Taverner of Trinity.

These must have been exceptional for most of the resident magistrates appointed in 1729 bore names unknown prior to Queen Anne's War. Newfoundland became the junior partner of a North Atlantic triangle dominated by East Country and New England merchants.

2. C.O.194/12.184 List of Magistrates 1750.
Many merchants and politicians disliked the Treaty of Utrecht. Of what value was Nova Scotia when the French retained Cape Breton with its excellent fishing harbours and vital strategic position? What was the practical benefit of obtaining sovereignty over all of Newfoundland if the French retained fishing rights between Cape Bonavista and Point Riche? Charges of treachery were raised, and played a major role in the Earl of Oxford’s impeachment.¹

Indeed it may be argued that the French fishery in general was not greatly harmed by the Treaty, for not only did Cape Breton provide a good base for the Inshore gulf fishery, but the huge bank fishery was hardly affected at all. Since the governments were concerned with nurseries of seamen rather than competitive trades then the English negotiators had indeed ‘bungled’ the job.² Nevertheless French competition with English fish in the neutral markets was probably reduced considerably. They were vacating Placentia Bay (which the

² Indeed since the French could no longer leave men in Newfoundland, they had to carry larger crews. Thus (in the short term) their ‘nursery’ of seamen may have actually improved.
English had always claimed to be superior to any East coast region as a fishery, in exchange for a remote and dangerous, uncharted region, where the fish 'came in' later, and the weather was uncertain (and hence chances of a good 'cure' lessened); a coast so distant that they would be forced to spend perhaps one additional month in travelling out and home, and since they were forbidden to leave men during the winter, must carry large and uneconomic crews. Thus whilst their ability to produce good sun dried cod was reduced, their expenses were raised. In good mercantile theory what the French had lost should prove to be England's gain. Unfortunately the English were slow to develop their fishery on the 'ex-French' coast. For this there were several reasons:

The fishery after 1713.

Ironically whilst the war was at its height and the fishery lacked men, ships and markets, fish was extra-ordinarily abundant with catches of 400 quintals a boat being recorded. In 1711, just as wartime problems were being solved, there began one of those mysterious cycles in which cod change their migratory pattern and either do not 'come in' to the shore until late in the season, or do not come in at all. Each boat in that year caught less than 200 quintals apiece, and

no better fortune occurred in the following years. In 1714 the cod did not come until what, in normal times, would have been the end of the season and not half the usual catch was recorded. A year later Captain Kemphorne concluded that even had the price of fish reached fifty reals the planters would still have lost money.

This depression continued (with small local fluctuations) until the late 1720's, and exercised a tremendous influence upon Newfoundland settlement and trade. The catch of 1698 was not surpassed until 1732, the number of Sack and Fishing vessels declined sharply and the resident population (estimated in 1700 to be about 3700), whilst it rose above 4000 in 1715, immediately fell sharply and did not again reach the pre-war level until 1732. In the midst of this general decline the Bye boatmen flourished, their numbers rising from nine hundred in 1700 to an average of about 1400 during the 1720's. Even when the fishery recovered after 1730 the Bye Boat men continued to expand at a faster

rate than either fishing ships or settlers. In 1750 they caught almost as much fish as the 'residents' did.\(^1\) 2\(^2\) 3\(^3\)

**Effect on the Fisheries Organisation.**

Although sentimentalists looked back to the 'good old days' when by use of fishing ships the Adventurers had grown rich whilst the nation possessed an enormous 'nursery' of seamen,\(^2\) only the Board of Trade seriously imagined that this mode could be revived.\(^3\) The latter could not have acted in ignorance of the true situation for every year the 'Annual reports' showed not only that the number of fishing ships was declining but that the size of their crews was falling even more quickly. Captain Passenger in 1718 informed the board that instead of concentrating upon fishing, the merchants (and many 'Fishing Captains') were hiring stores and selling provisions to settlers. If any were left unsold 'A trusty man (was left) over winter to sell them'.\(^4\)

Faced with this evidence the board preferred to believe that this was an 'evil' caused by high wages and the sale of liquor, but the reasons were much more complex. The Eye Boat keepers (as usual) obtained the best men,\(^5\) but much worse the continued depression made men reluctant to work on

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2. C.O. 195. 5. 61. Captain Wade to Comm of Trade. 10 Mar., 1714/15.
4. IBID no 626. Captain Passenger's report. 16 July 1718.
whilst merchants found it impossible to make even a saving voyage if they had to pay fixed (and high) wages. Consequently (with the exception of North Devon), the Adventurers soon abandoned the large crewed ship-fishery, but they also developed a curious division of methods which (although each town sometimes used all types of method) continued until the end of the migratory fishery.

North Devon concentrated almost completely upon the inshore 'Ship fishery'; South Devon upon 'bankers' and 'bye boats', whilst Dorset (which soon meant little more than Poole) relied upon a sedentary fishery. Thus in 1722 it was reported that for some years past very few fishing ships had visited Bonavista, Old Perlican, Bay de Ver, Trinity and Carbonear, 'and other places north of St. John's'; from St. John's to Trepassey however, the migratory bank and bye boat fishery was much more important than the sedentary one.

The Bank Fishery.

Historically England had never been much interested in the Bank fishery since her 'light dry' cod demanded an inshore fishing method. However the failure of the inshore fishery after Queen Anne's war tempted some innovator to try the Grand Banks and in 1715 Kempthorne reported that 'for

1. CO.195.6.61 Captain Wade to Comm. of Trade 16 Mar., 1714/15
the first time a few small 'Shalloways' and sloops had been sent to the banks, where they had fished with great success. 1
The bank fishery developed quite rapidly for it possessed several advantages over that carried on 'inshore'. It was far more productive, for the little 'Bankers' which seldom carried more than ten men, caught perhaps three times as much fish per man as did the inshore fishing boats. One of the latter, with a crew of six men, was thought to have done well if it took three hundred quintals, whereas a nine man 'banker' regularly took twelve or even fifteen hundred quintals. 2

Of small size and simple construction, they were cheap to build and operate, and over the years many small traders obtained their first footing in the mercantile rank by owning a 'Banker'.

There were limitations however. Bankers could not operate from every part of Newfoundland, and indeed were mainly operated from the 'Southern Shore' (St. Johns to Trepassey) which was closest to the Grand Bank. This meant that the bank fishery was dominated by Dartmouth, Teignmouth and Topsham merchants who controlled that shore. The settlers (at least until the 1790's) had no share of the  

1. Cal State Papers Col Am & W.I. 1714-1715 No.646 Kempthorne to Burchett 10 May 1715.
2. 1793 Enquiry. Evidence of Mr. Jefferey.
3. Normally from thirty to sixty tons burthen.
bank fishery, partly because they lacked the capital to engage in it, but even more because 'the banker', made most of his profit not from fishing, but from the transportation of enormous numbers of bye boat men who also came from South Devon. The two modes were inseparably linked and interdependent.

Other factors also held back bank ship development. Their crews 'lived hard' for these little vessels lay moored on the banks for a month at a time, and at first it was very difficult to obtain men. In 1720 so few Englishmen could be obtained that 'poor inhabitants' were allowed to fish on the bankers, their payment being one third of whatever they caught. Gradually however men from Torbay grew accustomed to life on a banker and the employment of settlers ceased. The bank fishery was henceforth almost completely 'migratory'.

Shortage of men could be solved but the problem of obtaining a good cure was much more intractable. The English could not imitate the French 'green' heavy salted method since the markets demanded 'light dried' cod. Inshore fish was landed and the curing process begun on the same day of taking, but bank fish might have to 'lie in the hold' for a month before it reached land. The problem was partially

overcome by heavily salting it in the hold, but as a result the fish was liable to 'burn' when landed, and never gained the flavour or durability of the inshore fish. Consequently it sold at 20% below the inshore cod.

Furthermore whilst the fish lay in the ship's hold its 'train' oil tended to 'run out' and thus an important by-product was lost. In general the bank fishery, though very efficient, could never completely supersede the inshore industry, and as Mr. Jefferey said in 1792 'They (the markets) will never take bank fish if they can get shore'.

The Eye Boat Fishery.

These men (the only ones to flourish until 1730) came mainly from South Devon and fished on the same coast utilised by the bankers. In 1738 for example, three hundred and ninety nine bye boats were employed, of which one hundred and eighty six fished from St. Johns, Torbay and Quidi Vidi, and all but six of the rest were at Trepassey, Ferryland Renews, Farnews and Bay Bulls.

They were still disliked by the Board of Trade which claimed that they obtained the best men, the best fishing rooms and above all never became fully trained seamen, but the convoy commanders tended to support them. In 1720 for

3. 1793 Inquiry. Mr. Jefferey's evidence.
4. IRID
example Captain Percye claimed that they regularly took one hundred quintals per boat more than the resident fishermen, described them as 'The only support to the industry' and urged that they be encouraged 'for their indefatigable industry and hard labour'. Captain Cayley pointed out that if they did not navigate sea-going vessels at least they were skilled boatmen who returned annually to England, and other commanders tried to dispel the illusion that these men still 'engrossed' the best ship-fishing rooms. In the 1720's most of them hired rooms from planters, but by 1735 their increasing prosperity was enabling many bye boat keepers to build on rooms never previously used for fishing, and forty years later almost all of them owned their own premises.

They might not make seamen as skilled as those on the fishing ships but they were better than nothing, and even more important, the freight of these men and their equipment was the basis for profitable operation of the ship fishery.

The sedentary fishery

The settlers were worst affected by the depression, the

3. Ibid
5. C.O. 194/17.48 Admiral Chuldharm's 'Remarks on Instructions' 1772.
The resident summer population fell off rapidly, and the numbers residing in winter fluctuated violently in response to the comparative success of the fishery in the years between 1715 and 1730. The imbalance between males and females was as great as ever and men moved freely between England and Newfoundland. A large proportion of the 'residents' were only temporarily in Newfoundland for most servants (and many planters) returned to England for at least some of the winter. Thus in 1719 the 'resident' summer population was 2329 but only 1572 had stayed in the previous winter. In 1722 the numbers were 3411 and 2756 respectively, and in 1733 3602 and 2590.

Even in good years the high cost of provision and labour made it difficult for resident boat keepers to make a profit, so that by 1715 their condition was desperate. James Smith, claimed that five hundred 'families' were 'worse off than negroes and slaves', and a Bristol petition stated that unless the Government provided relief the settlers 'must starve or go to the Plantations, and so

4. Smith had been sent to Newfoundland in 1710 to act as Judge of a Vice Admiralty court which was never put into operation.
this branch of our trade must be lost'. 1 Taverner proportions, in 1716 two coast-country captains informed that reported that most of those who lived on the 'old shore' had been ruined, 2 and in 1718 Captain Passenger reported that the fishery was being abandoned. 'This year the stages at St. John's and other places were not half occupied.' 3

The planters were caught in an impossible circle. Unable to pay their debts at the end of the season they had to obtain winter supplies on credit. Soon they owed more than they hoped to repay for years, and were tempted to dispose of their fish to merchants other than those they were in debt to. These creditors then fought each other for the debtor's fish, the planter received neither money nor supplies, and his servants could not be paid. The latter had to choose between starvation or emigration to New England. 4 Some men went as far as to claim that the New England factors deliberately created this situation. Kempthorne claimed that 'winter factors' obtained 3-400% on debts and then sold their bankrupt debtors to New England ship captains. 5

Probably both English and American merchants were responsible, but emigration to New England reached enormous

proportions. In 1716 two West Country captains claimed that over seven hundred men had gone that year, whilst Captain Passenger estimated the emigration in 1717 as being over thirteen hundred 'much for want of care by the fishing ship masters' who, when the season was finished left their servants to go where they pleased. So many were going to America that 'It is a rare thing to carry one man two voyages'.

The depression made such a 'drain' inevitable for the merchants, anxious to obtain their debts, left the planter without the means to keep himself, let alone pay his servants. Men already in Newfoundland fled to America, whilst servants in England soon learned of conditions in the fishery and were reluctant to work for the planters. Wages had to be increased but this only made it even more difficult for the planter to make a 'saving voyage'. In 1709 (when the war was at its height) a 'boat master' could be obtained for twelve or fourteen pounds; in 1715 they were asking for twenty or even thirty pounds. Two years later 'passengers' were so scarce that the planters were offering twenty pounds even for 'common' fishermen. The planter could not really afford such a wage and hence intensified

1. Cal State Papers Col Am & w.i. 1716-1717 No. 439 (1). Captains Sleeves and Weston to the Privy Council 21 Dec., 1716
2. Cal State Papers Col Am & w.i. 1717-1718 No. 626 (1). Captain Passenger's report 16 July 1718.
3. Cal State Papers Col Am & w.i. 1714-1715 No. 646 (1). Captain Kempthorne to Lurchett 12 Oct., 1715.
his attempt to sell rum and tobacco to the servants, by which means he could (theoretically) pay their wages, get them further into debt, and thus secure their labours for the ensuing winter and the next fishing season. 1

Despite these expedients the Planter made no headway and by 1720 most of those at St. Johns had almost given up the fishery in favour of keeping taverns. Those who still owned boats took no part in the fishery themselves, but hires overseers 'which ruined many of them'. 2 Indeed St. Johns never again possessed a large sedentary fishery, and was dominated by the South Devon bye boats and bankers. As late as 1735 only thirteen inhabitant5 boats fished from that harbour. 3

Outport planters had no better fortune, and by 1727 they had been forced to turn to smaller boats which required smaller crews, but of course, caught less fish. 4 The failure of the cod fishery made them look for alternative employment and some made a precarious living by hiring their rooms to

1. Cal State Papers Col Am & W.I. 1720-1721 No. 260 (1)
   Captain Percyey's report 13 Oct., 1720. See also:
   Cal State Papers Col Am & W.I. 1717-1718 No. 798.
   Report of the Comm of Trade 19 Dec., 1718 and
2. Cal State Papers Col Am & W.I. 1720-1721 No. 260 (1)
   Captain Percyey's report 13 Oct., 1720.
3. O.O. 194/10.29 Census of the fishery 1735.
   Captain St. Lo's report 30 Sep., 1727.
migratory fishermen, but especially in Trinity and
Bonavista bays, new industries were attempted.

Ancillary Industries.

Although Newfoundland had been almost completely
dependent on the cod fishery, by 1684 a trapping industry
was being developed north of Bonavista; 'gangs of men take
provisions and traps and stay in the woods all winter for
beaver and otter'. In 1691 furs worth two thousands pounds
were exported, and after 1715 men tried to expand it even
more. Captain Scott (1718) reported that it was flourishing
and would be better still if more servants could be
obtained, but the fur trade had reached its peak. In 1720
it was valued at two thousand pounds, but by 1729 it
'was almost lost' not five hundred pounds being earned.
Vere Beauclerk blamed it upon 'constant cruelty practised
upon the Indians', but in all probability the accessible
fur bearing regions were becoming exhausted. Although the
fur trade recovered during the 1760's (probably due to an
expanded population which ventured further inland), it
was never again as important as it had been in 1720.

2. C.O.1/68.268 Captain Crawley's report 15 Dec., 1692.
   Captain Scott's report 16 Nov., 1718.
   Lord Vere Beauclerks report. (rec'd 10 Nov. 1729).
   Lord Vere Beauclerks report (rec'd 10 Nov., 1729).
Nevertheless it had helped the people of Bonavista to
survive the harsh years between 1711 and 1727. The same
area also benefitted from the beginnings of a seal hunt.

At the beginning of the eighteenth century men on the
North East coast discovered that an uncertain but useful
income could be obtained by catching the seals who came
down 'on the ice' in the winter. By 1709 seal oil was
being exported to Yoole, and the planters expanded this
activity after the war. In 1718 more than two hundred
people earned a little 'winter' income from the seal hunt, and William Keen of St. John's tried to extend the industry.

As with the fur trade, great hopes were entertained that
'in a few years the inhabitants will be able to make more
from seals and furs than they have been able to make out of
cod for many years'. 'Without this few could stay here.'

Unlike trapping, the seal industry survived and slowly
expanded so that in 1742 a Boston sloop took 7000 seal skins
from St. John's, and thirty years later the oil alone was
valued at 13500. Expansion was inhibited however by the
nature of this 'inshore' seal hunt. Men could only take
what seals entered their bay, and it was impossible to predict

1. 760
  Captain Scott's report 16 Nov. 1718.
  Captain Challoner Ogle's report 13 Oct., 1719.
4. G 0.194/11.94 et seq. Clearances from St. John's, 1742.
5. 0.0.199/17.88 Skulham's remarks on his Instructions 1772/3.
in which harbours, or in what numbers, they would arrive.

Not until a large resident population possessed of considerable capital, could construct schooners to go 'to the front' of Labrador to meet the seals could the Hunt be regularly organised, and this was not possible until the end of the century.

The planters also attempted to develop a salmon fishery. Apparently George Skeffington of Poole began to catch salmon north of Bonavista during Queen Anne's war, and when peace returned he (possibly with the financial backing of William Keen) explored the bottom of Bonavista Bay. By 1719 he possessed 'salmonries' at river mouths in Ragged Harbour, Jander and freshwater bays 'which had never before been visited by fishing ships', and a year later the Board of Trade gave him a twenty-year monopoly of these fisheries providing that his weirs were not erected within six miles of the coast. Skeffington soon ran into trouble. In 1722 marauding indians killed six of his servants, destroyed his weirs and stole his equipment, and two years later a Poole captain tried to force him out. Although the culprits were punished, it was impossible to enforce a

3. L:ND
monopoly in so remote an area. In 1729 it was 'now dispersed' into the hands of others. Nevertheless salmon fishing was firmly established and men like Masters and Watson (at Salmonier and Biscoe Bays) and Colonel Gledhill (at Placentia) 'he calls it his royalty', created salmonries in other regions of Newfoundland. In 1749 no less than 1800 tierces were exported, but like the seal industry, expansion was impeded by lack of manpower and salmon did not play a significant part in Newfoundland's economy until the end of the century.

Furs, salmon and seals provided supplementary employment for those living in the northerly areas, but did little for the rest of Newfoundland. In St. Mary's Bay, Spurrier of Poole established a commercial boat building industry which was of great importance to the fishery in Placentia Bay, but development of this in other areas was impeded by lack of labour and even more by competition from the organised and cheap ship building industries of New England. Later in the century the exportation of hoops and shingles to the West Indies became quite important and after the American Revolution Newfoundland was noted for its ship building; but this was impossible during the 1720's when the planters had

3. IEID
4. Mathews, Poole and Newfoundland p 51.
There remained only agriculture, and this developed very slowly, in 1722 the whole of Conception Bay (where the population was quite large) possessed only '163 black cattle, 70 sheep and 230 swine',¹ and in 1735 although 'The upper sort of people' imported cattle and poultry from New England, most of the settlers had little but 'garden stuff' and many died from starvation in the winters.² Six years later Newfoundland contained only 300 cattle, 200 sheep and 300 swine 'and these (were) preserved with no less care and difficulty than at Louisberg',³ but shortly afterwards the introduction of potatoes effected a minor transformation. In the 1750's although cows, pigs and poultry maintained a precarious existence on a diet of fish, at least every planter had his potato patch.⁴ Nevertheless land was not cleared on any great scale until the expansion of population.

Newfoundland therefore continued to rely almost exclusively upon the cod fishery; other industries could only be exploited if the population increased, but conditions were so bad that there was no incentive for people to settle there. The resident fishery however tended to

4. Innis, The Cod Fisheries p 184 (n)
dispersing into those areas where 'Ancillary' possibilities existed, and in 1735 the North shore of Conception Bay (Mosquito and Carbonera), with Trinity and Bonavista bays accounted for 202 of the total of 395 boats owned by settlers. Many of the others were operating from Placentia and St. Marys, whilst the 'migratory' area between St. Johns and Trepassey (where no alternative employment existed) contained only 113 sedentary fishing boats.¹

Development of the ex-French shore.

Whilst peace negotiations were being finalised William Taverner suggested that the garrison be transferred from St. Johns to Placentia 'which will encourage ships and inhabitants to go there', and also that the South coast (unknown to English vessels) should be surveyed.² Much to the disgust of some merchants Taverner (though he possessed no cartographic knowledge) was commissioned to survey the coast³ whilst none other than Lieutenant (or Lt. Colonel) Moody was given command of the projected garrison.⁴

Moody arrived in June 1714 and described Placentia with enthusiasm. It was 'the best harbour I ever saw', but 'unless there is some settled justice our advantages will be lessened'.⁵ Nevertheless neither fishing ships nor settlers.

1. CO.194/10.29 Census of the Fishery 1735.
2. CAL STATE PAPERS COL AM & W.I. 1712-1714 No. 206.
3. CO.324/33 Warrant for Captain William Taverner 21 Jul. 1713.
4. CAL STATE PAPERS COL AM & W.I. 1712-1714 No. 298.
5. COMMISSION FOR LT. COLONEL MOODY 21 M.R., 1713.
appeared and, in order to allow twelve Sack vessels to 'make a saving voyage' Moody had to allow them to trade with French settlers who as yet showed little desire to leave Newfoundland.  

1. Taverner, who was surveying St. Pierre even allowed French ships to trade with inhabitants, and both were soon the target of heavy West Country criticism.  

Their actions, even if humane were certainly indiscreet but even this was soon overshadowed by another complication. Moody asked Bolingbroke if he could grant land to the garrison (as the French had done), and suggested that he be empowered to control the disposal of fishing rooms to the fishing ships.  

When asked for advice the Board of Trade instantly rejected both proposals, for they remembered Moody's interference in the fishery during the war, but Bolingbroke was an important man so they temporised.  

'Until it is known what British families are going and until Taverner has finished his survey' the beaches ought to be 'public' and allotted under the traditional 'admiral' system.  

Unfortunately Bolingbroke had already permitted

2. Ibid No. 69 (1) Taverner to Comm of Trade 14 Oct. 1714.  
4. Ibid No. 21 Bolingbroke to Comm of Trade 11 Aug., 1714.  
'For the time being' to grant land to the garrison officers, and the latter promptly purchased (so he claimed) twelve plantations.

In 1715 with Bolingbroke in disgrace the board of Trade renewed the battle.

'None of the Waste ground there should be disposed of till further order and none of the inhabitants upon pretence of purchases from the French (should) hinder the fishing ships from using the proper rooms necessary for the curing of their fish. And as to the disposal of such rooms to the said fishing ships, that is to be entirely left to the directions of the Act of Parliament'.

Secretary Stanhope strongly supposed this recommendation and new instructions were sent to Colonel Moody. He was to encourage the fishery 'When carried on as it ought to be', and was to ensure that the French settlers were deported. Land near the shore was to be left 'free' for fishing vessels and was not to be disposed of under any circumstances. Moody was to abstain from any interference in the fishery over which he possessed no jurisdiction whatever. Law enforcement was the prerogative of the fishing Admiral.

By now west Country merchants suspected the existence of a 'plot' to monopolise Placentia's trade and fishing. kindsford claimed that in 1714 Moody had tried to extort

1. PEP No. 22 Bolingbroke to Moody 12 Aug., 1714.

Instruction to Colonel Moody 14 May. 1715.
'rent' for the use of fishing rooms by threatening to allow the French to continue their fishing, and together with Dartmouth petitioned the Board to be heard 'about the scheme lately laid before you'. Mr. Koprle was completely mystified by this, but Parliament had already called for a report on Newfoundland, and the case of Moody was taken into account.

James Smith (not an unrestrained supporter of the Western Adventurers) had already hinted at a mysterious plot involving (amongst others) Moody and Taverner. Apparently non West Country merchants were envious of the natural advantages possessed by the Adventurers. 'To remove this inequality it was thought expedient to have a governor by whose means it (the trade) would probably be forced to run in another channel. This scheme being impracticable some particular persons, to engross the whole to themselves, intervened to get several lesser offices created in Newfoundland, not that they were usefull to the country of serviceable to the interests of the trade, but that they might be filled with such officers as were fit to be tools and subservient to their designs'.

Smith particularly mentioned Moody and Taverner as holding these 'lesser offices'.

Smith to Townshend. 24 Jan., 1714/15.
Bristol, Neymouth and Poole accused Moody of exercising 'arbitrary power', and Dartmouth claimed he was discouraging any expansion of the Placentia fishery, but James Campbell tried to pour scorn upon the complaints;

'You will probably be troubled every year by ships masters complaints that garrison officers are trading. This is the only way in which they can obtain supplies... and it is the common interest that officer and soldier and every body that pleases should catch and cure so many as they can, as well the commandes and captains of the King's ships'.

Campbell's argument (however reasonable it might or might not be) was not calculated to help Moody for ever since a garrison had first gone to Newfoundland, soldiers had been strictly ordered to stay out of the fishery. It was true however that Victualling Office incompetence had left the garrison in a bad state. In 1714 the soldiers had mutinied, and in October 1716 they lacked clothing, firewood and money for beer whilst the barracks was 'open to the weather'. In desperation Moody bought provisions worth

1. H.I.D No. 146. Petition of Bristol merchants 5 Jan., 1714/15.
   Weymouth Mayor to Comm of Trade 30 Jan., 1715/16.
3. H.I.D No. 4 Poole mayor to Comm of Trade 9 Jan., 1715/16.
4. H.I.D No. 3 Dartmouth mayor to Comm of Trade 9 Jan., 1715/16.
   Campbell to Comm of Trade 23 Feb., 1714/15.
7. H.I.D No. 194 (iii) Moody to the Lord Treasurer 22 Sep., 1714.
   Moody to Comm of Trade 3 Oct., 1716.
£3000 from visiting ships but the Bills he drew were protested by the Victualling Office.¹

By 1717 the Victualling Office were unable to make sense of Moody's accounts, west country hostility was unabated and the Army asked that Moody 'against whom there are many grievous complaints should return home to answer them',² and even Moody's Agent agreed that he should return to 'vindicate himself'.³ Moody's second-in command now presented fresh charges the gist of which was that several soldiers had starved to death because Moody used government supplies to maintain French fishermen who worked the 'Three large boats' which he owned. He had engrossed all supplies at Placentia and resold them for three times their true price. 'A Tyranical governor being first put in by Bolingbroke and Arthur Moore'.⁴

A new commander was appointed, but for some reason never took up his duties⁵ and Moody only relinquished command in 1719 (He later obtained compensation for the land he had 'purchased' in 1714).⁶ Unfortunately his successor Colonel Gledhill was no better. In 1720 Captain Percely found no evidence that the garrison were engaged in

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¹ ILID No. 538. Campbell to Comm of Trade 20 Apr., 1716/17.
² ILID No. 676. Army Comptrollers to the King 29 Jul., 1717.
³ ILID No. 538. Campbell to Comm of Trade 20 Apr., 1717.
⁴ ILID No. 560. Lt. Guly to Sec Addison 10 May, 1717.
trade or fishing, but soon the Board of Ordnance complained that settlers controlled by Gledhill were debauching artificers sent to build a new fort, and in 1723 (whilst Captain Cayley was reporting 'no complaints') a petition from Poole and London traders complained of Gledhill's interference in trade. For several years, but especially last year he had operated several ships of his own which took fish to market upon Gledhill's account. So much did he dominate the settlers that the merchants were unable to obtain debts due from them. No action was taken, but a year later Thomas Salmon 'later armourer in the garrison' but now a planter complained that Gledhill had forced him out of Placentia when he refused to buy goods at extortionate rates. Gledhill controlled all supplies at Placentia and imprisoned 'All who refused to deal him'. Salmon's charges were confirmed by the fishing admirals. Gledhill later admitted the substance of these complaints but (like Moody) claimed extenuating circumstances. In 1720 he had found garrison and civilians alike in great distress through

5. An affidavit provided detailed evidence.
the loss of a provision ship, and in 1721 when the same thing again occurred he had, from his own funds, purchased all the fish at Placentia for distribution to the settlers. 1

'No man living is more desirous to acquit any concern I have in the fishery than myself. Nor can I imagine your ships command extends so far as to distress me from recovering my rights from a fisherman'.

This answer apparently satisfied the board but in 1726 North Devon merchants reported that Gledhill had now taken all the fishing rooms. 2 'The first year we fished our rooms were free' but now they had to pay £15 for six boats' room, whilst Gledhill had discouraged 'sober planters' from settling at Placentia. The board of trade still took no action but in 1727 Gledhill crossed swords with Captain St Lo the convoy commander. According to the latter, at Placentia 'There (was) no other ship but his. There (were) no inhabitants but what belong to the lieutenant governor'. As soon as the fishing vessels left Gledhill pulled down their stages (unless they had been rented from him). 3

St Lo's successor Lord Vere head clerk also clashed with the garrison commander. He sat with the admirals at a court

1. H 1 Id no 753. Gledhill to Comm. of Trade. 3 Oct., 1725.
in Placentia but found

"my power was not extensive enough to redress what they chiefly complained of, the fort and garrison which was most intended for their security being the sole cause of most of the hardships they have suffered."

Gledhill claimed ownership of most beaches in the harbour but had refused to attend the court or produce any titles to that effect. Taverns run under Gledhill's 'protection' were the cause of innumerable riots and disorders, whilst the latter had illegally seized property belonging to the settlers 'upon pretence of debt'.

The Duke of Newcastle ordered an immediate enquiry and Gledhill was recalled for trial in 1729, but (coming to an accommodation with the merchants of North Devon) he returned unscathed to Newfoundland in the following year. Nevertheless there were no more complaints against him; the power of the military was at last broken.

There is no doubt about Gledhill's guilt, for in 1910 a descendant published his accounts whilst at Placentia. By 1727 he had accumulated ten thousand pounds in a bank all earned since 1720; he owned at least two ships (one trading to Ireland under his brother, and the other taking fish to the Canaries), was owed £600 by the planters, operated no less than thirteen fishing plantations and hired out another twelve.

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owned in the names of his ten children. 1

Both he and Moody could justly point to problems caused by an incompetent Victualling Office but their activities went far beyond what might have been necessary to succour the garrison. Moody bought land as soon as he landed in Newfoundland and consistently refused to allow a 'free fishery' at Placentia. Gledhill's vast profit proves that both were concerned almost completely with their own self-interest. As far as the Western Adventurers were concerned such men amply demonstrated the inevitable result of 'government' in any form.

**Development of the South Coast Fishery.**

This was seriously retarded by Moody and Gledhill, but other factors also played a part. West Country merchants were reluctant to move into an unknown coast, whilst planters feared to move because of possible Indian attacks, or re-possession by the French. In 1716 Great Placentia and Saie Vert were 'nurse of inhabitants or stages except for a few Frenchmen with no boats', and most of the rooms at Little Placentia (Argentia) and Chapeau Rouge were empty. Although the East Coast settlers had been ruined, none had yet moved to Placentia 'The reason being a report spread by his enemies that Moody and several New England merchants had

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bought all the plantations'. 1

Too distant for Moody's control St Pierre soon attracted a few ships from Poole and Guernsey, 2 but the few ships which visited Placentia soon attempted to find other harbours. In 1719 the Admiral (a Poole man) reported only seven vessels at Placentia, 3 hideford and Barnstaple were 'no longer' trying to send ships there, 4 and a year later the total catch (ships and settlers) was only 2000 quintals. 5

The arrival of Gledhill seems to have marked a change as that energetic individual began to import men to fish on his account. The continued failure of the East Coast fishery, together with Moody's removal encouraged merchants from Poole and North Devon to accept Gledhill's terms and they again began to fish at Placentia. In 1725 over 50000 quintals (according to Gledhill) were taken in Placentia Bay and two years later twenty seven large fishing ships were operating in Great Placentia all but two from North Devon, whilst several from Poole and the Channel Islands were at Little Placentia. 6

2. C.O.194/5.389. South Coast fishery for 1715.
4. Ibid nos 68/78. Hidcote and Barnstaple Mayors 20/27 Feb., 1718/19/
Driven from Placentia by Gledhill, Thomas Salmon had created a thriving fishery at Little Mortier,¹ and by 1731 Gledhill could claim that Placentia Bay was the most flourishing region in Newfoundland.²

North Devon had little interest in trade with planters and thus when Gledhill's power was broken the trade of the South Coast fell more and more to the merchants of Poole. Thus Placentia was from 1730 onwards supplied by the Houses of Bates and Glover, Olive and Lewen, the Neaves and Sweetman, whilst St Pierre was controlled first by captains Cleeves and Weston, then by Thomas Young and John Clarke, together with a large Jersey consortium. St Mary's Bay was 'owned' by Messrs Kenney and Spurrier also of Poole.

The expansion of the South Coast fishery was however due not so much to fishing ships and merchants, as to a great influx of Irishmen almost certainly transported on North Devon shipping and employed directly by Colonel Gledhill.

Irish settlement in Newfoundland.

Despite Carew's hopes in 1611,³ Irish merchants were never (until the late Eighteenth century) able to achieve much in the Newfoundland trade. By 1675 ships from Dublin, Limerick, Cork and Youghal occasionally went to Newfoundland, and this continued in the Eighteenth century, but they were mainly

3. See above p 58.
Sack vessels and their share of the trade was insignificant. However, in the Restoration period West Country ships began to call at Wexford, Waterford or Cork for 'wet' provisions—salt pork and beef, butter, cheese and porter, and these vessels soon began to recruit small numbers of Irishmen but especially 'many women passengers' who were 'sold for servants or married fishermen'. Irishmen may have lived at 'Ireland's Eye' (Trinity Bay) in 1675, at Hearts Content in 1696, and were certainly at St Johns by 1705, but they were probably not very numerous. The Western Adventurers (who were quick to complain of 'innovations') made no mention of them until the 1720's and James Smith in 1715 talked of the settlers as being relatives of, and coming from the same counties as the Adventurers.

It would seem that the first great inflow of Irishmen occurred some time after the Treaty of Utrecht. As we have seen, planters found it impossible to obtain many English servants, and Gledhill at Flaventia needed men to develop his fishery.

1. Cal. State Papers Dom. 1660-1670 (addenda) p. 85. Petition of Plymouth merchants 25 Feb., 1669/70. (They attacked this as an 'innovation').
2. C.O. 1/47. 110. Captain Storey's report. 1 Sept., 1681.
4. A small 'Fort' was commanded by an Irishman. Prowse p 132.
7. See above p 165.
The Irish, suffering from the penal laws imposed after the 'Glorious Revolution' were quite prepared to risk the abnormally bad conditions in the fishery. Captain Fercus raised the first alarm in 1720 when he reported that 'for some years' ships from Bristol and North Devon had been bringing out 'great numbers' of Irish catholics, who (he feared) would have no scruples about joining the French in any future war. 1 Nothing more was heard until 1725 when Gledhill revealed that 'some hundreds' of Irishmen living at Placentia, had been largely responsible for the increased fishery in the Bay. 2 Records of a 'Court' held there in 1729 reveal that almost without exception Placentia was populated by Irishmen, who comprised both 'planters' and servants. 3

By now most of the western ports had joined in this traffic and practically every harbour in Newfoundland received at least a few Irish immigrants. 4 Many were (like English servants) brought out in response to 'orders' placed by planters with their merchant suppliers, but others came out 'on speculation'—tricked by fast-talking Irish or English captains into believing that Newfoundland was a

1. Cal State Papers Col Am & W.I. 1720-1721. no 260
3. Cal State Papers Col Am & W.I. 1730 no 422 (1V) Court at Placentia 1730. (They all seem to have been called 'Power').
4. Although comparatively few went to 'Poole dominated' Trinity and Bonavista says.
paradise. The latter found little difficulty in obtaining employment during the season, but were often 'cast adrift' in the winter, when starving and 'naturally prejudiced against Englishmen and Protestants' they had no choice but to riot and plunder.

Englishmen viewed them with mixed feelings. Those who carried Irishmen to Newfoundland (which included most of the 'migratory' merchants) 'admitted' that they 'endangered' the English fishery but would not sacrifice their profits by giving up the traffic. The settlers were (at least in St. John's) absolutely terrified by this influx, but by 1742 employed Irish servants in large numbers, thus needing them more than they feared them. The naval governors viewed them with contempt and dismay; contempt because 'they are so miserable that they could never earn their bread anywhere else', and dismay because 'They are useless for the fishery being brought from inland places and gaols' and would 'join the French to a man'.

The governor (surrounded by hundreds of seamen) and merchants who returned to the peace of England for the winter could afford to be contemptuous, but English planters,

possessing only the rudiments of 'winter justice', could not.
Thus when in 1730 an Irish ship 'dumped' a consignment of
felons at St Johns, the magistrates were appalled, and indeed
by the next Spring five murders had been committed because
Newfoundland (lacking even a militia) was 'unable to protect
itself as well as other plantations'. Similarly when at
Trinity in 1731 John Butler broke out of the stocks, threatened
the magistrates and wished that 'there may be a war with
France that he may join them', the latter hastened to
communicate this 'dangerous' affair to the governor. Man-
dreaded the possibility that Irish settlers would constitute
a 'fifth Column' in future wars, and (probably exaggerated)
estimates of their numbers flowed back to England. In 1731
the magistrates at St Johns claimed that three hundred
Irishmen were settling every year, and now comprised 75% of
the population on the South and 'west' (i.e. Placentia Bay)
coasts. Governors Vanbrugh and Smith found that the
protestants were terrified and the latter ordered the
magistrates to forbid any new Irish influx unless a ship
captain or Boat Keeper promised to give them steady employment.

These reports give the impression of hordes of poverty-
stricken, violent and unemployed Catholics entering

1. They had been designed for Virginia.
2. Cal State Papers Col Am & W.I. 1731 no 422 (m). St Johns
   Justices to Governor Clinton. 20 Aug., 1731.
3. Cal State Papers Col Am & W.I. 1731 no 422 (iv). Trinity
   Justices to those at St Johns. 17 Aug., 1731.
4. IBID no 422 (m). St Johns Justices to Clinton 20 Aug., 1731.
5. O.0.194/10.93. Governor Vanbrugh's report 6 Nov., 1738.
6. O.0.194/11.41. Governor Smith's report 18 Dec., 1741.
Newfoundland, but this may have been an exaggeration. Certainly many Irishmen soon became 'boat keepers' and hence employers - especially at Placentia - of many other Irishmen who came over to work for them. Some in fact were 'bye boat keepers' who came and returned home annually like those from South Devon, and almost certainly most of these early arrivals did at some time manage to return to Ireland when they had saved the passage money. Despite Governor Medley's claim that 'Few of them return home', the number of Irish arrivals is no indication of how many actually remained permanently on the Island. They tended to concentrate in certain areas, and by 1742 outnumbered English 'winter' residents in almost all harbours between Placentia and St Johns, but especially at Ferryland. They formed roughly 50% of the population of St Johns, but to the Northwards (which contained the most densely populated areas) comprised only about 20%.

Conception Bay - which contained most of the 'old' English population probably had little need of Irishmen in large numbers, whilst Trinity, Bonavista and Fogo-Twillingate Islands seem to have mainly depended upon labour from Dorset, Somerset and Hampshire, although Irishmen gradually settled in fairly large numbers.

2. See for example C.O.194/24.2. Census of the Fishery 1732.
It is not easy to estimate what threat they may have posed in wartime. During the summer they were outnumbered almost everywhere but what would happen if a French Squadron descended upon Newfoundland before the fishing fleet arrived? When war broke out in 1741 Governor Smith embodied all Protestants into a militia, but since the French never attacked, the Irish had no means of demonstrating whether they would in fact have aided them. However when the garrison was withdrawn from St. Johns in 1748, Irish lawlessness is said to have become widespread. In 1750 Drake reported that when they were imprisoned, their compatriots broke down the gaols as soon as the warships had left, and Griffiths Williams claimed (later) that withdrawal of the garrison left the magistrates with no power so that 'great numbers of Irishmen became unruly', committing many outrages which culminated in the murder of 'Chief Justice' Keen in 1754. Many hundreds of West of England people were afraid of going over and many Newfoundland men left. Even so however, this may have been confined to these few centres which were both populous and perhaps

1. Even English passengers could at times outnumber them by four to one. See C.0.194/24.2 Census of the fishery 1732.
2. C.0.194/11.41. Governor Smith's report 18 Dec., 1741.
3. C.0.194/25.84 Drake to Newcastle 26 Dec., 1750.
fairly divided between English and Irish. At Trinity, for example, relations between English and Irish seemed perfectly amicable by the 1750s and there was a considerable amount of inter-marriage.

Governors and planters continually urged some limitation of Irish immigration but too many people were dependent upon them. If the planters blamed ship owners for bringing them out, they too were to 'blame' in that only they could employ Irishmen, and this they did in great numbers. Irish labour was much cheaper than that from the West Country, and moreover as an alien and detested race they could be more easily 'cast adrift'. None of their relatives were captains or small traders. The merchants consistently supported Irish emigration and when in 1752 the Board of Trade at last held an enquiry Poole, Dartmouth, Exeter and Teignmouth replied in almost identical terms.  

"In general they are his Majesty's natural born subjects, go from Ireland, increase in no greater proportions than the protestants, and their behaviour has given no cause to apprehend any dangers to the well being affected to his Majesty's person."

This one suspects, over-emphasised Irish loyalty, but although when the French temporarily occupied St. John's in 1762 the Irish did engage in a certain amount of plundering,

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1. This would seem to have been the case in the religious riots in Newfoundland after 1832.
2. C.0.194/13.34. Poole merchants to Comm. of Trade. 8 Nov., 1752. £35, Dartmouth Merchants 26 Nov., 1752. £39 Exeter Merchants.
they showed no eagerness to fight the common enemy. Governors continued to point out the already well-known dangers of allowing uncontrolled Irish immigration, but there seems to have been no more complaints from civilians whether merchant or Planter, and some evidence would suggest that relations between the races gradually improved. By 1784 many Irish at St. Johns had become merchants, operating in harmony with English neighbours, whilst at a lower level the intermarriage already mentioned would appear to indicate fairly cordial relations between the labourers. Not until a different type of Irish emigration occurred in the nineteenth century did tension again become grave.

The Government of Newfoundland.

Although the 'Newfoundland Act' was unworkable the Board of Trade could do nothing whilst the war lasted. When Peace negotiations were approaching completion various men again began to raise the question of government. John Collins asked in 1712 to be confirmed as the 'governor' of 'all the area between Ferryland and Carbonear Island', and his request was supported not only by many planters but sixty five ships captains as well, but enthusiasm for

2. See for example C.O.194/13.219 Governor Edwards report 1757.
3. Examples of this may be found in the Trinity Parish Registers Deposited at St. Paul's Church, Trinity, Newfoundland.
civil government (in preference, probably to a military one), declined rapidly when the war ended, and the Board of Trade refused to consider the idea. Collins vanished from the 'political' sphere but Archibald Cummings, William Taverner and Colonel Moody emerged as advocates of 'settled government'. All occupied minor offices in Newfoundland; Cummings (a Hensford merchant and crony of the other two) being the 'Customs Officer', and it is probably that these were the men referred to by James Smith when he referred to a 'piot' 'to turn the trade of Newfoundland into other channels'.

In 1713 Cummings wrote a harrowing description of the state of Newfoundland. English and American vessels were engaged in a large scale clandestine trade which involved the exchange of enumerated commodities for goods brought direct for Europe, whilst merchants of both countries had combined to drive the settlers into hopeless poverty and anarchy. Unless 'a colony was settled' the trade would be ruined. A year later Taverner presented further arguments. The Admirals were corrupt negligent and oppressive, kept no record of their judicial decisions so that 'what was decided one year....was contradicted the next', and (because they were appointed on a 'first come-first served' basis)

many, were ignorant of the fishery. As a result, they were controlled by 'Old West Country masters'. They would listen to complaints only if made by friends, and even if they did issue an order no one bothered to obey it. Since they were primarily concerned to make a profit for their owner it was absurd to expect any prolonged attention to their judicial duties. Only a settled governor could bring order to the fishery.¹

These arguments were followed by a paper from James Campbell,² and a personal appearance by Cummings before the Board.³ The Board was of course well aware of the deficiencies of the 'Act' and these new pressures, together with continued complaints from the convoy commanders resulted⁴ in yet another enquiry into the fishery.

Indeed they could hardly refuse for the demands of the 'pro-government' group co-incided with the West Country attack upon that group, whilst Parliament was also demanding another report on the condition of Newfoundland. Once again letters were sent to the western ports, and once again certain differences of opinion emerged. Biddeford and

2. Who of course was the Agent for Colonel Moody.
Barnstaple still hankered after a 'ship-fishery' unimpeded by settlers let alone governors.\(^1\)

"They bring no profit to Great Britain; if encouraged they will soon be numerous enough to carry on the fishery by themselves. They provide no trained seamen; only the fishing ships do this, and only through them does any profit from Newfoundland accrue to England."

North Devon wanted a New Statute but not one which would create a colony. All they could suggest was that some means might be found to prevent the drain of men to New England, and that American exports to Newfoundland should be restricted to foodstuffs.

Bristol seemed rather confused.\(^2\) Some 'Judicial Court' was essential for the fishing Admirals were undeniably negligent, but the appointment of a governor 'would be inconsistent with the security of the trade (for) we would be liable to duties as well as to arbitrary power'. They were undoubtedly thinking of Moody's 'arbitrary power', but could suggest no constructive legislation whatsoever. Poole\(^3\) complained of New England rum, 'aliens' fishing under false registers, and of planters taking up fishing rooms; also of Moody's monopolisation of land and the interference of naval captains in trade disputes.

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2. Ind No. 146. Petition of Bristol merchants 1716/17. 5 Jan., 1714/15.
The latter had lately sent warrants to fishing ships in remote places on frivolous complaints from debauched men, before such complaints had been heard by the fishing Admirals... No warship commander should interfere in cases of debt as they have done lately to our great prejudice.

Dartmouth and Weymouth complained of American rum and the actions of Moody, but (like all the others) could suggest no positive ways to improve the situation.

The Adventurers, whilst they had complained of various grievances could not think of particular means of redress because whilst they disliked certain aspects of the prevailing anarchy, they still preferred this to the despotism which (they feared) would result from regulation by means of a settled governor.

Although the Board possessed reports from two 'impartial' witnesses, neither had advocated settled government. James Smith argued that matters could be redressed merely by giving to Fishing Admirals and warship commanders some real power to enforce the 'Newfoundland Act', and he strongly advocated support for the traditional 'Ship fishery'. Captain Wade also argued strongly for the ship fishery, but at least gave a few suggestions on how this:

1. IBID No.3. Dartmouth Mayor to Comm. Trade 9 Jan., 1715/16.
2. IBID No.24 Weymouth Mayor to Comm. of Trade 30 Jan., 1715/16.
3. Cal State Papers Col Am & W.I. 1714-1715 No.179(1) Smith to Townshend 1715.
4. Commander of a warship late on the Newfoundland station.
might be 'improved'. Apprentices should be protected from impressment for seven years, planters should not be permitted to take up any more 'rooms', and vessels should be made to bring home every man they carried out to Newfoundland to work for the planters. He also suggested (though no one else ever did) that the Board of Trade should be allowed to govern Newfoundland through 'Eye-Laws'.

As in the 1670's it appeared that only a small and self-interested group were in favour of government; indeed even the suggestion made during the war for 'winter justices' was not repeated. Nevertheless the Board of Trade recommended measures which went beyond those suggested by the Adventurers. Basically their report can be summed up as stronger and fairer justice, and restrictions upon American influence in Newfoundland.

They suggested that new clauses be inserted in the 'Newfoundland Act', and that some scale of penalties be laid down. A land survey should be taken and records of Title be sent to England. Winter Justices should be elected in the major harbours, these to have 'proper powers' to preserve peace and determine quarrels. To control the

1. This anticipated the suggestions made later by Falliser.
Public houses should be licensed and controlled by the magistrates, and should only be run by fishermen who were now 'passed their labour'. No debts should be recoverable unless previously agreed and settled before the fishing admirals or warship captains. Because New England 'factors' were enslaving the settlers, only merchants from England should be permitted to remain in winter. To prevent the drain of men to America, and slow down population growth in Newfoundland, vessels were to bring back all passengers they took out. Lastly, Colonel Moody should be 'restrained', and asked 'whether it might be thought proper' to annul land allegedly bought from the French. These proposals (together with those already enobled in the 'Newfoundland act') were recommended as the basis for new legislation.

These radical proposals (which were never placed before Parliament) indicate the attitude of the Board of Trade. Legislation along these lines would have drastically altered the development of Newfoundland.

Any restriction (let alone a total ban) upon American shipping would have imposed great restrictions upon the
migratory as well as the sedentary fishery, for already most men were finding American corn, flour and bread much cheaper than that from England, and 'banker' and 'bye boatman' as well as 'planter' purchased his fresh food from the New England traders. Production costs would (especially in later years) have risen considerably, and whilst settlement would have been undoubtedly impeded, so too would profitable operation of the small-scale migratory fishery. Leaving aside the question of American exclusion from Newfoundland the other proposals would not have done much to cure immediate problems in the fishery. Although the Board admitted the corruption and negligence of fishing admirals nothing in their report would have either limited their authority or forced them to exercise it. 'Winter' justices would have been unable to solve the greatest problem that of the 'debt anarchy' which occurred towards the end of the season, whilst the proposal that debts should be recoverable if agreed before a fishing admiral would only have given them a further advantage over other merchants. Since nothing was done to reorganise summer justice, what was the point of laying down penalties when the admirals would (presumably) continue to act corruptly or not at all?

The Board was already in its classical eighteenth century dilemma — how could you discourage settlement and at the same time enforce law? To enforce law, permanent
government was required, but this led to increased settlement.

Their application for the assistance of Parliament, having failed, the Board of Trade unloaded the problem onto its convoy commanders. Captain Hagar (1716) and Captain Passenger (1717) were both ordered to 'try to prevent New England irregularities', to initiate a land survey, enforce the navigation Laws and report on the possibility of finding men suitable to act as 'winter Justices', but neither achieved anything. Hagar reported that no one would take any notice of him and Passenger found that attempts to take a land survey were obstructed by the merchants, whilst New England captains laughed at attempts to prevent either smuggling or the drain of men to America. Although 'Government (was) the material and only thing wanting', he doubted whether anyone in Newfoundland was fit to act as a magistrate.

Thus the Board of Trade found itself completely unable to do anything either to restrict settlement or enforce law. Everybody in the fishery, American, migratory man or planter seemed united in a vast conspiracy to defeat the aims of the government. In 1718 the Board concocted a report which differed radically from that offered two years before (although nobody had asked them to do this).

Basically they delved into the mists of time to 'prove' that in the golden days of yore Newfoundland had been a flourishing ship fishery, but that ever since settlement had been tolerated it had been 'going to the dogs'. Their feelings can be gauged from the phraseology:

'The Newfoundland fishery has been affected for many years... by irregularities of inhabitants, traders and fishermen.... Newfoundland was first established by merchants and other inhabitants of the West Country (and) flourished for years under their customs'.

When the Privy Council refused to sanction of the settlement of a governor in 1669, this 'removed the fears and jealousies of the West' and the fishery revived. Had the 1675 Charter (removing the colonists) been enforced 'The fishery would again have flourished', but by 1680:

'The regulations and laws of the Charter being long enervated by these disputes, the fishing trade very sensibly declined from the time that the order for removing the planters was revoked (so that) Newfoundland is now a drain instead of a nursery for seamen'.

Various statistics were presented which purported to prove that

1. This referred to the petitions of Hinton, Robinson etc. see above pages.
It is therefore very apparent that the fishery at Newfoundland has either flourished or languished according as the inhabitants have been discouraged or encouraged... for the last forty years the bad state of trade proves that it cannot flourish under the present regulations.

The number of men being 'trained up' as seamen had fallen off, the settlers were 'indigent, idle and necessitous' being enslaved to the New England traders so that the latter reaped 'all ye fruit of their labours' except for the cost of servants passages and the provision of English manufactures. Emigration from Newfoundland to America had enabled the mainlanders to build up their own fishery 'which at present is probably superior to that of Newfoundland'.

The board recommended that the fishery should once again be carried on only by fishing ships 'according to its ancient customs and laws agreeable thereunto'. The planters should be removed to Nova Scotia or some other colony, but if this was considered impossible the board offered another bill to regulate the trade.

Whitehall can never have seen a more amazing report than this. The problem of whether under a completely ship-fishery the industry had been more profitable in the past was irrelevant, for the ship fishery (in its ancient form) was everywhere in rapid decline, and (whether the board like it or not) was being replaced by the triple
system of Bankers, Eye Boats and Planters. Undoubtedly if only fishing ships were allowed problems of debt, lawlessness and even the expansion of New England influence would end; or at least greatly diminish. But how could the government, or anyone else successfully force the industry back into a vanishing way of life? The Board of Trade wished to solve the problems of settlement by removing it altogether; Not even the North Devon merchants advocated such a policy. In their report of 1716 the Board may have evaded the problems caused by the changing fishery but they had at least concerned themselves with specific and current problems, but now they wished to overthrow all of the present situation.

From now until 1791 successive governments (when they took any interest in the fishery) became ever more 'reactionary', as the obsession with a 'pre-plantation' fishery grew. Their policies - to restore that as much as possible; their methods - to ignore (except for purposes of condemnation) all the changes which were occurring. Fortunately until 1763 very few politicians took much interest in Newfoundland and the fishery inexorably became more and more 'sedentary'.

Not surprisingly the government refused to consider removing the settlers to Nova Scotia, or even to consider the 'alternative legislation' proposed by the Board. This was surprising for the alternatives were (on the surface)
more practicable. Only British produce should be imported to Newfoundland, public houses should be banned, wages were to be paid only when the servants returned to Britain, Planters were not to sell or 'alienate' any property, and if they gave up fishing their rooms were to revert to 'public' use. These recommendations in part foreshadowed the measures adopted in 'Palliser's Act' (1775), but Secretary Craggs once more refused to place the matter before Parliament.

The appointment of justices of the peace.

Despite the constant efforts of the Board of Trade, deficiencies inherent in the 'Newfoundland Act' were not remedied and the fishery developed along its own anarchic lines. Planters continued to run into debt and merchants continued to quarrel about debtors; servants continued to drink, receive no wages and migrate to New England, and the garrison continued to interfere in the fishery.

However, the Planters became increasingly aware of the need for 'winter' justice.

In 1720 Thomas Ford of Petty Harbour was murdered and the suspect (together with two witnesses) was sent to England for trial by William Keen. The latter pointed out the inadequacy of this method\(^2\) and, on behalf of the

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2. Capital offenders were to be sent back to England together with two witnesses, for trial in any county court. No provisions were laid down to pay the cost of this, whilst the witnesses not only had to pay their own expenses for the trip (and long sojourn) to England, but usually missed one or even two fishing seasons. Not surprisingly it was not easy to find witnesses.
planters asked for 'settled justice at St. Johns' but the Board of Trade was in no mood to co-operate.

... all of these disorders are a further reason for encouraging settlers to go to Nova Scotia (for) those who remain in winter besides their disorderly way of living there, do for the most part promote the trade and fishery of New England to the detriment of their Mother Country'.

After the ships had departed at the end of 1724 the settlers took matters into their own hands and erected a 'civil society' based upon John Locke.

'... Men being by nature all free, equal and independent, no one can be put out of their estate and subjected to the political power of another without his own consent... The only way whereby anyone devests himself of his natural liberty and puts on the bands of civil society is by agreeing with other men to join and unite into a community... (for) a greater security against any that are not part of it. This any number of men may do because it injures not the freedom of the rest; they are left as they were, in a state of nature'.

The assembly complained of being menaced by 'a multitude of men of desperate fortune' against whom the 'Newfoundland Act' provided no protection during winter, and therefore being the 'Minister, merchants, factors, principal inhabitants and housekeepers and masters'.

2. Cal State Papers Col Am & W.I. 1720-1721 No.441. Comm. of Trade to Carteret. 1 April, 1721.
formed a society for mutual protection. After promising to be guided by the laws of Great Britain and their allegiance to 'His Majesty' they elected three 'magistrates' who forthwith dealt with one or two trivial disputes. When the Government learned of this they were nonplused. Possibly they were amazed to find a presumably 'debauched' and illiterate society which based itself upon the philosophy of Locke; certainly no other colony had ever challenged the sovereignty of Parliament by an appeal to the 'laws of Nature'. Even more important however, the 'Newfoundland Act', since it made no reference to 'inter justice gave no advice upon the legality or otherwise of this unofficial 'society'. The convoy commander appointed for 1724 was merely instructed to find out if any settlers had suffered 'ill effects' as a result of the affair. He reported that a few trivial disputes had been heard, and the settlers abandoned their 'society' and nothing more was heard after 1725.

By now however it was becoming obvious that some order must be provided during winter and in 1727 Captain St. Lo took matters into his own hands by appointing 'the person who in the summer season had distinguished himself most diligent in the fishery' to act as a winter justice in

3. Ibid. No. 757(c). Captain Bowler's report 1725.
st. John's. The Board of Trade (which had been advocating this for years) maintained a diplomatic silence but in 1728 Lord Vere Beauclerk, urged that winter justices must be appointed in all major harbours, (especially at Placentia). The fishing Admirals,

'thro the ignorance of some and negligence of more, for some years past they are so slighted that unless H.M. ship's captain is there to help them their meeting would be nothing but confusion....Hence we usurp a power which does not properly belong to us by publishing orders in our own names. The great misfortune, and origin of the rest',

was the lack of justice during winter. Wrong doers knew that convoy commanders were not authorised to appoint magistrates and consequently those appointed by the St. John's 'Society' and by St. Lo had been completely ignored.

In the Autumn of 1728 another enquiry was held.

Although the Western towns were asked for suggestions only Farnetaple and Poole even bothered to reply and the board was able to recommend its own ideas. After castigating the planters, fishing Admirals and Gledhill they suggested that Parliament legislate the recommendations made in 1718, but

2. Where he was engaged in a violent quarrel with Colonel Gledhill.
5. I HID No.662. Poole Mayor to Comm of Trade 12 Feb., 1728/9.
(aware that this might not be acceptable) also proposed and measures which would not require Parliamentary legislation. Gledhill should be recalled, but more important the convoy commander should be appointed 'Captain's general and commander in chief' with control over all military forces and power to appoint magistrates for the winter only.

The Law Officers having decided that this would not contravene the 'Newfoundland Act', recommended the implementation of these suggestions by an Order in Council, and in 1729 Captain Osborne was appointed 'governor and commander in chief' over Newfoundland, with powers to appoint magistrates and 'other officials'. The magistrates were to sit in Quarter Sessions and act in the same way as their English counterparts 'but they are not to do anything contrary or repugnant to the Act for encouraging the trade to Newfoundland' neither were to obstruct the fishing Admirals in administering justice during the summer.

During 1729 and 1730 and unusual situation arose in which Vere Beauclerk acted as the convoy commander, whilst Osborne acted as the 'governor', and both were involved in the appointment of magistrates. In 1729 magistrates and constables were appointed in the major harbours, and a tax

1. Since that statute made no mention of the administration of justice in the absence of the Fishing Admirals, to
2. Cal State Papers Col Am & W.I. 1728-1729 no 708 (1). Commission for Captain Osborne to be Governor of Newfoundland. 7 May, 1729.
was levied towards the construction of Court Houses and Gaol, but Osborne found difficulty in obtaining suitable men for the magistracy. 'The best of magistrates are but mean people, (who) are not used to be subject to government'.

It soon became apparent that the powers of magistrates needed much better definition. In March 1729 Beauclerk and Osborne asked whether they would be justified in punishing any who refused to pay the Prison Tax, and in April letters from the magistrates at St Johns and Bonavista asked whether (in the absence of the fishing Admirals) they had the power to determine cases of 'property' or debt. The Board of Trade asked the Law Officers for advice but their replies were not too encouraging.

In the matter of taxation Fane was uneasy about the method of assessment but concluded that 'as the people have submitted to it' it would probably be allowable, but Yorke ruled firmly that neither the governor nor magistrate could levy any tax 'because Statute 10th and 11th Wm. 111 o 25 directs that it shall be a free trade'. Both Fane and Yorke were certain that magistrates were not empowered to decide civil cases, their authority being confined to enforcement of criminal law during winter only.

3. IBID no 165. Bonavista Justices to Osborne. 8 Dec., 1729.
4. IBID no 193. Fane to Popple 26 April 1730. no 196 Yorke to Popple.
Thus before Osborne and Beaufort returned to Newfoundland to higher duties assigned to them (or at least the Board of Trade) knew that magistrates could only act in the absence of the fishing Admirals, and that their authority was limited to criminal matters. Nevertheless by the time they returned in the Autumn they had both allowed magistrates to sit during the summer and to decide in civil matters.

When Osborne arrived in Newfoundland he found that at Placentia the justices were continuing to sit during the fishing season. Indeed they complained that the Admirals were settling 'differences of Trade' and had refused their (non-existent) authority. The magistrates asked Osborne to arbitrate. Quite obviously Osborne should have merely informed the magistrates that until the Admirals left, they had no authority, but neither he nor Beaufort did anything, and throughout the summer magistrates and Admirals clashed angrily in every harbour in Newfoundland.

When the season was over the warship commanders justified themselves to the English authorities. Beaufort¹ 'was not disappointed in the jealousy which I apprehended the Admirals would conceive against the new orders...which he had hoped would make them exert themselves'. They had certainly exerted themselves and now were become antagonistic towards the magistrates. He had not restrained the latter because

he did not know how far it would be legally to hinder Justices appointed by Royal Commission, so I have only endeavoured to keep them and the admirals quiet without absolutely determining their several jurisdictions.

Had he really felt this, or was it merely an excuse? He knew well that if the magistrates attempted to sit during the summer they would inevitably (and justifiably) arouse the wrath of the Adventurers. Certainly he proceeded to 'cover' himself.

'It is necessary for you to decide if the Justices of the Peace are to be continued, and give clear and positive instructions how to settle it...I never imagined or proposed that this commission would cure or remove all the grievances or obstructions relating to this trade, but only to prevent its growing worse till their Idships leisure should permit them to think of an effectual method'.

Beaumclerk's request that the magistrates authority be defined was (on the surface) ridiculous for surely this had already been accomplished by the original Order-in-Council and expanded by the opinions of Fane and Yorke. The magistrates should act only in the Admiral's absence and then only in criminal matters. What further 'clear and positive instructions' were required?

Osborne was much more forthright in that he actively encouraged magistrates to sit during the summer and complained bitterly when the admirals objected, by ridiculing the

The latter had abused the power given by their Act on fishing and had not scrupled to touch on mine (his authority) they were doing all the spiteful little things they can to hurt the magistrates. His and his attempts to prevent this had only roused their indignation against me for being the Justices' abettor!

Despite this, the Board of Trade refused to reprimand either Beauclerk or Osborne, and when Clinton went out as Governor in 1731 disputes again flared up. In the following Spring the inevitable avalanche of western country petitions descended upon the Board, Bristol and Dartmouth taking the lead. The magistrates, men 'of mean substance and illiterate' were creditors in competition with the petitioners and so 'we must totally lose our debts'. They were 'taxing our trade and servants who remain there', were insolent and had used their powers to engross the trade in their harbours.

"Merchants and traders would supply these persons (the planters) at a moderate advance, but if they are in debt to the Justices they threaten them with prison unless they are paid first'.

Even so, the petitioners did not demand the abolition of a magistracy, only that -the justices have no power during the stay of the fishing ships': In other words, that they should act in accordance with the Order-in-Council.

Forced to take action the Board of Trade sent to Newcastle what can only be described as a most dishonest report.

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The Justices 'do not appear to have interfered in the Admiral's jurisdiction....although they are 'probably guilty of other irregularities'. Clinton should suspend 'errant' magistrates and prohibit them from interfering in fishing matters. This of course ignored the fact that by even acting during the summer magistrates were interfering in the Admiral's jurisdiction.

However although some friction continued for a few years, the Western Adventurers quickly abandoned their hostility to a 'year-round' magistracy, basically because they or their agents were the only people available to be appointed as Magistrates.

Results of this Innovation.

The Board of Trade first appointed magistrates in order to fill the vacuum left when the fishing fleet departed, but soon accepted an extension of their authority to a year-round basis because the Admirals were either corrupt of negligent. Were the Magistrates an improvement?

Because they were as deeply involved in trade Magistrates 'per se' were probably no more or less corrupt than the fishing Admirals. If they were corrupt then the planters exchanged an arbitrary oppression lasting for two months, for one which was permanent. On the other hand they undoubtedly did what they could to provide law and order during the winter, and (if only because they could deal with

cases during the winter) were probably more diligent in executing such laws as they valued.

However if the government hoped to use the magistracy, as a counter to the mercantile influence it could not hope to succeed. With the exception of occasional doctors and clergymen, merchants and large planters were the only men available who possessed enough education and influence to be appointed as Justices, and in the first list (1729) only the Reverend Mr Jones of Bonavista was not personally involved in the trade. Placentia was ruled by a Planter and a London agent, St Johns by a 'resident' merchant and a Tonde merchant, whilst John Ludwig of Ferryland, and Jacob Taverner and Richard Waterman of Trinity were ship captains. Many were not even permanently resident, for in 1730 Osborne reported that many of his appointees had wintered in England. By 1735 many had left Newfoundland for ever.

The (from the Government's view) reliability of the magistrate probably depended upon which of three categories he was acting in. Thus they probably kept the peace as well as they were able, and even when involved in cases of 'debt' or 'property' may have acted with a fair degree of impartiality. On the other hand, as Palliser and Reeves later discovered,

4. As the Trinity Court Records (1753-1768) would seem to indicate. Extracts possessed by Mr Walter White of Trinity, Newfoundland.
they would not enforce any legislation which was generally regarded as hostile to mercantile interests. As a means of enforcing the 'Newfoundland Act' or (later) 'Palliser's Act', they were hopeless.

Probably by creating a permanent magistracy the Board of Trade did something to bring order to Newfoundland. They did not thereby find that the aims of the government were in any way furthered since magistrates no more than fishing Admirals were willing (or able) to prevent the migrations to America, the widespread consumption of liquor, an increase in population or the spread of 'property', and the gradual disappearance of many old free 'ships' rooms. In fact insofar as settled government encouraged further settlement the Board had contradicted its policy - reiterated ever since 1699 - of preventing a 'colony' in Newfoundland.

Development of the 'sedentary' fishery.

West Country merchants accepted the new order mainly because they were no longer completely tied to a migratory fishery. By 1750 such western men as William Land of Dartmouth,¹ Benjamin Lester² and Samuel Spratt of Poole,³ William Jackson and Robert Follette of Topsham⁴ and Robert Fabb of Teignmouth⁵ were comfortably ensconced as Justices

2. Magistrates for Trinity. I:ID.
5. Magistrates for Ferryland I:ID.
in the harbours to which they traded. These men were normally 'learning the Trade' by acting as agents for their elder relatives in England. They in their turn went home in middle age, and more young relatives came out to take their place. Many such families had by now developed considerable 'Properties' in Newfoundland, (mainly by illegally 'encroaching' on ships rooms) and were in no way interested in proposals to discourage settlement and property. These tendencies (already observed during Queen Anne's War) became much more marked when in the late 1720's the fish finally returned to their old habits and 'came into the shore'.

In 1728 Vere Beauclerk reported that more fish had been taken than at any time in the past fifteen years. 'The only complaint is of lack of ships to take it away', and in the next two years great success was enjoyed. In 1731 the shore fishery 'failed' but that on the banks was better than ever, and in 1732 prospects were said to be 'extra-ordinarily good'. Thereafter (though no spectacular changes occurred) merchants and fishermen quietly recovered from the losses of the post-war depression. In 1732 the catch of 1698 was at last surpassed.

1. See above p 223.
and throughout the 1730's perhaps 300,000 quintails a year were taken as compared with an average of perhaps 120,000 during the previous decade. The population reached the total last achieved in 1700, and thereafter stabilised at around 4000, whilst by boats, bankers and even the 'inshore' fishing ships increased in similar manner. By the 1740's three writers valued the trade at between £300,000 and £450,000, a not inconsiderable element in England's balance of trade with Southern Europe.

This prosperity caused a natural diminution in the quarrelling between merchants, planters and servants and encouraged the further development of a stable merchant-planter relationship where the latter was always supplied by (and sold to) the same merchant. This in turn led to a decline in the intra-merchant disputes concerning the 'right' to a debtor's fish. Because he was now certain of obtaining his debts the merchant began to supply increasingly large quantities of English produce to his planters and this led to a further acceptance by him of the 'sedentary' fishery. The 'Port Books' indicate that (not surprisingly) Poole, with its large sedentary interest in Trinity and Bonavista bays took the lead in this. In 1714 (whilst other ports were still exporting little more than salt) her

1. These figures are taken from statistics compiled by H.S. Browse, History of Newfoundland pp 694-695. 1763-1751.
merchants despatched cotton goods, hats, stockings, oats, bread, beef, pork, nails, wheat, cordage, pease, bacon, leatherware, hardware, cabbage and woollen goods.¹ Other ports soon began to follow her lead. Thus Exeter sent nine ships to Newfoundland direct in 1720, loaded almost completely with salt² but by 1732 her traders were exporting German and Russian linen, cloth, leatherware, bread, sugar, pease, malt and oats.³ In 1721 Dartmouth sent only a little soap, a few serges and some Guernsey stockings,⁴ but ten years later exported a vast range of supplies including clothing, shoes, corn, bread, German and English linen, pitch, tar, sugar, sail cloth, port wine, shirts and hats, olive oil, sheepskins, cider, tinware, Ironware, Gingham and a consignment of 'Apothecary's ware'.⁵ Only North Devon (stubbornly concentrating upon a complete migratory fishery) proved reluctant to engage in trade, but even so her ships occasionally carried tobacco, fruit or earthenware.

The New England merchants.

Although (as the above records show) a considerable quantity of flour, bread and corn was exported from England, the American merchants were generally able to supply these commodities much cheaper. When a request from London and

1. Port Books PRO E/190.940/7. Foole Xmas 1713—Xmas 1714.
5. Port Books PRO E/190.999/1 Dartmouth Xmas 1730—Xmas 1731.
Poole (1732) that the corn export bounty be extended to include bread and biscuit was refused. \(^1\) New England, rapidly, gained the lion's share of this branch of trade. Cereals together with livestock, molasses and (most important of all) rum, formed the basis of the American interest in Newfoundland which became more and more important. In 1731 one man claimed that the 15,000 people in the fishery consumed 300,000 gallons of rum annually.\(^2\) (this included women and children), and while this was probably an exaggeration, rum was certainly consumed in staggering quantities. A little was imported upon West Indian vessels, \(^3\) but most came from Massachusetts. Gaining from this, the number of American vessels at Newfoundland rose from 20 in 1721 \(^4\) to 95 in 1745 \(^5\) and thus were increasing at a much faster rate than any of the English groups in the fishery. Board of Trade disapproval notwithstanding, increasing numbers of American 'factors' were sent by men like Thomas Hancock \(^6\) and John Roe (or Ross) of Boston to establish warehouses, and although they seldom engaged directly in the fishery, such men flourished by rap...
supplying Planters, 'Bankers' and bye boat men with provisions. In some cases Americans found that Newfoundland was so important to them that they settled there — Keen, Roger Dench and Michael Gill being examples. Many became constables or magistrates and reigned in apparent harmony with their merchant and planter colleagues. Although Poole in 1728 demanded that Americans be excluded from Newfoundland, 1 opposition seems to have died away (or at least became dormant) for no more complaints were raised until the eve of the American Revolution. This was probably due to the fact that Americans were not able to supply the profitable European markets, since they preferred bills of exchange to 'return cargoes', and where these were not available took 'refuse' cod to the West Indies. Since the English merchants were not interested in that market they felt no hostility towards the American traders.

Besides this however, many West Country traders had begun to develop profitable trades to America. Arthur Holdsworth of Dartmouth exported fishing Tackle to Boston, and in return carried American fish and oil to Europe. 2 Thomas Fipon of Dartmouth acted as an agent for Samuel Lillie of Boston, 3 the Sideford merchants regularly sent salt to the American

1. Cal State Papers Col Am & W.I. 1728-1729 No.663. Poole
   merchants to Comm of Trade 12 Feb., 1729.
   Xmas 1720.
3. TFID.
whilst Abraham F-ilmore, and Roger Browne, of Exeter sent regular consignments of orodage, drapery, and ironware, whilst George Ellet imported Boston train oil. Peter Fanfil of Boston obtained most of his English imports from Exeter. All of these men were engaged in the Newfoundland fishery, and many developed a triangular trade; West Country woollens or cordage to America, from whence they took foodstuffs to Newfoundland. Poole's complaints may be connected with the not be unconnected with the fact that she appears to have had less trade to New England than did the other ports.

Diversification of West Country Commerce

The exports to New England were part of a general broadening of activity by the Newfoundland merchants during the first half of the eighteenth century. Although London and Bristol appear to have taken the lion's share of colonial trade, the West Country-Newfoundland traders managed to secure a respectable portion. Virginia was a well established market for cloth and leatherware, especially from Lyme and the tobacco obtained in return was often re-exported to Ireland.

1. PRO E/190.99/2. Bideford Xmas 1730 - Xmas 1731.
2. PRO E/190.988/14. Exeter Xmas 1730-Xmas 1731.
5. Many examples can be found in the Registers of Mediterranean Passage Admiralty seven series (Public Records Office).
Some firms (especially in Dartmouth) began to find that ships which purchased Irish provisions for Newfoundland were often among those fishing there. Fish or was sent direct to the fishery. Barbados provided a good market for linen, beer, and paving stones from Poole, or paper, linen and leatherware from Dartmouth. Expanding South Carolina provided Poole with a large and expanding trade in rice, whilst the Dartmouth merchants normally sent a ship or two to Maryland for staves (utilised in the manufacture of barrels for Newfoundland). The development of Nova Scotia was aided by fishing vessels from Exeter, and after 1740 a regular trade there was carried on from Poole and Topsham.

However the main expansion occurred in European trades. Vessels going to Spain or Portugal for salt carried cloth, corn, meat, bread, butter or even Newcastle coal, and large trades developed with the Baltic (for timber and naval stores), France (for salt) and Rotterdam (for a vast miscellany of European manufactures, mainly for re-export to Newfoundland and elsewhere). Dartmouth found her greatest treasure in the importation of fruit, nuts and wine from Spain and Portugal, all obtained from the sale of Newfoundland cod.

1. PRO E/190.904/7. Poole Xmas 1713-Xmas 1714. 911/5
   Xmas 1720 - 1721 921/2. Xmas 1752-1753.
2. PRO E/190.188/4. Dartmouth Xmas 1714-1715.
4. PRO E/190.998/13. Dartmouth Xmas 1719-1720.999/1 Xmas 1730-1731.
5. Select Documents in Canadian Economic History (H.A. Innis Ed)
   Toronto 1929 p 160.
6. Examples may be found in the Registers of Kasese
   (Admiralty Seven series).
Some firms (especially in Dartmouth) began to find that their wine trade was overtaking their fishing interests, but for the present the two trades interlocked very profitably.

In 1735, the House of Holdsworth, Olive and Coope was operating 'fish lodges' and counting Houses at Oporto, and 'wine lodges' in other seaports of Spain and Portugal, together with the ownership of extensive inland vineyards. These trades were primarily developed by families who for generations had traded to Newfoundland; already experienced and wealthy such diversification gave them even greater stability. On the other hand it also made them less dependent upon the fishery whereas the smaller shipowners and bye boat keepers still had little else. If the fishery was bad or the markets closed by war, merchants were now able (as the London traders had done before them) to divert their vessels to other trades. Thus in 1739 such old Newfoundland skippers as William Cleeves of Toole and Samuel Rollett and William Jackson of Topsham went to the Mediterranean instead of Newfoundland; the 'Jolliffe's Adventure' of Toole went to South Carolina in 1739, but to Newfoundland in 1742. There are countless other examples.

1. The Story and Origin of Hunt Hooper and Company (Published) to commemorate the Festival of Britain 1951) p 10.
2. Adm 7/83. Register of Kasses for 1739.
3. Ibid
4. Adm 7/84. Register of Kasses for 1742.
whilst they diversified their trade from England the merchants extended and consolidated their ventures in Newfoundland. The ancient division between 'sack ships', 'Fishing ships' and 'Freighters' had by now almost vanished and the man who owned the ship also owned the fish. Some of the largest traders owned considerable fleets. Newman and Holdsworth of Dartmouth each owned over ten vessels, by 1733 Thomas and John L'ike of Poole at least eight, and less than twenty years later Joseph White owned fourteen. Gradually 'junior partners' and smaller merchants began to reside for a few years in Newfoundland, and by 1730 many fishing captains had turned to a 'sedentary' supply business. William Street of Poole lived at Trinity circa 1720-1750 before retiring home, and his son (partner in Messrs Jefferey and Street) was in 1784 one of the largest merchants in the trade. The Follette's of Topsham commanded fishing ships at Trepassey, but by 1750 Robert had settled and become the magistrate. In the 1730's a William Thomas owned and commanded a Topsham banker at St. Johns, but in

2. F.W. Matthews, Poole and Newfoundland p 68.
3. TID p 51.
4. B.T.5/2.52 Board of Trade Enquiry 1785. Hutchings evidence 20 January.
5. Adm 7/134. Register of Passes 1737.
6. G.0.194/13.67 List of Magistrates 1750.
1759 he (or a son) was residing there. Twenty years later the firm of Thomas & Stokes had a very extensive trade in St. Johns. William Green (of 'Hike and Green') lived at Trinity during the 1740's and 1750's and then retired to England, Arthur Branscombe commanded ships from Exmouth or Liverpool for twenty years before settling at St. Johns just before 1757. William Land first a captain and then agent for Holdsworth at Ferryland, provided his descendants with the means to establish a flourishing business from Dartmouth. Other men also had similar careers - Hutchings of Dartmouth, Goss of Teignmouth, Hawkins of Dartmouth and Webber of Topsham, and the Slades, Lesters and Spurrires of Soole.

These men gradually learned to avoid throat-cutting competition for the planter's fish, and each began to concentrate upon supplying his own 'dealers'. 'Interlopers' soon began to provide competition (especially in St. Johns and Conception bay) but the well-established 'fair traders' thought it unethical to deal with another man's 'family'. The Governors looked upon this as monopoly and complained bitterly to the Board of Trade, which in turn ordered them

1. Frowse, History of Newfoundland p 294.
4. Adm 7/84. Register of passes 1743.
5. Ibid 1748.
6. Adm 1/481. (In-letters from North American Station) Adm Shelborn to Admiralty 17 July 1757.
7. Adm 7/83. Register of passes 1739.
to prevent it, but this was impossible. Captain Lee in 1735 did all in his power to hinder the engrossing of commodities, but believe here as in most other places, the richest people will take their opportunity of advantaging that way, and in the following year reported that nothing could be done. "Everybody pleads the right to lay out their own money!"

In 1742 the boat keepers of St Johns claimed the merchants were conspiring to fix prices both for supply and the purchase of fish, but when Governor Byng attempted to enforce competition he failed miserably. "These gentlemen have greatly obstructed me...the whole island is a monopoly but particularly at St Johns'. Officers sent to find out whether captains intended to sell their cargoes at public auction were forbidden to board the vessels.

Undoubtedly increasing monopoly did have harmful effects — not only for Planters but also for the North Devon fishing merchants who, possessing no stores of their own on the island had to purchase from resident Poole traders at Klacentia. This was partly responsible for the disappearance of Devon fishermen during the 1750's. On the other hand the system had its good points. The Fishermen gained security during

unsuccessful years for a regular customer his merchant would supply him both summer and winter. The merchant gained a little certainty since he could now calculate both his likely expenditure and (having news from the markets) the amount he would have to pay for fish. In practice the price the merchant charted for supply tended to equal the amount he paid for fish with rather suspicious regularity so that the boat keeper could 'never get a step ahead', but at least the latter did not starve. Even more important the establishment of permanent warehouses, by reducing the danger that settlers might starve in winter did much to encourage a gradual increase in settlement.

Despite increasing West Country control residents still found it possible to become merchants. Samuel Adams a boat keeper of Flacencia in 1730 was by 1744 'Samuel Adams, Esquire' 'principal merchant' of that place, whilst John Benger of Ferryland also became a small merchant and magistrate. Born and bred in Newfoundland Nicholas Jarby rose via command of a ship to become a merchant of Bristol, whilst the Garlands of Carbonear became local merchants and magistrates before one of them (George) rose to immense fortune through marriage to Benjamin Lester's sister.

3. Adm 7/134. Register of Passes 1732.
6. Miscellaneous notes concerning Foole. Typed Miss in Foole Library.
Thus the migratory and sedentary fisheries became and completely integrated, and conditions for settlement became more favourable. The seal, fur and salmon industries in the North seemed to offer some winter employment and at places like St Mary's and Carbonear increasing numbers of boats and small ships were being constructed. The merchants by financing these industries and through the creation of permanent warehouses were helping to reduce the danger of wintering in Newfoundland. After 1748 there was a sudden upsurge of population but until then little expansion could be seen. The depression which lasted until 1728 caused a great reduction in settlement, whilst the continuing shortage of women prevented any large natural increase. Whilst the boat and bank fisheries flourished there was a little incentive for West Countrymen to remove to Newfoundland, and what increase occurred was probably due mainly to Irish emigration. Indeed many of the 'original' English planters probably left the Island during this period. However conditions created by the War of the Austrian Succession and the Seven Year's War led to a new expansion both in population and the fishery in general.

As war with Spain became almost certain the Admiralty found that Newfoundland was not the 'nursery' which she had been in the past. A sloop sent to the Channel Islands in
August 1738 found all the men absent at Newfoundland, and when an embargo was placed on all shipping until one quarter of the crew had been taken by the navy, the twenty-one ships at Poole could provide only twenty-five seamen, for not one carried more than seven men.

Nevertheless as the war dragged on merchants found it difficult to obtain labourers for many stayed in Newfoundland and other would not venture into the coastal towns. Fishing ships had to surrender a third of their crews in 1740, and many more men were pressed a year later, whilst the 'Young Pretenders' invasion of Scotland (December 1745) resulted in an embargo which seriously delayed the next year's voyage. The navy probably obtained only a few men but the merchants found it impossible to recruit sufficient English seamen and had to use foreigners. Thus in 1741 one group of Newfoundland vessels were manned by 240 English and 43 aliens, and in 1745 another selection was manned by 45 Englishmen and 38 foreigners, whilst a large group in 1747 carried 403 Englishmen and 238 aliens. With the return of peace most of the aliens were thrown out of employment as 'West Countrymen'.

4. IIBID no 491. Council minute 2 April 1741.
6. Adm 7/83. Register of Passes 1743.
7. Adm 7/84. Register for 1745.
8. IIBID. Register for 1747.
2. Convoys were extremely late in 1744 and 1746 whilst in 1744 many vessels were 'cut out' from a convoy commanded by Governor Hardy. He was court martialled but acquitted.

Exeter sent at least twenty-one in 1743, and Poole also kept a much higher level of activity than in any previous war. Only North Devon (still dependent upon large numbers of men for her fishing vessels) was really harmed and in 1744 and 1746 not one of her vessels applied for 'Mediterranean Passes'. Convoys were chaotic as usual, and enemy privateers fairly successful, but on the whole the fishery seems to have been moderately prosperous.

By now the sedentary fishery had expanded to fill any gaps caused by a temporary decline in the migratory shipping, whilst the merchants were able to turn their surplus vessels into other branches of commerce. Most important of all, although enemy privateers plundered some of the smaller outports, the Island was never invaded. Whilst the French fishery was swept from the sea Newfoundland's sedentary fishery did well enough. Compared to Queen Anne's war the contrast was amazing. Not once did the Adventurers petition...
Whitehall or Parliament to complain of 'our sinking and almost vanished trade', and though individual traders lost heavily, they were astonishingly resilient. Poole, which in 1736 owned one hundred and thirty six vessels, lost no less than eighty between 1739 and 1749 — yet in 1750 her fleet totalled 140, and increased rapidly thereafter. Bristol traders turned to privateering and made some quite handsome captures amongst the Quebec fur fleet, and at Dartmouth too 'they were very fortunate...but the money was spent as usual, soon after it was got'.

The appointment of Commissioners of Over and Terminer.

One of the greatest defects of the 'Newfoundland Act' lay in the procedure adopted for trying capital offences. Suspects and witnesses had to be returned to England, and during the 1720's the planters complained that because of the expense and delays involved serious crimes were going unpunished. In 1729 the Board of Trade found that it was impossible to find witnesses prepared to lose time and money involved in travelling to England to give evidence. As a temporary measure the Governor was ordered to transport them

4. See above p 293 (n).
home away in the warships, but only until such time as some other method can be established for trying them in Newfoundland. They suggested that a trained lawyer should travel annually to Newfoundland with a Commission of Oyer and Terminer, but Newfoundland was one of the 'sleeping dogs' which Walpole preferred to go on lying and the Board once more found that even governments were reluctant to introduce legislation concerning Newfoundland.

A few years later Governor Lee in reporting a murder at Renews, once again found that witnesses would not come forward 'and I can't say but they have good reasons for their so doing,' so the Board of Trade in 1738 tried to insert a clause in the Governor's instructions which would have allowed him to appoint Commissioners of Oyer and Terminer. Unfortunately the Privy Council disallowed it, 'His Majesty, does not think it expedient at present to give these powers to a governor.' Thus matters were unresolved and throughout the 1740s governors continued to report that serious crimes were going unpunished. By 1749 even the merchants had concluded that some resident court was essential and (knowing now that no political opposition would

result) the Government at last took action. In 1750 an Order-in-Council authorised the Governor to appoint Commissioners to take cognisance of all capital offences. They were to be assisted by juries, but were only to sit whilst the Governor was in Newfoundland. Governor Banks duly appointed the three St. John's magistrates to act as Commissioners and at the end of the season reported that this 'had had so great an effect that there have been no murders since the Commissioners were appointed', but went on to point out that the latter must have power to 'hang or pardon' in the governor's absence. Newfoundland's gaols were weak and primitive so that 'Irish papists have and will continue to release their companions', and even more because there were no colonial revenues, men gaolred during the winter might actually die from starvation and exposure, since no money was available to maintain them. This request was granted, and the Board of Trade had taken yet another step to strengthen settled government in Newfoundland.

How effective was the new Court? Very few convicts were ever hanged, one or two were flogged or deported but most were acquitted. Certainly the murderers of William Keen - the man who had done most to obtain the Criminal

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1. C.O.194/12.176 Order in Council 11 April, 1750.
courts — were tried and hanged, which may have brought some ironic consolation to his shade. Outside St. John, however the Commissioners probably changed nothing. In 1776 an Irishman at Trinity left a game of cards to obtain money, disappeared and was never seen again. ¹ Many of those men found floating in the harbour at Trinity may or may not have died of natural causes. ²

**Expansion of the fishery and population.**

Although the closure of markets in Spain and Portugal may have discouraged any great population increase during the early 1740's the absence of enemy attack meant that practically nobody left Newfoundland as they had done in earlier wars. The end of the war created the normal boom as men rushed to take advantage of favourable markets and in 1749 the population totalled 6079, ³ whilst in 1750 it reached 6900. ⁴ Ship-owners must have done well from 'freighting' passengers for there were 4850 in 1749, ⁵ 5160 in 1750⁶ and 5429 in 1751, ⁷ as compared with 3240 in 1738. ⁸

In 1748 the 'sedentary' fishery was not much above the pre-war level but it then expanded rapidly until in 1750 the planters owned 746 boats compared with the 437 operating.

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1. Extract from the Trinity Court Registers in possession of Mr. Walter White, Trinity Newfoundland.
2. Trinity Parish Registers Vol I Burials.
3. O.0.194/25.49 Census of the fishery 1749.
5. IBID f 49. Census of the fishery 1749.
7. IBID f 106. Census of the fishery 1751.
in 1738. Many of those who became 'planters' in 1749
probably came from the ranks of bye boat keepers whose
total of 581 boats in 1748 fell off sharply and was not
exceeded until the 1770's, and (as far as sheer numbers
are concerned) seems to have reached its peak, for although
the bye boat fishery remained in a flourishing and profitable
conditions until the 1790's it did not expand much more.
The immediate future lay with the Bank fleet which expanded
enormously after 1748.

Not surprisingly so vast a growth was reflected in
fish production and in 1749 no less than 506000 quintals
were taken. Unfortunately so great a catch inevitably
caused the price to fall heavily, whilst many of the 'new
men' in the fishery were unskilled. As a result trade
decayed seriously and in 1751 only 358000 quintals were
taken, and by 1753 the population had fallen to 45000
(which however was still better than any years before 1739).
The population was not only stabilising on a higher plateau
but the proportion of women and children was beginning to
rise; though still small the population was becoming
stable and Newfoundland would soon become the only 'home'
that many people had ever known.

As a result the sedentary fishery began to take an
increasingly share of the catch and in 1749 the planters
cought over 50% of the total. The inrush of unskilled men
resulted in a decline to 40% in 1751, and the rise of the Banker fleets soon surpassed increased sedentary production, but the settlers from now on always caught more fish than the Bye boatmen (although the latter had a continued and greatly superior productivity per man). Even so the planters still depended heavily on imported 'migratory' labour. In 1753 the 'sedentary' fishery in Trinity Bay employed over 1350 men - 900 of whom returned to Europe when the season ended.¹

**Enlargement of English areas of Settlement.**

Although the Treaty of Utrecht gave England an 'exclusive' fishery between Cape Bonavista and Point Aiche, together with a 'concurrent' right in other regions, the post-war depression inhibited any rapid expansion. By 1728 even Placentia Bay could host only a few inhabited harbours, whilst the long coastline to the westward was completely unused, however in the area north of Bonavista English fishermen soon became involved in a very tangled situation vis-a-vis the French. This area was part of the 'concurrent' fishery which meant that French fishing vessels were supposed to have an equal chance of obtaining the best fishing rooms, but unfortunately, even before the Treaty, Greenspond in Bonavista Bay had already been settled by English planters who, of course had

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¹ Census of Trinity Bay 1753. Abstract in the possession of Mr. Walter White.
claimed the best rooms. During the 1720's this caused numerous quarrels between them and the French visitors and created continuous diplomatic strains between the mother governments.

However, Bonavista Bay suffered from the same depression which affected the 'English shore' to the Southward and by 1730 most of the French vessels had moved North in search of better fishing grounds. Their place was taken by fishermen from Trinity and Conception Bay's who (for their fishery was also unsuccessful) were forced to look elsewhere. Soon the latter began to settle on Fogo and Twillingate Islands which, being situated well off the coast possessed extremely good fishing grounds, and moreover were visited by numerous seals during winter. By 1732 the English had settled on both islands, and thereafter expansion was rapid. In 1738 seven fishing ships and two hundred and fifteen settlers caught over 19,000 quintals at Fogo, whilst the fishermen at Twillingate caught another 12,000 quintals.

The same conditions - an expanding industry and a lack of fish led to a gradual extension along the South Coast where by 1737 such harbours as Great and Little Burin, and St Lawrence were the centres of quite small but flourishing

   Petition to House of Commons.
2. Cal State Papers Col Am & W.I. 1732. no 404. Governor
   Falkingham's report. 4 Oct., 1732.
fisheries. Even so, in 1750 English settlement was still confined to that area between the Burin peninsula and the Islands of Fogo and Twillingate, and even there many harbours were not being utilised. Further expansion had to wait the 'Seven Years War'.

The Seven Years War.

The fortunes of Newfoundland fluctuated according to the fortunes of England, for until 1759 bad convoys and enemy privateers caused serious losses and all ports found it extremely difficult to obtain seamen. Wages more than doubled, insurance rates soared and merchants sent the usual pessimistic petitions to the Board of Trade. After the 'year of Victories' however the fishery flourished more than ever before, the labour shortage appears to have eased somewhat, French fishermen were driven from North American waters and Newfoundland prospered enormously until De Fernay's short lived capture of Newfoundland in 1762. By that time however the old 'fishing ship' towns of Barnstaple and Bideford had been driven from the trade.

This was almost inevitable for as the population of Newfoundland increased, both planters and merchants took most of the best room for property, whilst the wartime demands of

2. For evidence of conditions between 1756 and 1759 see the petitions of Dartmouth, Poole Bideford, Barnstaple, Exeter and Bristol. C.O. 194/14.
the Navy made it impossible for North Devon to find the huge numbers of men needed for their fishing vessels. In

Despite heavy loss during Queen Anne's War, Bideford and Barnstaple made a creditable recovery and indeed during the 1720's her fishing ships seem to have done rather better than those from Poole, Dartmouth or Exeter. In 1727 the two towns had forty-one ships manned by over twelve hundred men fishing at Placentia and their prosperity continued until the 'War of Jenkins Ear'. As the 'Registers of Passes' show North Devon was prominent even in the carrying trade; in 1737 sixteen Bideford ships went to the Mediterranean, and a year later (although only twelve ships went) she applied for more passes than any other town in the fishery.

The war soon made it difficult to obtain labour and North Devon had no 'sedentary' fishery to fall back on. In 1745 and 1747 not one of their ships applied for passes, and in 1746 only two vessels manned by but twenty-eight men did so. When the war ended it was not until 1750 that their trade revived, but two years later Bideford seemed to be flourishing well enough and in 1753 no less than twenty of her vessels took fish to the Mediterranean. However the voyages were

4. IBIL. *Register of Passes*. 1738.
unprofitable and even before war again broke out it was obviously declining. The war completed this decline. In 1756 only one of her ships applied for a Pass, and by 1758 both Bideford and Barnstaple had collapsed. Bideford which had regularly sent twenty five ships in peace years lamented that 'for some years past the trade is decayed and sunk to its lowest ebb', and Barnstaple, from whence twenty vessels had sailed in 1740, sent none at all in 1758 'so unhappy is the event'. The merchants blamed insufficient convoys, but even more the impressment of seamen although the ports had been 'under a protection from the Admiralty', but beyond asking for renewed 'protections' and complaining that the French were 'flourishing' neither Bideford nor Barnstaple could suggest any way to revive their trade. When the Newfoundland revived in 1760 neither town shared in it. They sent no more fishing ships, and where once fifty or sixty large vessels had sailed, there was in future only an occasional bark ship. Only one merchant (Mr Saunders) had developed a 'trade' with placentia settlers and in 1784 he transferred his business from Appledore to Poole. 

Impact of the war on the rest of the fishery.

Although fishing and bark ships were badly affected by

1. C.O.194/13.16 Bideford Merchants to Comm of Trade 8 Dec., 1758.
2. C.O.194/13.23 Barnstaple merchants to Comm of Trade 20 Dec., 1758.
3. Dorset Records D/14, Gundry Account Books. Entry concerns William Saunders of Appledore until 1785, when he appears as of Poole.
the war the sedentary fishery - not once menaced with attack until 1762 - flourished. The markets of Spain and Italy were open, the French fishery almost ruined and more and more men stayed in Newfoundland to avoid the press, or the danger of capture on the High Seas. After 1759 even the migratory fishery suddenly found it possible to obtain sufficient men and in 1760 the fishery was more prosperous than ever before. The price of merchantable fish reached 15/-d a quintal despite the fact that a record catch of 564000 quintals was reported. Although the bye boat keepers had declined (very slightly) since 1750 the sedentary fishery had expanded beyond recognition for during that summer over 15000 using 1325 boats caught nearly 250000 quintals of fish, and over 7000 persons remained on the Island during winter. Thus the sedentary fishery had more or less trebled since 1738. Even more startling was the expansion in the bank fishery. In 1748 the total fishing fleet (including non-bankers) comprised fifty one vessels. 1 By 1751 it had increased to one hundred and twenty two, 2 but in 1760 there were three hundred and forty three of which no less than two hundred and eighteen were bankers. 3 Thus despite the war both migratory and sedentary fishermen enjoyed unparalleled prosperity. This in turn led to a further expansion of the

1. T.0.194/12. Census of the Fishery 1748.
2. T.0.194.25.106. Census of the fishery 1751.
3. T.0.194/25.121. Census of the fishery 1760.
area of settlement. By 1760 ships and settlers were operating in Gander Bay, White Bay, Conche, St. Julians and around to the West Coast at Codroy and Cape Bay, whilst along the South coast fisheries were established in Fortune Bay at Harbour Breton and Ferrole. More amazing still, English vessels were fishing on the Labrador and at the Magdalen Islands.

Passengers (either by boat men or servants for the planters) flooded into every harbour. At Ferryland, Renews and Fermews one hundred and seventy English and three hundred and seventy five Irishmen. At St. Johns (haven of the Eye Boat Keepers) no less than thirteen hundred English and six hundred and sixty Irish; Conception Bay welcomed six hundred Jersey men and Trinity Bay received two hundred English and over twelve hundred Irish (thereby temporarily changing the racial balance there). In all over seven thousand passengers were carried to Newfoundland — mostly on the teeming bank ships.

The virtual extinction of the French fishery was in great part responsible both for the obvious prosperity and for the extension into new fishing areas. In 1759 the main French fishing areas (and the trade route to Quebec) which lay through the Straits of Belle Isle, teemed with English warships and privateers. These not only cleared away the

1. IBID
French but (for the first time) discovered just how rich were the fishing grounds in the North of Newfoundland and on the coast of Labrador. Privateer captains eagerly informed their owners and soon English fishing ships and settlers were trying their luck. Devonshire (dependent on bankers and byeboats) continued to confine itself mainly to the coast between St. Johns and Trepassey but merchants from London, Poole and Bristol began to develop the extreme Northern coasts, whilst those of the Channel Islands extended their sway into the South and West Coasts. Although Spain's entry into the war, and De Ternay's capture of St. Johns made the merchants panic, by 1763 Newfoundland was again secure, Spain completely defeated and England the possessor of new and promising fisheries on the North American seaboard. The merchants confidently awaited France's complete exclusion from the fishery and an even greater prosperity than that which had been experienced in the last decade. They had indeed come a long way since 1713.
CHAPTER EIGHT. 1763-1775.

When asked to report on the territories gained by the Treaty of Paris, the Board of Trade had no difficulty in deciding which were the most valuable:

'The most obvious advantage arising... (is) the exclusive fishery of the river of the St Lawrence, and all the islands in the gulf. From all these fisheries your Majesty's subjects were completely excluded'.

Given the great triumph of English arms, some men were inevitably dissatisfied for although the French had now lost their dry fishery at Gaspe, and the Labrador seal industry, their great 'bank' fishery remained intact, they were permitted to fish in the St Lawrence Gulf and their rights upon Newfoundland were confirmed. Even more they now had the Islands of St Pierre and Miquelon as a base for these fisheries. Pitt and Fox attacked the government over these concessions, but Parliament was worried about the national debt, the country was anxious for peace and the western adventurers seemed indifferent. Both the government and the Treaty stood firm. As a writer pointed out in 1761, even had England been prepared to prolong the war in order to enforce French

1. CO 5/65 (Pt 1), 59-78. Report of the Board of Trade. 8 June 1763.
The Great Bank (was) part of the Ocean; good for fish and the fishing thereon (could not) be appropriated by any Nation but with a constant fleet of ships of war; even if a Treaty to such purpose could be made to have

The French fishery remained for the most part intact but the problem of organising a 'concurrent' Newfoundland fishery so as to minimise disputes between the two nations remained. Apparently in 1763 the two courts tacitly agreed that the French would confine themselves to the North of Bonavista Bay whilst the English would make their voyages to the Southwards, but this injudicious plan fell through when the Law Officers reported that any attempt to prevent Englishmen from fishing wherever they pleased would conflict with the 'free fishing' provisions of the 'Newfoundland Act'. The latter then decided that the Act was only applicable to that part of Newfoundland possessed by England in 1699, but when the French began to talk of the 'coast reserved to the French' (tantamount to claiming an 'exclusive' fishery) the English government hastily dropped the matter. The concurrent fishery continued and constant friction occurred between English and French on the North East coast.

1. Since this would have resulted in a De Facto 'exclusive' fishery for the French shore (as in fact happened after 1789).
2. Brit Mus Addit. Ms 35913. 235. Hay/Kerton to Board of Trade. 6 March 1764.
3. IBID. ff 2392241. 21 March 1764.
5. IBID no 1267. Graves to Halifax 11 Nov., 1763.
Although the merchants complained of "encroachments," the French were badly handicapped. St. Pierre afforded room for only a small number of 'inshore' boats and bankships, Miquelon was useless, and because they were forbidden to leave even their fishing boats during the winter, the French were forced to use large vessels and transport out and back all the equipment required for the fishery. In 1767 the French government found it necessary to introduce large bounties. The object was not to make the fishery more competitive but to maintain it as a 'nursery of seamen' for the bounties were paid not upon the catch, but the number of men carried. Although the fishery does not appear to have improved, the numbers of men employed did rise considerably, and so more and more men caught less and less fish. One wonders whether the government might not have been wiser to draft most of these seamen into the fighting navy.

3. The French Fishery 1769-1774.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>VESSELS</th>
<th>TONNAGE</th>
<th>BOATS</th>
<th>TMS</th>
<th>CATCH (quintals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1769</td>
<td>431</td>
<td>44247</td>
<td>1455</td>
<td>12367</td>
<td>453340</td>
</tr>
<tr>
<td>1770</td>
<td>437</td>
<td>45541</td>
<td>1470</td>
<td>12855</td>
<td>115030</td>
</tr>
<tr>
<td>1771</td>
<td>419</td>
<td>42369</td>
<td>1327</td>
<td>12640</td>
<td>239900</td>
</tr>
<tr>
<td>1772</td>
<td>330</td>
<td>37257</td>
<td>1468</td>
<td>15248</td>
<td>286800</td>
</tr>
<tr>
<td>1773</td>
<td>284</td>
<td>33332</td>
<td>1452</td>
<td>14476</td>
<td>336250</td>
</tr>
<tr>
<td>1774</td>
<td>273</td>
<td>31530</td>
<td>1614</td>
<td>15137</td>
<td>386215</td>
</tr>
</tbody>
</table>

Taken from the 1793 Enquiry Second Report Appendix 'o'.
The English merchants viewed these bounties with apparent
indifference and indeed in 1785 insisted that they had no
need of them. This sturdy self-reliance was based upon
the fact that by 1775 French fish had almost disappeared
from the 'neutral' markets of Southern Europe.

The Treaty of Paris and English Fisheries.

In 1793 William Knox looked back upon a world 'turned
upside down' and sourly remarked that the Treaty of Paris
had weakened the French only to raise up a new rival. Many
settlers had moved to Nova Scotia and Cape Breton, engaging
in a 'sedentary' fishery which more and more began to
compete with Newfoundland. To the Government (concerned
with a 'nursery of seamen') the fact that the mainland was
now 'English' was meaningless, since it was the home of
sedentary fisheries who now, protected from attack by the
Navy might become more dangerous rivals than over the French
had been.

Until the American Revolution however, this fear was
not realised for Quebec and Nova Scotia lacked money,
shipping and above all skilled fishermen. Although Halifax
is said to have exported 20000 quintals of fish in 1750,

2. E.T.6/89. Rice Consul to Board of Trade Jan 1786.
   Ibid Leghorn Consul. 27 Jan 1786.
   Ibid Barcelona Consul 25 Jan., 1786.
   Ibid Alicat Consul. 17 Jan., 1786.
4. Innis, Cod Fisheries, p
and Nova Scotia exported 66000 quintals in 1764, most of which was made by "migratory" New England fishermen. Certainly in 1776 the entire Canadian fishery produced only 26000 quintals compared to a Newfoundland catch of half a million. Except for the Gaspé peninsula the mainland was not well suited for a dry fishery and hence concentrated upon the 'pickled' trade to the West Indies, competing therefore with New England rather than Newfoundland.

In Chaleur Bay however a thriving dry fishery was rich soon developed by Jersey merchants who transferred their business from Conception Bay in Newfoundland. By 1775 Messrs Robin, Pipon & Co, De Gruchy and Fiott had large establishments in the Gulf and ten years later the Channel Islanders were sending seventy or eighty vessels annually to Chaleur Bay and Gaspé. Although this caused a dispersion from Conception Bay, the Jersey traders continued to fish in Newfoundland as well, especially in the 'concurrent' area along the West Coast. Thus Chaleur Bay was really part of, rather than a rival to, the Newfoundland fishery.

2. Innis, Cod Fisheries p 189.
5. C.0.194/31. Census of the fishery 1771. Jersey ships were fishing at Conche, Codroy, and Cape Bay as well as along the 'English' South Coast at Fortune Bay (Harbour Breton) and St. Lawrence.
West Country predominance in Newfoundland was, however, threatened by the general expansion in trade to Canada which enabled 'partial Adventurers' to enter that of Newfoundland. The Adventurers controlled Newfoundland because they alone controlled the actual fishery; partial adventurers could never be certain of selling their English cargoes let alone of procuring a 'return cargo' of fish or oil. As Scottish and London merchants entered into a trade with Quebec however, they found it easy to call at Newfoundland for fish on the way home from the mainland. In 1773 for example Cartwright's vessels took wine from Cadiz to Quebec for Adam Lymburner, loaded food and 'tierce packs' for Labrador and then took on seal skins and oil for London. In 1770 ships from Workington and Whitehaven called at Newfoundland for fish after discharging at Quebec, and in 1776 vessels from Glasgow, Greenock and Liverpool did likewise.

Some men hoped that Canada would replace New England as a source of provisions but this proved premature. In 1779 trade between Quebec and Newfoundland was on a very

1. A Term used to describe merchants who were not directly and constantly engaged in the fishery but sent speculative cargoes of goods in the hope of exchanging for fish.
2. Boxes in which Salmon were packed for export.
small scale and ships coming from the mainland generally arrived in ballast, purchasing fish with English or Irish bills. Even this however was of some benefit, for the currency-starved 'small resident' traders obtained cash which enabled a few to break the grip of debt in which they were held by the larger 'migratory' merchants. Moreover from calling 'speculatively' at Newfoundland in the hope of obtaining fish, to establishing permanent warehouses was a small and obvious step soon taken by the Anglo-Canadian merchants. A small crack had finally appeared in the West Country monopoly.

Enlargement of the territory of Newfoundland.

When describing the fisheries wrested from France as 'important' the board of Trade accepted that this depended upon the extent to which they could be made 'migratory', and in the 'Royal Proclamation' of 1763 the island of Magdalen and Anticosti together with the almost uninhabited Labrador were placed under the government of Newfoundland.

The Magdalen Islands (soon shown to be better to taking 'sea-cows' (walrus,) than cod) were granted to Messrs Head and Gridley of Bristol, but Labrador was placed upon a very different footing. When Palliser became Governor in 1764 he was ordered to ban all settlement on the Labrador.

1. C.0.194/34.90 Governor Edward's Report 1779.
3. C.0.194/15.120. Petition of Samuel Gridley 2 Jan., 1764.
and fishing, had succeeded in "exterminating" the conditions even to the extent of removing those who held land previously under which the early English "migratory" fishery had flourished, granted by previous governors (both French and English) of Quebec. Alarmed at the growth of a "sedentary" fishery in Newfoundland, Palliser saw in Labrador a chance to revive a model "migratory" trade and in 1765 he issued a proclamation forbidding anyone from America or Newfoundland to visit that coast. The fishery there was to be carried on only by vessels coming annual from England, the first three arrivals being given the exclusive privilege of leaving a crew for the winter seal hunt, and a monopoly of the fur trade.

This action was bitterly resented by the Scots-French merchants of Montreal who had obtained land grants from Canadian governors, and in 1766 they protested that Palliser had driven them from "employment they have had from infancy." One man (on the strength of an earlier grant by Governor Murray) entered an action against Palliser, but the latter was strongly supported by the Board of Trade who argued that a migratory cod fishery was of far more importance than any sedentary winter seal hunt.

It would seem that Palliser, finding in the Labrador an uninhabited coast which offered excellent opportunity for...

1. C.O. 194/18.7. Proclamation of Governor Palliser 1764.
4. Ibid p 166. The case of Captain Philiber. 17 Feb., 1766.
cod fishing, had succeeded in 're-creating' the conditions under which the early English 'ships' fishery had flourished in Newfoundland. Unfortunately the merchants did not entirely approve. In 1767 they pointed out that unless they were assured 'possession' of their 'rooms' it would be pointless to spend money and labour in erecting 'plantations' which might in the following season be occupied by anyone who managed to arrive before them. 1 Palliser was forced to modify his dream of a completely migratory fishery based upon the ancient 'first come-first served' principle by agreeing that any 'adventurer' who established a station on the Labrador might continue to possess it for as long as he sent vessels annually from England. 2 The implications were far-reaching, for to the Government 'property' had always been regarded as the harbinger of 'settlement' but unless given some security of tenure the merchants would not send any vessels at all (in which case the 'nursery of seamen' would come to an end.) In modified form this modification was applied to Newfoundland by 'Palliser's Act' in 1775.

Once guaranteed in their 'property' the Newfoundland merchants strongly supported the policy of excluding colonials and settlers and 'begged protection in our rights and

1. T.O.194/18.13 Address to Governor Palliser Aug., 1767.
you will not allow patent or grants from any former plantation governors for any to have exclusive districts for this would 'ruin our fishery and the whole English fishery in general'.

Encouraged by this policy (and by over-optimism) many men now entered into the Labrador trade. Noble and Rinson (of Dartmouth and Bristol) built a station in Temple Bay, Slade of Exe went to Battle Harbour and Perkins & Coghlin of Bristol 'planted' at Charles Brook. In 1767 no less than twenty seven English fishing ships went to the Labrador.

Unfortunately their hopes of fortune proved largely illusory, for problems of climate and temperature affected the 'cure' of fish and the men brought from England, whilst they took cod well enough, proved almost useless for hunting seal. The experiences of two men, one an experienced Newfoundlander, the other a 'new Adventurer' show that the Labrador was not an easy trade. Nicholas Darby, Newfoundland bred but now of Bristol, took 150 men to establish a seal, salmon and cod fishery in 1765, but his men refused to remain during the winter and the seal hunt was thus foregone. 'Indians' destroyed the equipment and stores he left during the winter and Darby lost heavily. In 1766 he obtained a

1. 5.o.194/18.13 Address to Governor Palliser August 1767.
2. I.M.D.
'sleeping' partner in London and returned to the Labrador, but although the season began promisingly, his men were soon shown to be 'not...acustomed to the fishery.' and Derby suffered another financial setback. In 1767, three of his employees were killed by 'Indians' who also destroyed all his property and the men were too frightened to stay inland during winter. 'Hence our partnership ended and I was now totally reduced'. Even so this indomitable man obtained a 'small outset' from London friends in 1769, and managed to persuade some men to winter in the Labrador, only to discover that they did not know how to catch seals. He was thus forced to break the law by hiring three French Canadians, who helped him to 'make a good haul'. In 1770 when a naval officer claimed to have found stolen property on his 'rooms' Darby was evicted from the Labrador. In praying for some redress he concluded that 'The fishery cannot be carried on unless experienced people brought up there are employed'.

If a man like Darby could fail so miserably, it is not surprising that George Cartwright (whose knowledge of Newfoundland was based upon a visit as a naval officer under Palliser) failed even more. By 1784 he had been bankrupted four times, a victim of inexperience, quarrels with the shrewder 'old hands' and a bad choice of partner to handle the English end of affairs.

1. T0.194/18.82 Petition of Nicholas Darby 8 Apr., 1771
2. f161. Cartwright to Dartmouth 6 Jan., 1774
See also Cartwright's Labrador Journal (four volumes) 1792.
Not every merchant was as unfortunate as this, but they all agreed that it was impossible to keep the Labrador as a completely migratory fishery. Soon 'planters' like Nathan Tory of Sop Arm were defying the law by moving to Labrador for the summer fishery, and though vessels continued to sail there from England they were normally owned by men whose main interest lay in the Newfoundland sedentary fishery. In 1772 the Canadian 'leaseholders' renewed demands for the restoration of their 'property' and the Board of Trade was instructed to find some way to help them 'without detriment to the considerations which led to the annexation of Labrador, Anticosti and the Magdalen Islands in 1763'.¹ They recommended that (except for a coastal strip) Labrador should be rejoined to Quebec, but in fact the entire region was returned to Canada in 1774.² However the Newfoundland governor was still to 'supervise' areas not in the possession of Canadian Grantees,³ for it was 'HM intention that no material alteration should be made in the regulations which had been wisely adopted for the encouragement and advantage of the Fisheries carried on from there'.⁴

'HM intentions' notwithstanding, the Labrador was never again a preserve of English fishing ships, for gradually...
Canadians, Newfoundlanders and 'livyers' settled on the coast. Nevertheless the experiment should have amply proved that both settlement and property were essential for a prosperous fishery. If this was true of undeveloped Labrador it was even more true of Newfoundland. The merchants knew this full well, but the government did not.

**Expansion of the Newfoundland fishery.**

The transfer of Jersey interests to the Mainland, together with the entrance of 'partial adventurers' may have foretold the eventual end of the migratory fishery but this was not apparent in the 1760's for a vast prosperity, while it attracted new settlers and merchants, increased the power and wealth of West Country merchants and even of migratory fishermen. The decline of the French fishery gave English almost a monopoly in the European markets, although New England was sending increasing amounts to Atlantic Spain. In 1763 320 ships took Newfoundland cod to Europe with Bilbao importing sixty cargoes, Lisbon another forty; Valencia fifty, Oporto and Leghorn twenty each and forty more to Alicante.² by the 1770's (according to a slightly later report) exports were averaging over

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1. *Live here's.* Men who had settled on the Labrador coast, as distinct from 'floaters' - men who travelled for the seal hunt or the fishing season.

950,000 quintals annually of which 240,000 went to Italy, 350,000 to Spain, 210,000 to Portugal and the rest to the Azores, Canaries, Cape Verde, West Indies, England and Ireland. In 1765 Griffith Williams claimed that exports were worth one million pounds a year and in 1772 even the more cautious Governor Shuldham thought them to be worth three-quarters of a million.

Despite this expansion prices in Newfoundland 'held firm' and planters never received less than 12½ a quintal and usually at least 14/6. When Palliser judged the fishery 'to be in a more critical and dangerous state than it ever was at any former period', he must have been thinking only of the 'nursery of seamen' (and even then he was wildly incorrect), for the fishery flourished as never before.

Although all branches of the fishery shared in this increase, the migratory men, especially the 'banker' flourished most and despite an increase in settlement the

<table>
<thead>
<tr>
<th>Ships</th>
<th>Tonnage</th>
<th>Crews</th>
<th>Passengers</th>
<th>Catch plants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1749-51</td>
<td>288</td>
<td>35512</td>
<td>4108</td>
<td>3149</td>
</tr>
<tr>
<td>1764-74</td>
<td>516</td>
<td>40691</td>
<td>5435</td>
<td>6441</td>
</tr>
</tbody>
</table>

Taken from Browse, p 656.
'nursery of seamen' was greater than it had been since the 1670's. By 1769 Newfoundland was by far the greatest school for seamen in North America, and indeed for any foreign trade, although probably the English coasting trade (including Newcastle colliers) exceeded her in importance. Her importance as a nursery was greatly enhanced because her men returned to England every autumn, and the short trip and comparative 'healthiness' of North Atlantic trades combined with the great seamanship required in those waters to make her probably the best training school of all. Hoole claimed over 3000 'green men' learnt the mariners art every year so that 'it is very evident that the fishing trade is of more consequence to our naval force than any other single trade'.

Estimates of the number of men employed varied but all tended to show that an enormous number of potential seamen

1. Ships employed in American trades 1769 (English)

<table>
<thead>
<tr>
<th></th>
<th>vessels</th>
<th>men employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newfoundland</td>
<td>380</td>
<td>20560</td>
</tr>
<tr>
<td>Virginia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>330</td>
<td>3960</td>
</tr>
<tr>
<td>Carolina's</td>
<td>140</td>
<td>1680</td>
</tr>
<tr>
<td>New England</td>
<td>46</td>
<td>652</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>35</td>
<td>390</td>
</tr>
</tbody>
</table>


2. For example in 1767 the West Trade Indies slave trade was carried on by 85 vessels, and in 1772 the East Indies by 33, *J.S. Lindsey History of Merchant Shipping* London 1874 11.449.

3. PRO 30/8/346 (Chatham Papers) Hoole petition 1782.
were involved. In 1771 nearly 19000 men worked during the season, but in the following year Shuldham claimed there were 27500. Benjamin Lester put the number of 20000, and Joseph Olive at 30000.

Most of these men were 'migratory', and even the 'residents' included many green men from England or Ireland who worked in Newfoundland for two to seven years before returning home, but the growing stability of the population can be gauged from a continuous decline in the proportion of 'adult males' in the winter population as more women bore an increasing number of children who would never know any home but Newfoundland. In 1768 seven out of every ten 'settlers' were adult males, but by 1779 this proportion had fallen to under 50% and the trend intensified during the American war. As the 'Trinity Parish Registers' show, increasing numbers of west Country and Irish men now began

5. In 1771 there were just over 7000 'residents' and over 11000 mariners-and migratory fishermen. Chalmers, Opinions p 63.
6. The Index of Indentures at the Dorset County Records Office contains many examples.
to marry locally born girls. In 1768 Richard Kene and
Patrick Cuddy of Ireland and John Wills of Bem\n
ingstone (Dorset) wed Trinity girls and by 1775 John Royal of Corton
Denham (Somerset) John mugden of Christchurch (Hampshire),
William Scevior of Ringwood (Hampshire), John Dewey of
Tinkleton, Joseph Trouck of 'fowness', Jon Canfor of
Dungarvan, John Dobman of Litchet Natravers, James Jaley
of Netherbury, Richard Anderson of Corton (Somerset) and
Maurice Connors of Wexford had done the same.

Children born to these couples later found many
partners from new British emigrants, and the increasing
population — especially in the 'sedentary' areas on the
North Eastern and South coasts forced men to leave the
'old' outports like Greenspond or Burin to found new
settlements at places like King's Cove (Bonavista Bay)
and Grand Bank (Fortune Bay). Forced to quit St. Pierre,
Poole and Jersey merchants developed a thriving fishery in
Fortune Bay. Nevertheless most men continued to live and
fish to the north of St. Johns. In 1774 those living
between Trapessey and St. Johns caught 62000 quintals,
those around St. Johns took 20000, but Conception, Trinity
and northerly settlers accounted for 188800 quintals.

1. Trinity Parish Register Vol.1 St. Paul's church Trinity
Me foundland.
2. J. T. Lawton & P. K. Devine. Old King's Cove (St Johns 1944)
p 3.
conception bay alone contained over one third of the resident fishing boats. Although many Irishmen continued to come out, it would seem that the majority of new settlers were English for in 1774 although Irishmen predominated at Placentia and Ferryland they were in a minority elsewhere, and in 1778 comprised only one third of the winter population. This may have masked an even great population for according to some writers 'many thousands' of men 'lurked in the woods' lacking permanent employment but unwilling (or unable) to return to Europe. Outcast and unwanted they seldom appeared in the statistical returns.

Conditions of the Planters and 'labourers.

In 1765 Fallisir angrily reported that he was sure over 20000 people remained in Newfoundland during winter, mainly because of the extortion practised by smaller merchants and planters. Such men were idle and alcoholic 'Strangers to the mother country, to religion and good order which is the mother of Labour'. They had no incentive to be otherwise 'for they are the slaves of the merchant supplier who charges exhorbitant prices, they are all in debt more than they can work off in their lifetime'. Planters were seldom able to pay their employees who, unable to return home, had either to remain or go to America. In

1. Ibid 1/5117. Census of the Fishery 1774.
2. IBID
3. C.O.194/34.48 Census of the Fishery 1778.
4. Captain Griffith Williams, and Fallisir for example. OR Governor Edwards. C.O.194/34.96 Edwards' Report 1779.
5. PRO 30/8/346 Fallisir, Remarks on the Present State Newfoundland 1765.
1764 Graves had mentioned 'servants (who) frequently became winter slaves to their mercenary masters,' whilst Shuldham in 1772 described the 'scandalous abuses' inherent in the 'truck system.' Men were said to starve to death in some winters. Unfortunately the planters were almost forced into such cruelty for their season's earnings sufficed only to pay off old debts, and in order to obtain 'winter supplies' it was necessary to incur yet another debt. Merchant suppliers charged prices which were three times those prevailing in England, so that even in successful years the planter never cleared his outstanding debts.

'Working for a dead horse' the resident fishermen had no incentive to work hard and hence compared very badly with the experienced, energetic (and debt-free) bye boat keepers who were extremely prosperous. The latter always obtained the best fishermen leaving the planters only unskilled 'youngsters.'

Though there is little reason to doubt the general accuracy of these statements it should be noted that many servants (even in the 'sedentary' fishery) were directly employed by merchants and these invariably received their

4. T.C.199/17. Shuldhans 'remarks'.
5. C.O.199/17. Shuldhams Remarks upon his Instructions
6. In 1756 Benjamin Lester directly employed 56 men.
wages and returned to England when their contracts expired, and the 'Trinity Court Records' indicate that the magistrates (all local merchants) did whenever possible force local planters to settle accounts with their employees. At Trinity 1767 John Evans of Ryder's Harbour was ordered to pay wages and 'passage money' to Thomas Callaghan and Henry Garland of Island Cove (Conception Bay) and John Snelgrove were ordered to provide the same to John Staples and William Watson. It was not in the interest of anyone that unemployed and penniless men should be allowed to lurk on the fringe of Outports during winter, and many were deported home at expense, of the public. In 1766 Trinity ships masters had to post bonds for the carriage home of all men brought out, and two years later thirteen men were deported at public expense. Although the merchants insisted that some settlement was essential, this should be restricted to such men as were needed for 'winter work'. Certainly a 'sober servant' who carries out in his chest the few necessaries he may want, gets an extraordinary price for his labour without any discount other than the cost of the passage out which is very moderate'.

1. 1793 Enquiry. Falleris's evidence.
2. Abstract in the possession of Mr. Walter White of Trinity.
Probably the Governors (who spent most of their time at St. Johns) were not aware that Outport conditions differed from those at that town. Though most of the planters were in perpetual debt this did not mean that their servants had to remain unpaid and adrift. Indeed had this been true no-one would ever have taken up employment in the sedentary fishery. Although one estimate claimed that 1000 men went to America every year, the evidence seems to show that almost all English men (and probably most Irishmen) who wished to return home found little difficulty in doing so, and the increase in settlement was due as much to voluntary as involuntary emigration. In 1772 Shuldham reported that the population was 'every year increasing and almost become a Colony', but it was not yet so densely settled that expensive government was necessary and the colonists were still greatly outnumbered by the visitors.

The migratory fishery.

Although Palliser claimed that 'the ship fishery is now wholly dropped and excluded by encroachers and monopolisers' he was vastly in error for the migratory fishery was undergoing and enormous expansion. In 1748 only 51 fishing vessels were at Newfoundland, but in 1766 there were 204 and in 1771 a staggering 369. Many were of the old fashioned...

1. CO.199/17. Remarks upon his Instructions.
2. PRO 30/8/346. Remarks on the State of Newfoundland. 1765.
3. CO.194/26.22 Census of the Fishery 1748.
'inshore' variety but most of them were little 'bankers'
especially from South Devon. In 1760 there were 218 of them, and in 1771, 244, although by 1775 over-production had caused a decline to 130. The total number of vessels at Newfoundland in 1771 (including those from America) was 612, and the English vessels were manned by 6000 seamen — fully as many as had ever sailed during the period 1660-1700. In 1772 the fishing ships alone caught more fish than did the residents.¹

Besides this the fishing ships transported thousands of migratory bye boat men,² and labourers hired for the planters. Generally bye boats and bankships fished in the same harbours, especially at St. Johns and Ferryland although one or two visited the new settlement at St. Lawrence, whilst sheer pressure of numbers caused others to spread into Conception Bay. In 1771 all but eleven out of a recorded list of 160 bankers fished between St. Johns and Trepassey. Thus the 'split' between mainly 'migratory' South Devon (and Jersey) and 'sedentary' Dorset and Bristol was reflected in a great division in the structure of fishing and settlement in Newfoundland, between 'sedentary' North East and South Coasts and 'migratory' 'Southern shore'.

¹ These figures taken from those given by Frowse pp 634-696.
² Between 1771 and 1775 there were about 6000 every year.
The Merchants.

Prosperity caused new men to enter the trade and older ones to expand their activities. William Newman of Dartmouth never sent less than six to ten ships to St. Johns during the 1760's and Arthur Holdsworth owned at least seven. The Brooks family of Topsham and Bay bulls owned at least four as did William Bartlett of Dartmouth, and William Keen of Teignmouth owned at least five. Even more striking was the appearance of merchants who had previously been employed by others. Peter Cugier, who in 1769 was one of Arthur French's captains owned perhaps four vessels six years later, and men like John Goss, Henry Sparke, Thomas Lloyd, George and Gregory Jackson, Henry Sweetland, Allan Rich, Nathan Tory, William Clements and James Burbonous had all emerged from obscurity or previous "family histories" as dependent ship captains, to become merchants and/or ship-owners.

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3. 411
4. T 64/82 St. Johns Naval officer's return 1770.
5. T 64/82 St. Johns Naval officer's return 1770.
7. of Teignmouth
8. of Dartmouth
9. of Topsham.
10. of Topsham.
11. of Exeter.
12. of Dartmouth
13. of Soole.
14. of Bristol.
Robert Bulley came to St. Johns as the agent of a New England firm but by 1770 had become 'independent'. John and Moses Neave of Poole had a great 'House' at Placentia and John and Moses Hooper, one at Burin. William Waldren of Poole abandoned a career as a surgeon and went into business in Fortune Bay, whilst scions of the old Teignmouth 'tanker' families of Mudge and Bickford became 'resident' merchants of St. Johns.

Many of these traders resided at least temporarily in Newfoundland and began to change from purely 'fishing' interests towards a 'general' supply trade with inhabitants and the smaller migratory fishermen. Arthur French was settled at St. Johns in 1762, and Lovell Kennell of Topsham turned from a career in the Exeter cloth trade to establish a business at Trepassey. Robert Tremlett (from another family of Exeter cloth exporters) established a fishing business in Fortune Bay and a retail shop at St. John's, and many other examples testify to the fact that Newfoundland which seemed to be turning into an industry monopolised by a few, was once again becoming an industry for the 'little man'.

1. T 64/82. St. Johns Naval Officer's return 1770.
3. C.0. 194/15.
5. Ibid No. 27. Old Bale Books 1777.
6. E.T. 6/87.84 Principle Settlements 1784 (Luchamon?)
Most of these traders continued to engage in a migratory fishery for the population of Newfoundland had not yet expanded to the point where a complete living could be earned through 'dealing' only in supplies and fish, but by entering 'into a more general trade' they were taking in the first steps in a process which would eventually destroy the migratory fishery. In order to expand their trade they became eager to 'set up' fishermen as boatkeepers and this in turn lessened their interest in a direct fishery and brought them into conflict with the Government. By 1783 they had become staunch supporters of settlement. 'Had the plan taken place which was considered some years ago of sending away the inhabitants.... the whole fishery would now have been laid aside.' 1 Settlers were 2

'The foundation of that fishery on the Eastern shore; by residing there continually in the winter season they collect timber and build boats in order to be in readiness by the time the West Country fishermen return from Europe'.

The merchants soon discovered that it was far more profitable (and much less risky) to finance labourers in becoming boatkeepers than to carry the whole risk of fishing 'on their own account'. In bad seasons part of the loss could be laid upon the indebted boat keeper, to be recovered when

prosperity returned, whereas those men who depended on a ship or bye boat fishery bore the whole loss themselves. Besides this, shortage of accessible timber and the creation of large 'properties' which included not only flakes and stages but warehouses, 'cookrooms' and in many cases premises for Blacksmiths, Coopers, Blockmakers, Shipwrights and sailmakers, meant that even 'migratory' merchants had to leave 'winter crews' to protect their possessions. Along the East Coast no one would use any room unless they could claim some kind of 'ownership' and in 1772 Shuldham found that south of Cape Bonavista very few 'fishing ship' rooms were still in existence, 'especially at St. Johns where any spot suitable for the fishery is claimed as private property and let out at ten pounds per room per annum'.¹ Seven years later there were 'few fisheries but what belong to the same person always and are looked upon as property'.² If men had to give up fishing they would rather let their 'rooms' decay than let others use it freely.³

To an outsider it certainly looked as though both the fishery and the 'rooms' upon which it depended were becoming monopolised by old established merchants, ship captains and

2. C.O.194/20.5 Governor Edward's report 1779.  
planters. By 1782 any sizable property could only be obtained at great expense;¹

'A number of merchants of very considerable property (are) now in it, (they) keep large stores there in winter and own property worth from ten to fifty or sixty thousand pounds.

Even the Eye boat keepers owned their own plantations.²

The spread of 'property' and of retail business encouraged settlement and in St. Johns and Conception bay, men from outside the West of England, with little or no knowledge of fishing were beginning to open 'stores' which would in the end compete with the western adventurers.

The New Adventurers.

After 1713 both London and Bristol gradually lessened their interest in Newfoundland and although occasional vessels from such towns as Dover, Scarborough, Whitehaven, Yarmouth, Harwich and Newcastle sent out 'sack' ships,³ they (and most of the London vessels) were probably 'under charter' to the West Country traders.⁴

After 1763 prosperity, increasing settlement and the development of trade with Canada and Nova Scotia tempted an increasing number of traders to venture to Newfoundland.

1. PRO 30/8/346. Petition of Koole merchants 1782.
2. O.0.199/17. Shuldham's Remarks.
3. These are scattered throughout the registers of Passes Admiralty seven series.
From now onwards Waterford usually sent at least two or three annual vessels to Conception Bay, St. Johns or Ferryland and previously disinterested towns like Derry, Ross and Newry¹ began to send vessels 'on speculating', their cargoes consisting of 'wet' provisions and as many gullible country lads as they could obtain passage money from. These unfortunates managed to find work in the season but as winter approached no one wanted them the vessels bringing them had long ago sailed away and they swelled the ranks of those who roamed, starving and desperate in the woods surrounding all the harbours.²

Although Irish merchants seldom entered into a direct fishing trade³ many of them opened 'stores', especially in the trading capital of St. Johns, where they competed with West Country merchants in supplying provisions and purchasing fish. Charles Shearthy of Waterford opened a store at Harbour Grace and later, with Messrs Fitzhenry & Doyle moved back to Bristol with a flourishing trade.⁴ Francis & William Smyth of Waterford owned warehouses at St. Johns to which place they sent several cargoes annually, and Robert Eustace (also of Waterford) built up a good business at

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1. As can be seen in the Register of Passes. Adm.7 series.
4. N.T.1/2.192 Bristol Merchants to Lord Sheffield 14 Jan., 1792.
Renews. A Mr. Kelly of Ross had a warehouse in St. Johns, and at least two other Irishmen had large premises at Ferryland. Almost all of these merchants were bankrupt by 1790 but less ambitious men settled permanently in Newfoundland and set up small businesses which in the end were but stepping stones to very prosperous fishery concerns. Between 1763 and 1775 at least five Irish cooperers arrived at St. Johns together with a tailor, a blacksmith, five carpenters and ten who later became publicans. Many of them later became prominent 'general' merchants, and all provided and increasing self-sufficiency for Newfoundland which boded ill for the migratory, fishery.

Liverpool, which by 1760 was beginning to rival Bristol as a port, established quite a respectable trade to Newfoundland and by 1770 was sending at least eight ships to Newfoundland every year. However her merchants were mainly 'partial' adventurers who showed little interest in establishing warehouses let alone entering the fishery, and only Mr. Myers built up a 'dealer's' business.

2. F.T.6/87.84 Principal Settlements in Newfoundland 1784.
4. 1793 Inquiry. Second report Appendix 'c'.
5. F.T.6/87.84 Principal Settlements 1784. (Myers at Ferryland).
In 1775 merchants of Chester claimed that

"for several years (they) had traded
with Newfoundland (which trade) was
daily increasing and likely to be a
beneficial branch of commerce",

but again only one of her merchants actually owned property
in Newfoundland. Many new adventurers from within the West
Country did however create large and thriving 'houses'.
Together with Andrew and John Rinson of Dartmouth, John
Noble of Bristol entered the trade around 1763 and soon
owned important interests at St. Johns and on the Labrador.
Perkins and Goghlin of Bristol had large concerns at
Twilligate and Labrador, whilst Thomey, Danson and Clements
of Bristol soon became the most important merchants at
Harbour Grace. Like the Irish Adventurers many of these men
were bankrupt by 1790, but a few survive to create another
wedge in the 'old' monopolies.

In the long run the most significant group of Newcomers
came from Scotland, for during the nineteenth century they
controlled much of Newfoundland's business. Scotland
betrayed little interest in Newfoundland until mid-eighteenth
century but in 1752 a ship from Irvine obtained a 'pass' for
Newfoundland and the Mediterranean, to be soon followed by
others from Glasgow. After the Seven Years War trade was

1. John Rogers.
2. ADM 7/67. Register of Lasses 1752.
others from Glasgow. After the Seven Years war trade was established on a regular basis from Ayr, Glasgow and Greenock, and in 1764 the Customs Board recorded Scotland’s first exports to Newfoundland. By 1775 these were worth £5000 per annum. Some of the Scots entered Newfoundland from their trade with Quebec but others, may have lacked money, shipping and expertise entered by sheer determination. It was said that one small town asked every inhabitant to contribute ‘cash or kind’ and a motley cargo of shoes, stockings, cloth, ironware and other goods was loaded on a vessel which went blithely to Newfoundland in the hope that somebody would purchase it. The gamble apparently succeeded. By 1775 firms such as Crawford and Stephenson of Greenock, or David McClure, Blair and Warrend of Glasgow and Hugh Wylie of Ayr had established stores at St. John’s or Harbour Grace. Robert McCauslan and an agent of Stuarts and Kennedy were residing at St. John’s whilst Mr. Morison of Glasgow had even penetrated in Roole dominated Trinity Bay.

Right from the start these cautious but determined Scottish traders showed greater acumen than adventurers from other parts. Without exception they sent out agents who,

1. E.T.6/185, Scots Trade with Newfoundland 1764-1801.
3. T.64/82, St. John’s Naval Officer’s return 1770.
4. Adm 7/140, Register of Kasses, 1781.
residing on the spot were able to ensure that debts were paid and fish collected.

Generally speaking the 'New Adventurers' found it almost impossible to enter the Poole-dominated 'Sedentary' fishing areas of Bonavista, Trinity and Placentia Bays, and hence they tended to concentrate in thickly populated St. Johns and Conception Bay, 'where the people are freer to engage with the merchants.' However along the old Southern shore (St. Johns to Renews) a large Irish population combined with the largely 'migratory' inclinations of the Devonshire traders to allow a few entrepreneurs to obtain a footing. A study of the 'Register of Passes' illustrates this thesis. In 1773 vessels from Chester, Ayr, Waterford and Liverpool all went to St. Johns, a year later Liverpool and London ships were there and at Harbour Grace (Conception Bay), and in 1776 Waterford, Glasgow, Ayr, Bristol, Chester and London were all at St. Johns whilst Liverpool sent a vessel to the smaller harbour of Cupids (also Conception Bay). Elsewhere the West Country dominated. This accentuated the already striking differences in trade and settlement which existed between the 'centre' and the peripheral areas. In St. Johns and Conception Bay increased competition between

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1. 1793 Enquiry. Reeves' evidence.
2. ADM 7/138. Register of Passes (1773)
3. I-ID 1774.
4. I-ID 1776.
comparatively large numbers of traders resulted in the gradual 'emancipation' of local planters who were able to obtain cheaper supply and better fish prices than their more outlying comrades. 1 Nevertheless as long as Poole could control her Bays, and there was room for the bye boats and tankers of South Devon, the West Country fishery would continue to flourish, 

West Country preponderance in Shipping.

Long experience, accumulated capital, a monopoly of the skilled fishermen and possession of most of the best 'rooms' ensured that the adventurers would continue to control the cream of the trade until such times as these advantages could be lessened. Born and bred to the trade West Country fishermen were far more skilled than Irish who were 'seldom in it until they (were) twenty years old'. Griffith Williams observed an Irish and a Devonshire boat fishing on the same 'grounds', but whereas the latter was completely loaded in seven hours, the Irish boat was 'not even in a whole day'. 2 Similarly the western merchants, skilled in the fishery, shrewd judges of the quality and markets, possessing hard driving captains and good connections in the markets, possessed an advantage over the 'new adventurers'.

1. C.O.194/34.117 Proclamation of Governor Edwards 1779.
This was reflected in various shipping statistics:

Vessels clearing direct from England for Newfoundland

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL VESSELS</th>
<th>OF WHICH ARE WESTERN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1770</td>
<td>253</td>
<td>209</td>
</tr>
<tr>
<td>1771</td>
<td>212</td>
<td>175</td>
</tr>
<tr>
<td>1772</td>
<td>236</td>
<td>191</td>
</tr>
<tr>
<td>1774</td>
<td>228</td>
<td>196</td>
</tr>
</tbody>
</table>

Although this table does not include the enormous numbers of ships who visited other parts before arriving in Newfoundland, the same dominance is shown in other statistics. In 1770 of 106 vessels entering St. Johns, 75 came from the West Country (and St. Johns was by far the most important port for non-West country venturers). In a St. Johns convoy of 1776 the West owned 69 out of 79 vessels.

Throughout the period Poole, Dartmouth and Exeter dominated the list of towns applying for 'Mediterranean passes' to carry fish to Southern Europe; of thirty six traders signing a petition in St. Johns in 1776, twenty six were from Dartmouth and Teignmouth, five were 'resident' and only five from non-West Country towns, and in 1779 Poole and Dartmouth alone supplied more than 70% of vessels sailing in another convoy.

Old and formerly (as far as Newfoundland was concerned)

1. 1793 Enquiry. Second Report. Appendix 'Q'
2. T.64/82. St. Johns Naval Officer's return 1770.
5. ADM 1/5117. Convoy list 1779.
'decayed' towns like Weymouth, Southampton, Bideford and Plymouth re-entered the fishery but three great towns—Poole, Dartmouth and Exeter—stood far above the rest. In 1775 Dartmouth sent 106 ships directly to Newfoundland (besides those who called for salt in Spain or Portugal) whilst Exeter in 1770 sent 67, and Poole 81. By 1775 Poole owned 250 vessels, mostly in Newfoundland, and the Channel Islanders were sending 'not less than' 60 or 70 vessels and 1500-2000 men annually. Against these the other towns were insignificant.

Thus the Adventurers appeared stronger than ever; their fleets had expanded beyond recognition, the migratory fishery was flourishing and the traders had built up huge establishments from which the best of the sedentary fishery was controlled. They could afford to ignore a growing 'independency' on the part of planters at St. Johns (who anyway were vastly outnumbered by migratory fishermen) and Conception Bay. They could sneer at that inexperience and over-optimism which brought so many 'new adventurers' to Newfoundland—and bankruptcy. On the other hand they were now committed to 'settlement' and 'property', those things which the government was sure would destroy Newfoundland's value to England.

1. 1793 Enquiry. Second Report. Appendix "C"
2. Ibid
3. 1793 Enquiry. Second Report Appendix "D"
The Government of Newfoundland.

The Treaty of Paris, increase in settlement, and obvious changes in the fishery forced the government to review its Newfoundland policies. Should they attempt to retard the growth in population or should they accept it, and thus at least be enabled to provide adequate legal and administrative institutions, especially something which might lessen abuses against the 'Laws of Trade', more than ever to be feared now the French had regained St. Pierre?

The downfall of Pitt, who more than any other leading politician worshipped Newfoundland as a nursery of seamen, removed the greatest opponent of settlement and the Earl of Halifax, new leader in Colonial affairs fought to reconcile policy to the new realities of Newfoundland. In 1762 the leading towns were asked to comment upon suggestions that a 'regular' government be provided, and although their instant hostility caused the idea to be abandoned, the board of trade continued to look sympathetically upon the plan to 'settle a government'.

In 1765, even while Calliser was bombarding them with arguments for a rigorous restoration of the migratory

2. Who, when appointed Secretary of State in 1762 had already spent twelve years on the Board of Trade.
3. CO. 194/15. Replies of the towns 1763. Cork, Belfast and Glasgow (with reservation) were in favour; Exeter, Waterford, Dartmouth, Bristol and so on against.
Although it be true as represented fishery 1 the Board submitted a report which indicated a willingness to accept settlement. 2 They praised Palliser for supplying details of 'abuses' committed by the planters, concurred in his opinion that they were the cause of many 'evils' which afflicted the trade, and also decided that since the Law Officers had decided that the 'Newfoundland Act' applied only to those parts possessed by England in 1699, all settlement should be banned on the 'concurrent' shore. They condemned the 'enslavement' of servants and planters, talked gloomily of the flight of men to America, the growth of trade from that place, concluded that the land had been completely 'engrossed' and called attention to the fact that lack of an efficient Customs House had resulted in widespread smuggling and the penetration of 'alien' ships using falsified registers.

They did not however recommend measures to restrict settlement or restore the ship fishery. 'It is impossible to prevent settlement by regulations and a sedentary fishery has many advantages'. There were as many ships and mariners as there had ever been before, more fish were being taken and the value of English exports to Newfoundland had increased five-fold since 1700.

1. See below pp 356-358.
'And though it be true as represented that they take more from the colonies than from England this is not a loss, since whatever profits are gained by them finally centre in this Kingdom'.

They concluded by recommending that under some more perfect and uniform plan of government, property and inhabitants should be allowed, except in that part of the island where there is a concurrent fishery'.

This unusually sober and realistic acceptance of the changing conditions of Newfoundland did not continue. Although in December 1765 the Board was ordered to present a bill 'for the better regulating the Government and encouraging the fishery of Newfoundland', the fall of Grenville, led to the replacement of Hillsborough by Dartmouth and government policy changed abruptly. In March 1766 the new Board of Trade presented a report which described Newfoundland as a place where

'a state of inhabitancy unrestrained by any form or Constitution of civil government had operated to the total subversion of that policy upon which the Fisheries dependent upon that Island were originally established, and to defeat those great national advantages which were the objects of the regulations of the Statute of the 10th and 11th of William the Third:... it is better to have NO FISHERY at all than the present one'.

For this abrupt change Commodore Hugh Palliser was chiefly responsible.  

Most of the Governors of Newfoundland were easygoing, not to say indolent men who spent most of their short stay at St. Johns, talked to and accepted the advice of merchants, and wrote 'Annual Reports' which varied little from those written by their predecessors, but Palliser was different. An imperious and energetic officer he followed only the advice of his 'Instructions' and the directions of the 'Newfoundland Act'. His guiding principle - how far was Newfoundland behaving in accordance with that Act? to what extent was it promoting a nursery of seamen?

His policy of maintaining the Labrador as a migratory fishery was but part of a larger scheme, summed up in the title of one of his papers, 'Proposals for encouraging the fishery to Labrador and for reviving that of Newfoundland.' Palliser did not claim that the fishery was 'decayed' (the evidence overwhelmingly indicated the contrary), but that insofar as the interest of England was concerned it might as well have been.

The instructions given to him did not differ materially from those of his predecessors but he took them literally.

1. With the above report, the Board enclosed a copy of his recommendations.
and in his first season was appalled at the lawless
conditions on the Labrador, the destitution of stranded
servants in Newfoundland and what he imagined was a steady
decline in the migratory fishery, together with a concurrent
decrease in the number of 'ship's rooms'. 1 In December and
1765 he wrote a detailed paper which was sent not only to
the Board of Trade to prominent politicians of all groups.
Judging Newfoundland 'to be now in a more critical and
dangerous situation than it ever was in any former period',
he proposed remedies in a paper entitled 3

'Remarks on the present state of the
Newfoundland fishery showing that its
being carried on by inhabitants is
directly contrary to every part of the
act of 10 & 11 William Ill, and that
thereby the nation is deprived of every
advantage hoped from it'.

In Palliser's opinion the three 'great objects' of the
'Newfoundland Act' — to promote a nursery of seamen, the
consumption of English manufactures and the return of 'great
quantities' of foreign produces to England — were all being
lost. Because the ship fishery was now 'excluded by
encroachers and monopolisers' with a vested interest in
settlement, the 'nursery of seamen' was being ruined. At
least 20,000 people wintered in Newfoundland although lacking
employment, they became debauched and useless. The navy could

1. C.O.194/16. 63 Remarks upon his instructions 8 Oct., 1764.
3. PRO 30/8/346 (Chatham Papers).
never use them in wartime, and even if this had not been
so the fact that they were only 'inshore' fishermen prevented
them from becoming good mariners. Mostly Irish, they were
as likely to join an enemy as fight him, and by consuming
great amounts of timber for housing and fuel they had caused
a great shortage of timber for 'fishing conveniences', and
were 'strangers to the mother country, to government, to
religion and good order which is the mother of labour'.

whereas the migratory fishermen consumed mainly English
provisions the settlers obtained their 'wet' supplies from
Ireland, their bread and rum from America and quantities of
contraband from Europe. Because the settlers were bad
fishermen the 'third great national object' - the purchase
of foreign commodities - was not being fully realised since
neither the quality nor quantity of the 'sedentary' catch
matched that of the 'fishing keepers'.

Moreover (providing that certain measures were sternly
applied) all was not lost. To prevent the further alienation
of ship's rooms all settlers should obtain certificates of
ownership and no more land should become 'property'.
Settlement on the 'concurrent' shore and along the Labrador
should be forbidden, and if men 'owning' rooms ceased to use
them for an entire season they should revert to public use.
Only vessels clearing from Great Britain and carrying at least
21 men should be permitted to occupy ship's rooms.
Palliser then turned to the problem of persuading more men to return annually to England. Since most of the settlers were entrapped by debt he suggested that men who went out and returned annually should be exempt from arrest for such debt for as long as they continued to go annually. Debts incurred by servants should not be recoverable in law and men should not be permitted to bind themselves to an employer for longer than six months. Masters should be forbidden to deduct the cost of any rum or tobacco from servant's wages and should be legally bound to deduct passage from the latter's wages, and to procure him a passage to England. No 'dieters' or 'indenturers' should be allowed to 'winter' in Newfoundland and the servant's wages should not be paid until he returned to England.

In 1766 Palliser proposed that counties be given to encourage the ship fishery (and to increase the size of their crews) and a year later he embodied some of his proposals in a proclamation, (which being based on no particular legal sanction was more or less ignored). The merchants regarded him with mixed feelings for while those in the Labrador agreed with his exclusion of American

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1. Men who paid housekeepers to shelter them during winter, or who hired themselves to 'winter work' in return for board and lodging.
2. Apprentices (usually English) hired in the West Country by merchants and brought out to work for the planters.
3. R.M. addit MSS 33030.220-226, Proposals, etc.
or Quebec traders, and many in Newfoundland were willing to send unemployed men home to Britain, nobody could have accepted his proposals concerning 'property' and they deeply resented his efforts to reform the 'truck' system of payment, as it affected the servants.

A London banker complained that 'the fishery has been much injured by Palliser and his officer... and must decrease under such severe and partial behaviour',¹ and an unknown group of merchants asked Chatham 'to be protected by the laws of England'.² Property should 'no longer be subject to violation from the capricious arbitrary will of the Governor' who had seized land, deported their servants and inflicted corporal punishments. If he was not restrained England would lose her nursery of seamen,

'for the romantick visionary scheme of a ship fishery (which is in itself absolutely impracticable) would not, if it were possible to succeed, raise anything like the number of seamen which have been rais'd by the method of a sedentary fishery'.

Whether they were impressed by such criticism, or merely absorbed by other matters, the Board of Trade did not implement Palliser's suggestion. Governor Byron was asked to comment upon them in 1769,³ but nothing more was done until Jenkinson brought in the measure which bore Palliser's name in 1775. Even so he had managed to reverse the

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2. Exo. 30/8/98. Newfoundland merchants to Chatham (no date) 1766?
3. C.O. 194/18.46 Instructions to Governor Byron 1769.
direction of official thinking for in accepting Palliser's views Dartmouth and his successors explicitly rejected the 'pro-settlement' policy of Hillsborough. However as far as a Customs House was concerned they were as firm as he had been. Insofar as any extension of government promoted settlement, the Board of Trade was going against its wider policy.

The Customs House.

From the moment the 'Newfoundland Act' was passed the Board of Trade (aware that it did nothing to prevent smuggling) pressed for the establishment of some Vice-Admiralty authority in Newfoundland. In 1708 a Judge, together with a registrar and marshall were actually appointed, but (not relishing the derisory salaries) the latter refused to go out and although the Judge (William Smith) took up his post in 1710, he lacked any authority and came home (unpaid) in 1715 thoroughly convinced of the futility of trying to create revenue establishments in a 'colony which was not a colony'.

'The appointment of a preventive officer at Newfoundland where there is neither an Admiralty Court nor a naval officer has all along been an unnecessary expense'.

In 1721 the Board of Customs refused to appoint a Customs Collector until 'a regular government and court of

1. Adm 1/3673 (letter from Doctors Commons). Wm. Browne to the Comm. of Trade 1 May, 1736.
Admiralty were established, and eight years later the Board of Trade reported that the Navigation Laws could never be enforced until an Admiralty Court 'empowered to take cognisance of offences against these acts and to determine on seizures made' was erected.  

The problem was simple; to be effective a Vice Admiralty Court required 'naval officers' and customs officials in at least the major outports, but this numerous establishment would be expensive, and perhaps lead to 'a more regular government'. There was also the question of who would pay for these officers. Newfoundland certainly would not for ever since 1665 (and precedents stretched back to 1549) the fishery had been designated 'free' and no tools or taxes of any kind could be levied. Customs fees would certainly contravene at least three Statutes.

For these reasons successive governments refused to even look at the problem and it was left to the initiative of individual Governors who (on very shaky legal grounds) gradually appointed various officers. In 1741 Governor Smith made William Keen the 'Naval Officer' at St. Johns and although the latter seems to have been able to exercise

4. 2.0.194/11.41. Governor Smith's report 19 Dec., 1741.
little control, a further step was taken when Michael Gill was appointed to be 'judge of the Vice Admiralty Court' in 1751. Gill 'a creature of the West Country merchants against whom he was scarce ever known to decide', obviously did nothing to upset the traders and in consequence his Court (it sat in a public house) was tolerated. However in 1761, by informing upon a contraband bearing Irish vessel the merchants slowly but surely cut their own throats.

This ship was seized and condemned in the Vice Admiralty Court and on appeal the owners again lost their case, but apparently (without consulting anyone) the Customs Commissioners decided to send a Collector to Newfoundland. Although their first choice apparently never took up his post, the government began to support the creation of a Customs House which was loathed by all the merchants. Ironically by 1780 Ireland had been admitted into the Navigation system so that the original inspiration behind the Customs House lost its meaning, but in the meantime the government had decided that Customs officers were essential for other reasons. The cession of St. Pierre aroused fear that it would become a smuggling entrepot.

2. 1793 Enquiry. _South's evidence._
4. T.11/27.456. _Minute of the Customs Board 31 Jan., 1764._
5. C.0.194/15.108. _Graves to Comm of Trade 20 Oct., 1763._
and this together with Irish smuggling\(^1\) and reports that
Spanish vessels were visiting Newfoundland under false
registers roused a normally lethargic civil service. In
1764 a new Collector and Comptroller were sent out\(^2\) and
Halliser appointed (unpaid) deputy naval officers at
Placentia and Ferryland.\(^3\) The merchants retaliated by
instigating a riot in which the Customs House was burnt,\(^4\)
after which the Officers resigned 'for reasons of health'.\(^5\)
Their retirement was certainly due to the riot combined with
united mercantile refusal to pay any dues, and the
undeniable fact that there seemed to be no legal basis
for forcing them to do so.

In February 1765 the Customs Board asked for advice:\(^6\)

'Hitherto Newfoundland has been considered
only as a fishery....should the island be
deemed a plantation and subject to the
same laws of Trade'.

The Board of Trade saw 'no reason to doubt that Newfoundland
is a part of His Majesty's plantations in America'.\(^7\) Thus did
the government (quite innocently) reverse a century-old trad-
ition. From now on the aims of Government and those of the

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1. Acts Privy Council 1746-1766 No. 521. Petition of
   H. Horn 1764.
2. "where the ship in which they had taken passage was
   seized for lacking a 'register'. C.O.194/16.156
   Customs Co's to Treasury Feb., 1765.
3. C.O.194/16.67 Halliser to Comm of Trade 7 Nov., 1764.
merchants diverged completely.

With this backing from the Government a new man, with the appropriate name of Dunn took up his post as Collector in 1766. Lacking any table of fees he adapted those used on the mainland but the merchants resisted and in August both sides appealed to Kalliser - he to obtain an 'equitable' settlement, they to abolish them altogether. Kalliser (who disliked any authority which competed with his own) assured the merchants that 'The Government did not intend to subject the fishery to any obstructions, restraints or charges' and reported the affair to the Board of Trade.¹

At this stage no one seems to have been sure of the legality (or otherwise) of a customs house and thus matters were quiet until 1769 when Dunn introduced a new table based on the fees charged at Halifax.² The merchants promptly refused to pay any fees at all, even declining to 'enter' and 'clear at the customs house. Although Byron managed to patch things up³ the merchants had at last realised that fees were of doubtful legality and protested that they could find no authority 'Parliamentary or otherwise' which could compel payment.⁴

The Governor at first agreed with them and ordered the

¹ G.O.194/16.298. Kalliser to the Merchants. 9 Sep., 1766.
³ G.O.194/29.47 Byron to Hillsborough 8 July, 1770.
⁴ Ibid 58. Merchants to Byron 1 July, 1770.
Collector to cease trying to make vessels enter and clear. He later revoked this but the damage was done and the merchants became certain that no one could make them pay any custom dues.¹ In 1771 Dunn returned to England to plead his case in person and angry arguments were heard about the necessity, legality and profitability of having a customs House in Newfoundland.² Dunn was not removed but the Government was unable to do much to assist him, since it was only too clear that they possessed no power to punish those who ignored him. Shuldham tried to bluff the merchants with a 'Proclamation' enforcing the payment of fees³ but he was ignored by 'these unreasonable people'. 'This year I find they have entered an agreement and general determination not to pay unless compelled by law, and hence I have to leave it unsettled'.⁴

In later rejecting a petition to remove the Customs House, the Board of Trade made a curious statement. Since the Treasury 'for reasons which we do not doubt were founded in wisdom and good policy' had set up the establishment the board did not feel justified in insisting upon its abrogation.⁵ Had they forgotten that the whole thing

² R.O.194/30.9 Dunn to Hillsborough 1772.
³ ILID f.93. Shuldham to Hillsborough 6 July, 1772.
⁴ R.O.194/31.31 Same to same 15 Sep., 1772.
⁵ R.O.5/247.92 Comm. of Trade Report 14 Feb., 1774.
had been based upon a decision of their predecessors in 1765?

When Palliser's Act was passed in 1775 it contained clauses which by removing all but a small 'entry and clearance' charge upon 'fishing ships', legally (if not morally) reconciled a Customs House with the principle of a 'free fishery', and in 1776 a retrospective Act legalised the actions of the Government since 1764. After this merchants paid the charges, but the definition of a 'fishing ship' caused incessant argument, and the affair created a legacy of dislike between successive governments and those obstinate Newfoundland merchants. It cannot be doubted that the merchants were legally correct in their refusal to pay fees and Shulham's description of them as being 'unreasonable' was nothing more than the usual appellation used by officialdom to denote those who do not act in the manner which officialdom desires.

Did the Institution diminish the contraband trade? Almost certain the vice admiralty court did not, for the Judge (eased on by the merchants) fought a long battle

2. Stat 16 Geo. III c (1776)
3. See below page 415.
against the Customs Collector. Later described as the terror of Newfoundland, Judge Gill held court in a Tavern owned by his daughter, the Marshal and Registrar being his son. The Outport Naval Officers, being either merchants or dependent upon them could only have reduced that illicit trade which did not meet with their personal approval, and even then, the task of overseeing literally hundreds of isolated and often desolate coves must have been impossible.

If the equation that 'more government meant more settlement' was correct then the Board of Trade had sinned against itself, for by 1760 Newfoundland possessed a Naval Officer and Outport deputies, a Vice Admiralty Court, Customs Collector and Comptroller, Searchers and Waiters, and deputy outport Collectors. The Island was acquiring quite a few 'trappings of authority'.

But the affair had a deeper significance. Until 1763 governments invariably heeded the advice of merchants when legislating for Newfoundland, but after that date they never passed a single measure which was not fiercely resisted by the traders. The Customs House was the first example, but

1. In 1773 Gill heard an action against the Customs House and decided for the plaintiffs. Anspach op cit. p 194.
3. Even under 'responsible Government' the problem of smuggling (especially on the South Coast) was never really solved.
the merchants were even more alarmed by the Statute known as 'Palliser's Act'.

Palliser's Act

According to Jenkinson 'The first regulating Act for Newfoundland was Sir Hugh Pallier's but brought in by me'. The Bill was introduced on the 4th of May 1775, (after the passage of the 'Restraining Act'), met with little opposition and received Royal assent on the 26th. Largely based upon the recommendations made by Pallier in 1765 the title embodied its objectives:

'an act for the encouragement of the fisheries carried on from Great Britain, Ireland and the British dominions in Europe, and for securing the return of the fishermen, sailors, and others employed in the said fisheries, to the ports thereof, at the end of the fishing season'.

While it is easy to see what the Government was trying to do it is almost impossible to discover why they chose the year 1775 in which to do it. Professor Horton sees it as one of the measures taken in response to the 'Boston Tea Party', arguing that it represented an attempt both to reduce New England's trade and to revive the 'nursery of seamen' in response to a current naval expansion being promoted by France whilst Innis thought its intention was to enlarge the Newfoundland fishery in order to fill the

1. Statute 15 Geo. III c 31 (1775)
2. Commons Journal's Vol
gap left by the closure of that of New England.¹

Both theories are based on little more than conjecture for as far as the writer is aware, no evidence exists concerning government intentions. This in itself is significant. For example the bill was introduced by Jenkinson of the Treasury, whilst the Board of Trade was apparently not even consulted, and certainly offered no advice. The fact that it was introduced after the 'Restraining Act' had been passed and that bounties were included specifically to encourage English ships to fill the gap caused by the 'stop' upon American fishermen may also indicate that it was in some way bound up with measures taken against New England. Certainly the whole episode bears an atmosphere of extreme haste and improvisation; Palliser and not the Board of Trade worked out the details, and Jenkinson introduced the bill.

The most important provisions were as follows:—graduated bounties were given to bank ships, dependent upon how many men they carried and how many trips to the bank they made, while another was offered for the (almost non-existent) Newfoundland whale fishery. Ships clearing from England for the fishery (as distinct from jack ships) were exempted from customs charges, and had to 'enter' and clear

¹ Innis, Cod Fisheries p 207.
only upon their arrival and departure from the Island. No vessels were to transport men from Newfoundland to the Mainland.

These proposals to encourage a ship fishery were followed by more controversial measures designed to restrict settlement, land ownership and to encourage men to return to Europe. Employers were to deduct 40/- from each man's wages, this to be used to procure him a passage home; no employer was to advance more than half a man's wages before the latter was paid off in England, nor might he turn men 'adrift' in Newfoundland before the expiry of their 'covenanted term of service'. If an employer became bankrupt his employees were to have a 'first Charge' upon his effects before other creditors could be paid. Men who 'neglected their duty' were to lose a portion of their wages, or in extreme cases might be whipped and deported, 'and whereas the immoderate use of rum and other spirits imported into Newfoundland...has been found to be highly detrimental to the fisheries' a duty of 1/- per gallon was imposed upon its importation. However the clause relating to 'property' was most controversial of all:

'It shall and may be lawful for the master and crews belonging to any vessels fitted out from Great Britain... to occupy and use for the purpose of curing, salting, drying, and husbanding their fish, any vacant or void space whatever on any part of Newfoundland, which is not then occupied and used for the said fishery... although such unoccupied places may not before have been reputed ships rooms; and all such unoccupied places shall from henceforth
be deemed and taken to be ship's rooms, any custom or usage to the contrary notwithstanding.

Results of the Act.

By thinking of the Western Adventurers as if the latter did nothing but operate fishing ships, historians have universally misunderstood the aims and results of this Act. Thus Prowse thought it a result of 'still prevalent' West Country ideas, ¹ Innis that it 'renewed' the struggle between fishermen and settlers, ² and McClintock talked of New England trade being sacrificed to maintain Western merchants in a monopoly of the Newfoundland trade. ³

The writer has surely by now demonstrated that there was no such division between 'settlers' and 'fishermen', and the simple truth is that the merchants loathed both Haliburton and his Act and for twenty years fought stubbornly to obtain its repeal. Miles summed up their attitude in 1779; ⁴

*The command at Newfoundland had been instructed to a man who busied himself in fancying evils where none existed, in finding fault where no blame could be laid. He was first troublesome, then oppressive, and finally ridiculous in prescribing to the merchants what quantity and what species of provisions they should allow their servants*. ⁵

2. Innis, Cod Fisheries p 207.
In 1778 petitions against the Act included Jeremiah Coghlin, John Clements, Samuel Mullowney, William Coghlin, Samuel Burbonous and Thomas Danson of Bristol, Robert Hunter of Glasgow, and Forehan and Newell, 'resident' at St. Johns 1 another (from St. Johns) included John Bulley, William Loden, Nicholas Mudge, Daniel Codnor, John and James Goss and Thomas Whitborne of Teignmouth, Gregory Jackson of Topsham and Cocking and Bulley, Webber & Henley, Oates and Bailey, John Matthews, Arthur French, William Geaves and Robert Sparke of Dartmouth. 2 Ironically most of the latter were much more interested in the migratory bank fishery than in a sedentary one; everyone thus combined to oppose Palliser's Act, and an examination of their arguments shows why.

They disliked the clause which made payment of wages a 'first charge' upon the fish and oil of bankrupts because this injured other creditors 3 and because the servants, knowing that they must be paid first, slackened their labour as soon as they had taken enough fish to cover their wages. 4 The clause which forbade any advance in excess of 50 of a servant's wages was almost unworkable.

'Youngsters' entering the fishery had to equip themselves.

1. J.0.194/34.66 Newfoundland merchants to Germaine Oct., 1778.
3. J.0.194/34.33 St. Johns merchants to Germaine 5 Aug., 1778.
4. J.T.6/7.34 Observations upon certain clauses 1782.
with clothing and equipment the cost of which equalled or exceeded the five or six pounds they would receive for their first season's work. Older men left families in England, to whom it was customary for merchants to advance money while the man was in Newfoundland. Here too, this might require advances in excess of 50%. Besides this all servants needed at least a little spending money while they were in Newfoundland. 1 As a result the merchant had either to (in effect) increase wages by advancing beyond the legal limit, or see the 'youngster' go inadequately clad to Newfoundland and dependents of the older men 'go on the parish' until their bread winners returned.

The clause which permitted fishing ships to use 'rooms' which were not actually being fished on created so much chaos that the fishermen became 'a people distracted about property'. 2 If a man died it might be two years before his heirs in England could take physical possession of property in Newfoundland - which in some cases might be worth thousands of pounds. Yet in law any unscrupulous man could just walk in at the end of a season and claim it as his own. 3 During the American war many small bye boat and bankship owners had to 'desert' their plantations either through

1. IBID
fear of enemy attack or because they could not afford to leave men behind in winter and lost their rooms to unscrupulous newcomers. ¹ Finally the merchants complained that the penalties for 'neglect of duty' were insufficient when compared with the damage that such neglect could cause to drying fish. ²

Although merchants were thus decidedly against the Act, the government could still be satisfied as long as it did promote the ship fishery and encourage men to return to Europe. Unfortunately it actually promoted settlement! Its failure was partly due to the difficulty of trying to enforce it for this could only be done by the local magistrate who (as Reeves pointed out) were merchants or dependent upon them. 'It is upon them that we must depend for executing Statute 15 Geo III and seeing carried into effect the regulations respecting master and servants and the passage home'. ³ According to John Jefferey ⁴ the Act was 'most pernicious, so much so that in practice (it) has been generally disregarded and never enforced except from necessity'. ⁵

2. 7.O.194/34.33. Merchants to Germaine 5 Aug., 1779.
4. Merchant of Fole.
Of much more importance was the manner in which the Act tended to promote settlement—a fact recognised by some acute observers. William Knox who after years of service as Under Secretary of State for the Colonies had become a merchant at Renews argued that

"The effect of every one of those regulations has been the very contrary of what was intended; and the witnesses' own experience as an adventurer in the fishery these past five years enables him to correct his judgement as a politician and to point out their very pernicious tendency'.

"Sir Hugh Palliser's Act which was meant to check the growing evil had in its operation increased it, or it was so perverted by the ingenuity of the people concerned in the fishery, for the numbers of youngsters left upon the island after the passing of the Act has far exceeded what remained there before'.

Chief Justices Reeves could not help 'saying that the grand means employed to prevent the increase of the inhabitants has... contributed to their increase'.

Take for example the provisions ordering masters to deduct 'passage money' from servants and provide them with passages home. Because the Act failed to specify that men must return on the ships that brought them out, employers were soon happily deducting passage money but forgetting to procure passages, with the result that the labourer

(now 40/- poorer) was even less capable of procuring his own. Reeves claimed that 'there was money enough of this kind detained yearly, by the masters out of the servants wages to support the whole government of Newfoundland'.

The fishing ship bounty failed because the amount offered did not cover the wages which would have been necessary to pay the extra men needed to qualify for it and hence, between 1776 and 1781 the grand total of payment was only £40. The clause which made 'free' all land not in actual use also did much to encourage settlement for it was the migratory fishermen who was most likely to miss (through illness or other cause) a fishing season, whilst the settlers were the most likely to take his room. Not surprisingly many men decided to move to Newfoundland as 'settlers'. Finally in order to find a way around the clause banning advance beyond 50% of a man's wages, employers and workers alike agreed to spend not one season but two summers and a winter' or even more in Newfoundland. This allowed the employer to advance 50% of two or three years wages, while the servant saved the cost of a passage home.

Though the Act was a complete failure, successive governments refused to admit it. Despite the American war the merchants three times petitioned the Board of Trade.

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3 C.O.194/18.32 Petition of Dartmouth merchants. 6 June, 1776.
Germaine¹ and finally the House of Commons,² but the
government stood firm, and with it stood Palliser's Act.
The warning cries of merchants were no longer heeded;
whatever influence the West Country had once possessed
in Whitehall was disappearing fast.

¹ Commons Journals Vol 37. Petition of Newfoundland
merchants 2 Feb., 1779.
CHAPTER NINE. 1775-1783.

Exasperated by the non-importation agreements, Parliament in February 1775 debated a bill to restrain the Commerce and Fisheries of New England. Despite opposition from London, this bill became law and created unforeseen changes in the Newfoundland fishery. The government certainly chose an extremely effective method to demonstrate its displeasure for by 1775 the American fishery was exporting fish to the value of perhaps £500,000 a year to the West Indies, Atlantic Islands, and Spain. In 1764 over 6000 men had been employed therein and it had been expanded since that date, so that an abrupt closure would ruin thousands of Americans.

Opponents pointed out that this would drive thousands of loyal subjects into rebellion; "God and nature had given the fisheries to them and not to us", but the government replied that "Newfoundland and all other fisheries in North America are the undoubted right of Great Britain". If America would not trade with England, she should have no trade at all. Even

when London traders pointed out that this would render New England incapable of paying more than £1,000,000 owing to England, Parliament remained hostile. Only one argument remained.

The American fishery was an immensely valuable part of Imperial commerce which sustained the British West Indies and exported much to Southern Europe. Every penny of its profit eventually 'settled' in England. If it were closed no British fishery could fill the gap since Canada and Nova Scotia lacked men, shipping, skill and capital while the Newfoundland fishery was already fully extended. Thus a vacuum would be created in the supply of fish and only the French were in a position to fill it, so that

'The whole fisheries, a more important and infinitely more valuable source of wealth than all the mines in the world would not only be lost to ourselves but would fall into the hands of our natural rivals and enemies'.

Parliament was in no mood to accept any arguments which stood in the path of vengeance, but the Government found 'experts' to refute such assertions. M'iles claimed that Fairser had 'constituted and managed principally' the bill, but Benjamin Lester of Iole and Trinity appeared most in public. He claimed that Newfoundland could easily expand to

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3. Annual register 1775. p 81.
fill the markets vacated by New England, and that this would be extremely beneficial since Newfoundland was a nursery of seamen whereas New England had always been a 'drain' upon naval reserves. Although he produced little evidence to show that Newfoundland could indeed expand, he had no need to for Parliament was not disposed to question him too closely. It wanted re-assurance, not proof.

However Parliament was not aware of one very important point; by 1775 Newfoundland had come to rely upon New England for supplies of rum, sugar, molasses, bread, flour and livestock and even the shipping employed. Whatever competition America might have provided in the fishery should have been balanced against her value as a supplier to Newfoundland.

America and Newfoundland.

In 1774 175 ships came to Newfoundland from New York, Philadelphia, Salem, Rhode Island, Piscataqua, New London and Boston. At John's alone had in 1770 imported over five million pounds of bread, two hundred and seventy five tons of molasses, three hundred and fifty tons of flour and two hundred and seventeen thousand gallons of rum from New England and many other cargoes went to every area of Newfoundland except in Bonavista and Trinity Bay (dominated by the enormous foole 'sedentary' merchants). In 1773 Newfoundland (with Nova Scotia

3. T64/22. At John's Naval officer's return 1770.
and Canada) took well over 50% of all rum exported from New England — or over 600,000 gallons. Of 74 vessels entering St. Johns in 1770 48 had been built in New England, only six in the West Country and but three in Newfoundland. Most of the others belonged to non-western 'partial adventurers'.

American trade was more valuable in that it did not compete with goods obtained from Britain. By 1770 England had ceased to pay bounties on the export of corn and was indeed beginning to limit such exports. Thus the adventurers sent only a little bread or flour and the supply of Newfoundland divided into three quite neat portions: England supplied clothing and manufactures, Ireland sent 'wet' provisions and America sent supplies of rum, molasses and 'fresh' food.

For example at St. Johns in 1770 while America supplied those commodities enumerated above, English ships brought vast amounts of linen, woolens, canvas, cordage, leatherware, iron and tinware, haberdashery, lead and mountains of tobacco, fishing gear, sailcloth, and miscellaneous foreign produce together with a wide range of smaller manufactures. They brought less than four tons of bread and flour.

The English merchants appear to have been divided in their attitude towards the growing American influence. Lester strongly opposed them, and in July one section of the traders at St. Johns also revealed some antagonism. They had been

1. Innes. Cod fisheries. p 132.
2. T.64/82. St. Johns Naval Officer's return 1770.
3. T.0.194/19.1. St. Johns merchants to Governor Duff, 13 July 1775.
alarmed by an unexpected influx of salt which, previously destined for American fishermen, was diverted to Newfoundland as a result of the 'restraining Act'. This created great (but only temporary) chaos since the English traders had already brought out an adequate supply, and the latter suffered heavy loss. However, the merchants also complained of other matters. In the last twelve years American merchants had built numerous warehouses which were filled with American products imported in American shipping. This threatened (they claimed) to destroy English trade and navigation. By selling rum the Americans had 'enticed boat keepers and servants into bondage', 'and by their alluring enticements draw from the poor labouring man a great part of the fruits of a laborious season'.

(Ignoring the fact that American trade was now 'shut up') the St. John's traders begged the Government to restrict American expansion.

When the season ended the Board of Trade (mechanically following a pointless routine) asked the West Country to comment, and the answers revealed considerable divergence of opinion. Plymouth (which was of little importance) 'agree(d) with the sentiments of the memorandum (since) the matters complained of having greatly discouraged the merchants of this island from making adventures to
Newfoundland', and Bristol agreed that 'at some future time many commercial regulations may be necessary regarding Americans in the Newfoundland trade'. On the other hand Poole (despite Lester) was so divided that it was unable to decide one way or the other, while Dartmouth and Teignmouth strongly supported the American trade.

After

'divesting ourselves of that mean self interest which too frequently operates in representatives and having before us the general interest of the trade including the boat keepers from England'

they presented some important arguments; those who had signed the first petition were 'not one tenth of the trading, fishing people at St. Johns'. The influx of salt was due to extraordinary circumstances unlikely to recur, and American merchants had always owned establishments in Newfoundland. If the Americans were unable to bring supplies in their own ships Newfoundland would collapse since most English merchants owned 'bankers' which were fully laden with passengers and manufactures, while the 'sack' ships could never arrive in time for the fishing season. Only a few men would be able to afford extra ships to send to America and these would inevitably dominate the fishery to the detriment of bank owners, bye-

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1. IBID f 22. Plymouth merchants to the Mayor 6 Feb., 1776.
2. 3.0.194/19.20 Paul Farr to Comm. of Trade 8 July, 1776.
3. IBID f 24. Poole Mayor to Cumberland 5 Feb., 1776.
4. IBID f 32. Dartmouth merchants to Comm. of Trade 8 Feb., 1776, & f 41. Teignmouth merchants to Comm. of Trade 12 Feb., 1776.
boat keepers and planters. Furthermore (because English merchants found it unprofitable) only the Americans purchased the 'refuse' cod for the West Indies.

'The supposed advance of price which will occur from restrictions upon the Americans next season may enable the boatkeepers to continue their labouring under the disadvantages of the raised price of bread, flour, rum molasses, pitch, tar and timber but if the Americans ever have a free fishery and the boatkeepers from England have not the opportunity of buying supplies with refuse fish they will be ruined, as the price (of fish) will not be so high.'

Obviously the Board of Trade could take no further action, but the enquiry had shown divisions within mercantile ranks. Probably the 'sedentary' merchants of Poole and Bristol were confident that they could supply their own 'dealers', but the fishing merchants wondered who was going to supply them. The signatories to the petition against American trade formed an interesting group. None were of the 'front rank', and indeed some were agents or relatives of men who signed the Dartmouth and Teignmouth petitions. The others included a few small 'residents' and some from London and Waterford.

This would indicate that American trade was supported by those who were mainly interested in fishing (South Devon

3. Bessie, O'Hearn & Gorman.
and some of Poole), and opposed by those whose primary concern lay in supplying the planters and byebatmen (i.e. those from Bristol, Poole and non-West Country towns. Of course many of the Dartmouth traders were great 'suppliers', but (in a gesture of solidarity?) they aligned with their smaller neighbours in South Devon. They changed their minds when, a few years later, Newfoundland had proved to be viable without the assistance of American merchants, if not without their provisions.

America's answer to the Restraining Act.

Until the middle of 1775 no one in England seems to have anticipated any hostility with America, and while the 'Restraining Act' was being debated, Newfoundland merchants engaged in their normal 'outsets'. They ordered only those provisions normally supplied from Great Britain and thus were completely unprepared for what ensued when they reached Newfoundland in May.

Philadelphia received news of the Restraining Act on April 27th, and immediately cut off all supplies to Newfoundland. New York soon followed and within a few weeks every port in the thirteen colonies had banned trade with Newfoundland. This created chaos for (incredible though it may seem) neither the government nor the merchants seem to.

1. For example, Arthur & Robert Holdsworth, Newman & Hooper, Andrew Jenison and John Teage.
2. Although of course the government was prepared for local conflict within Massachusetts.
have envisaged any possibility of American retaliation.

Indeed they had not even considered the implications of the 'Boston Port Act'. The American response could not have occurred at a worse time for Newfoundland had consumed its winter supplies and everyone was expecting the usual shipments from New England. When these did not arrive, men rushed to hoard what supplies were available and the price of bread rose steeply, and in some cases it became unobtainable.¹ The merchants hastily turned their ships around and scoured the North Atlantic seaboard in a frantic search for bread. Some (unluckily) went to America,² and a little was obtained in Canada but most returned to England and placed orders with 'all the bakers at work in the isle of wight, in roole and Dartmouth... for all such biscuit as they (could) bake in a month'.³ The merchants now found that legislation might prevent its exportation.

In 1773 exports of wheat were forbidden unless its price fell to a certain price,⁴ and although mercantile protests secured a slight modification in 1774,⁵ the amount allowed was clearly insufficient now that American supply had ceased. In June the merchants begged for some relaxation, but the Board of Trade relented only to the extent of sanctioning the export of 1000 tons of flour between July and September.⁶

¹ Acts Privy Council Col 1766-1783 no 319. Board of Trade Inquiry. 30 June 1775.
² Ibid. Evidence of Cholbred.
³ Ibid. Evidence of Olive.
⁴ Acts Privy Council Col 1766-1783 no 319.
⁵ Commons Journals Vol 34. 22 Feb. to 9 March 1774.
Obviously people were still unaware that a long war was impending. This total (almost certainly exceeded) ¹ did suffice to carry Newfoundland through the summer, but the fishery had been completely disorganised and the merchants had lost heavily. ² The fishermen did have one consolation — no American privateers had yet appeared on the banks.

The War and Newfoundland.

As the fishing season came to an end in 1775 three questions awaited answer. Could Newfoundland supply at least the West Indies (to replace fish formerly caught by the Americans)? Could she obtain sufficient food to offset the end of American exports and finally, what implications did a war with America have for the defence of the fishery?

Mr Lester's optimism notwithstanding Newfoundland would not find it easy to satisfy West Indian demand for fish. Between 1771 and 1773 an average of 160,000 quintals of dry, and 16,000 barrels of pickled fish had been imported, ³ of which Newfoundland had supplied at most 25 - 30,000 quintals and no pickled fish of any sort. ⁴ It was unlikely that the Adventurers could find either the fish or the shipping, and moreover they found the West Indies a usually unprofitable trade. They took only 'refuse' fish of low quality and proportionate price. Why should an English vessel take a

4. B.T.6/83.100. Exports from British North America to West Indies. 1771-1773.
cargo of this to the West Indies when (especially now that American fish was no longer available) there were much more profitable markets in Europe? While the war lasted, high prices (even for 'refuse') might make it worth while for small vessels to 'run down' to the Caribbean, but port charges there were high, and if the price of fish declined the traffic would be extremely unprofitable. 1 Worst of all English vessels taking fish from Newfoundland to the West Indies could obtain little freight for the return passage to England. A few ships could maintain a direct trade between Newfoundland and the Caribbean — fish out rum or molasses back, but these would have to be based not in England but in the Colonies, and there were few available.

1. If our fishery is to increase to supply the West Indies — formerly almost completely supplied from America, some means must be found to take it; for the circular voyages Newfoundland ships will have to make, they will find it difficult to get freight to pay expenses on the return. 2

In fact, Newfoundland, and not the West Indies gained by American exclusion. Until the Spanish markets were closed (1779) Newfoundland sent very little fish to the West Indies, 3 but they then used it as a 'dumping ground'. 4

1. CO 194/21. 43
3. Annual Register. 1778 pp 101-129.
until the end of the war when they once again lost interest. Nevertheless the direct trade continued and had one very important consequence. Because English shipping could not maintain a steady supply to the West Indies, resident merchants both in the West Indies and Newfoundland established a new trade which had little to do with the 'migratory' adventurers. Residents of Newfoundland like Robert Bulley, William Hall or Dunscombe & Harvey established close links with the West Indies and thus in 1785 no less than 27 West Indian ships brought rum, sugar and molasses to St. Johns, taking 'refuse' cod in return. Since this trade could only be carried on by 'local' shipping it gave an enormous fillip to settlement in Newfoundland. Nevertheless Newfoundland could never replace America as a supplier to the West Indies. As soon as the war ended New England fish again flooded into that market, and Newfoundland was at last forced to reduce its consumption of rum. Instead of consuming (as in 1773) perhaps 300,000 gallons annually, her fishermen by the end of the war were drinking between 100- and-150,000 gallons.

The Supply of Provisions.

Once the initial disorganisation came to an end

2. C.O.194/34.15 Montagu to Germaine 11 Jan., 1775.
5. In 1788 Newfoundland exported only 22000 quin. to the West Indies in 1790, 5900+ quin. & in 1791 only 12000. C.O.390/5.
Newfoundland discovered that it could (at least for a short while) survive without American bread and flour, but reorganisation took two years, and a heavy price was paid. In November 1775 the merchants again asked for the laws concerning wheat exports to be relaxed, but the government was still unable to think in terms of a long war and permission to export limited amounts of bread and flour only, was not finally given until May 1776 — by which time many vessels had already sailed without these commodities. Newfoundland, already suffering from the effects of a breadless winter now found that fresh supplies were not available. The planters lived for months on a diet of fish and pork, becoming so weak that they could hardly work. At Catalina (Trinity Bay) they lived mainly on Indian meal, and as late as 1880 were still refusing to eat this 'hoss meal'.

Fortunately matters improved rapidly for although hopes that Canada would take the place of New England proved vain,

3. H. T. 5/2. 52 Board of Trade Enquiry. Hutchings' evidence 17 Jan., 1785.
increasing quantities of bread was sent from Britain, until in 1785 she exported over 2500 tons. Nevertheless the abrupt rupture in established channels of supply had lasting effects upon the development of Newfoundland. The immediate result was to strengthen (and enlarge) those few merchants with capital and shipping enough to enter the food trade, at the expense of the smaller 'fishing merchants'. To do this they expanded their 'Sack' trade, their warehouses and their 'dealings' with the settlers. Even more important was the effect upon the organisation of the fishery.

Although Newfoundland could obtain food without the aid of America it could not obtain it as cheaply. The price of flour (12/- a cwt. in 1760) shot up because of the high prices prevailing in England and the extra freight charges incurred. At times it retailed at 36/- a cwt and seldom fell below 28/- even in the summer. The high price and

1. **Imports to St. John from Great Britain 1772-1783.**

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<thead>
<tr>
<th>Year</th>
<th>Bread</th>
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<td>1772</td>
<td>21 tons.</td>
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<td>1774</td>
<td>2 tons.</td>
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<td>1775</td>
<td>782 tons.</td>
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<tr>
<td>1776</td>
<td>773 tons.</td>
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<td>1777</td>
<td>710 tons.</td>
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<td>1778</td>
<td>1237 tons.</td>
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<tr>
<td>1779</td>
<td>1711 tons.</td>
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<tr>
<td>1783</td>
<td>715 tons.</td>
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3. See below p.
shortage of bread increased demand for other foodstuffs, just as the shortage of shipping caused freight charges to rise sharply, and thus all prices rose and the cost of living followed. This, together with the normal wartime labour shortage caused wages to double, and neither prices nor wages fell when the war ended. Until Spain entered the war this was of little importance for Newfoundland monopolised the markets, but after 1779 conditions deteriorated. The merchants began to abandon the direct employment of fishermen in favour of supplying (theoretically) independent planters. The latter were unable to afford the high wages and so turned to smaller boats and a 'share' or a 'family' for of fishing. This caused a relative increase in the number of boatkeepers (since the merchant would 'set up' anyone in the fishery), but a decline in the number of servants per employer. This tended to decrease the scale of operations and to increase permanent settlement since boatkeepers were much less mobile than their servants. As Dartmouth and Teignmouth had predicted, the eyeboat keepers found that rising wages and the increased cost of 'passages' out and home, forced them out of the fishery. From now on many turned to planting as the only means of holding on.

Newfoundland's 'Yeomanry', its 'middle class' of small

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1. In 1764 there were over seven servants for every master. By 1784 there were only just over four. (Calculated from statistics published in Browse, History of Newfoundland pp 694-6.)
(and migratory) merchants and boatkeepers were beginning to disappear.

Much of this was obscured by the abnormal conditions created by the war. Not until the crash of 1789 marked a return to 'normality' did the meaning become clear. In the meantime Newfoundland was much more concerned about the possible effects of Yankee hostility.

It is not surprising that Newfoundland did not join in the rebellion. The Royal Navy dominated her existence even more than it did that of Nova Scotia, but even if this had not been so it is doubtful whether Newfoundland would have acted differently. The great majority of her merchants, seamen and even planters were 'English' in the sense that they had been born and bred there, and hoped to return some day. Her supplies, shipping and merchants came from England and her markets lay in Europe. Despite a slowly increasing population Newfoundland possessed no local government - indeed it had no identity for the 'capitals' of Trinity Bay, Ferryland or Trepassey were Locke, Dartmouth and Topsham, and not St. Johns. People thought of themselves as not 'Newfoundlanders' but as 'English' or 'Irish'.

There were certain theoretical dangers—American factors like Nathaniel and Henry Philips or Robert Bulley lived in Newfoundland but warmly sympathised with the rebel cause, 1

1. Bulley owned vessels named 'Wilkee' and 'Liberty'. Ironically one of them was taken by a privateer in 1777.
and there was

'a mercantile people who reside(d) constantly in Newfoundland who (were) disaffected to this country and warm partizans of America'.

But these were a small minority and soon submerged their principles to retain their trade. One of them became the first Sheriff of Newfoundland.

The large Irish population was the source of much more concern. For years, governors had argued that they would join any enemy who cared to land, and there had been disaffection (of a mild sort) in 1762. They were in a large majority along the 'southern shore' and in parts of Placentia Bay, the defence of which might be seriously endangered. On the other hand outports were isolated, co-ordination difficult and an uprising unlikely unless the enemy effected a landing in some force. In fact although some Irishmen did aid American privateers (usually by giving information), most remained at least passive, while others actually served in the militia. fears of a 'fifth column' proved generally unfounded.

Because the Americans possessed no regular naval force it was inconceivable that they could ever attempt to conquer Newfoundland, but in their merchant fleet they possessed something

1. PRO 30/8/346. ("hatham Papers) Anon to lttt 30 Jan., 1786.
which could be easily turned into a very large scale privateering industry. The English bank fishery sprawled over hundreds of square miles of water, many outports were isolated and undefended, and even St. John had lost the best part of its garrison - sent to Boston 1774. Still there were compensations. While Newfoundland itself might be more exposed to attack than ever before, the markets were open, convoys would be safe from the very small American vessels and there should be very few losses in European waters.

Thus the problem of defence was simplified. Presumably if the Navy established a close blockade over American ports, this would in time destroy the privateering threat, whilst in the meantime a numerous squadron of small ships, cruising on the Banks and off the Newfoundland coast could hope to take care of those privateers which eluded the net. Unfortunately England never took any war less seriously than this one - especially in its maritime aspects. Only when France entered the war in 1778 did the French Ganges sweep through the country with their usual vigour, and as a consequence few vessels could be spared for Newfoundland. Of course even this had its advantages for the fishery was able to continue at almost full volume since labour was

still easily obtainable. Nevertheless it seemed that Newfoundland would be dangerously open to the privateers.

Fortunately the Americans proved to be equally reluctant war-makers, and Congress did not begin to issue letters of Marque until March 1776. The privateers did not appear on the Banks until September when the fishery was almost over, and the few bankers intercepted were merely rifled and then allowed to proceed. Although the 'Annual Register' (determined to show that the 'Restraining Act' had been a disaster) claimed that the 'Newfoundland fishery did not in any degree this year, answer the expectations held out in the preceding session', and talked of the confusion and distress caused by lack of food and privateer attacks, the fishery had been tolerably successful: no less than 273 fishing ships and 5000 bye boat men had visited Newfoundland and the total catch (almost 500,000 quintals) was at most only 20% below pre-war levels - far more than had been taken in any previous war.

Expecting 'raise' markets the merchants sent out another large contingent in 1777, but the naval escort

2. C.O.194/33.31 contract to Germaine 12 Nov., 1776.
3. Annual Register 1776 p 49.
4. Browne History of Newfoundland pp 694-5
5. The 'Sack' convoy sailing in May comprised 70 vessels.

Navy Records Society Sandwich Papers 1.223.
Fallisher to Sandwich 14 May, 1777.
was lamentably small. A large number of privateers were waiting on the Banks, one of which actually captured HMS 'Fox', and throughout the summer they roamed unchecked. Many Bankers were captured, although most were still only plundered.  
However the inshore fishery was not molested and in August the tide turned with the recapture of the 'Fox', and her captor. By September all was quiet and the merchants discovered that the fishery had been surprisingly good. Increased prices in Europe more than made up for the (quite small) decline in the total catch. War with America was it appeared, infinitely preferable to war with France or Spain, although a few men feared that Burgoyne's defeat at Saratoga would free a large body of troops for a winter descent on Newfoundland. For the first time in history, two naval sloops wintered there.

France's entry into the war changed the situation drastically. Until 1778 Anglo-French relations in Newfoundland seem to have been quite cordial and in 1776 (for example) St. Pierre sheltered a banker from an American privateer. However in 1777 France quietly withdrew her shipping and as many settlers as it could transport.

1. Hist. Mrs Comm. Stopford-Sackville Miss II. Montagu to Germaine 11 June 1777.
2. C.0.194/33.134. Montagu to Germaine 2 Aug., 1777.
3. C.0.194/34.2 Colonel Pringle to Germaine 22 Nov., 1777.
4. C.0.194/33.31 Montagu to Germaine 12 Nov., 1776.
before declaring war in February 1778. English press gangs swept through the West Country just as the merchants were preparing their vessels for Newfoundland. By March it was impossible to obtain even shipwrights for they had all run inland, and the Day boat keepers 'whose little property is chiefly in Newfoundland' had advanced money to servants who were now pressed away. It was feared that some smaller traders would certainly be ruined. ¹ The bank fishery was worst hit and only 29 vessels could be manned.² Later the 'Sack' convoy was delayed because (it) waited at Spithead for Montagu who had been kept from his station at the service of his country, for the more important purpose of amusing his Majesty.³ This proved very unfortunate for by the time Montagu arrived (with the main naval escort) the bank fishery had been abandoned and privateers had devastated the South Coast harbours of Harbour Breton, St. Lawrence, Burin, Mortier and Burin.⁴ To make matters worse two of Montagu's sloops were cast away and another badly damaged. 'My squadron is so reduced that I cannot comply with my orders as well as I would wish'.⁵

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2. C.O.194/34.48 Census of the fishery 1778.
4. C.O.194/34.48 Census of the fishery 1778.
5. C.O.194/34.31 Montagu to Germaine 30 July, 1778.
This supreme understatement meant that Montagu could do almost nothing to protect the Outports. Large Jersey establishments on the West Coast and in Chaleur Bay\(^1\) were destroyed together with every fishing post on the Labrador.\(^2\) Even Trinity Bay escaped the same fate only through the capture of a privateer inside that bay.\(^3\) In England men claimed that the West Indies were desperately short of fish,\(^4\) and the western traders complained of this 'unhappy' conflict which\(^5\)

'continues without any prospect of accommodation, and think every event which hath happened since its commencement hath not only added to our distress, but the whole of this extensive and beneficial part of national commerce is threatened with immediate and absolute ruin'.

They were exaggerating (as usual) for although the bank fleet was ruined and those merchants who traded to the areas attacked had lost heavily the fishery had still been quite successful. Over 10000 migratory and resident fishermen worked in the east coast without interruption and the total catch (386000 quintals) was in the circumstances

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5. C.O.194/34.33 St. Johns merchants to Germaine 5 Aug., 1778.
extremely good. The price of fish was even higher for St. Pierre had been re-occupied and the French fishery was almost at an end. England was not the only nation in the North American fishery. If the Navy could suppress privateering, and the merchants could obtain 'protection' for their mariners the prospects remained bright. Unfortunately Spain's entry into the war closed the markets, intensified the manpower demands of the Navy and created an intense depression in the fishery.

Ironically the same year marked the beginning of a 'counter-offensive' which in the end destroyed American privateering. The large squadron sent with Governor Edwards captured several privateers and although the merchants on the Labrador were again plundered, the east coast of Newfoundland was completely secure, and 370,000 quintals were taken. However the number of fishing ships, bye boats and 'passengers' had fallen off sharply so that the planters accounted for more than two thirds of the catch, and a great fire at St. Johns caused many bankruptcies.

1. IHID f 38. Census of the fishery 1778.
2. IHID f 36. Captain Evans to Montagu 17 Sep., 1778.
3. Although a few vessels continued to fish in remote harbours. In 1782 for example two were taken by an English privateer. Homer Williams, Liverpool privateers & Letters of marque (1966) p 243.
5. Cartwright, Labrador Journal Vol II
and the closure of the Spanish markets caused more. It was now that fish was sent to the West Indies in some quantity.

Portugal (as usual) became an entrepot through which fish was smuggled to Spain or taken in neutral vessels to Italy, but this was not sufficient to take care of what after all, was a very enlarged fishery. Between 1779 and 1782 Spain enforced its embargo so thoroughly that hardly any fish managed to enter her territories even though this meant that at Alicante for example inferior Norwegian fish were sold at 40/- a quintal. The closure of Cadiz, Corunna and Barcelona alone meant the loss of a market for at least 170,000 quintals, and they accounted for at most only 50% of Spanish imports. Even in Portugal the creation of national 'wine factories' caused great difficulties to the Newfoundland wine merchants. The number of English 'Houses' at Viana declined from six in 1775 to two in 1786 and those

2. Ibid
Corunna Consul's report 25 Mar., 1786. Ibid.102
Barcelona Consul 26 Jan., 1786.
The Spanish paid a high price for their self-denying ordinances but they turned to Norway and Denmark and also tried to expand their sardine fishery in the Mediterranean. Norwegian 'stock' fish was thought decidedly inferior in quality and durability and had never found much of a market in Spain until now, but considerable amounts were imported between 1779 and 1783. Once Newfoundland fish became available again the Scandinavians lost most of their market, but they managed to keep a small foothold which was to expand enormously in the nineteenth century. The Spanish sardine fishery had no adverse effect upon Newfoundland but it smashed the Cornish pilchard trade.

The closure of this market created chaos in Newfoundland and a series of bankruptcies eliminated many traders. Most of them were 'new adventurers', only in the trade since 1763, but some had become quite important. Robert Eustace of Waterford went bankrupt at Fermews as did Perkins & Coghlin of Bristol (Fogo and Labrador), Clarke & Co. of

4. I.BID
5. I.BID
6. I.BID
Weymouth (Trinity), 1 Moses Kittler of Ringwood (Fogo), 2 Robert Walker of Greenock (Harbour Grace), 3 and a whole string of Bristol merchants, in Conception Bay. 4 Other men like John Rogers of Chester or the Smyth's and Whyte's of Waterford disappear from the records.

After 1780 the fishery painfully adjusted to the decline in demand and the inevitably increased shortage of labour. The American threat was finally mastered for in the Spring of 1780 St. Johns volunteers repulsed a privateer attack 5 after which Edwards arrived with no less than thirteen warships. 6 The principal outports were now fortified and Edwards again took many privateers. 7 By August not one English ship had been lost and the outports were unmolested. 8 In 1781 although a number of 'salt' ships were taken, 9 an 'amazing number' of American privateers waiting off Newfoundland, lost their ardour after Edwards took no less than seventeen of their number. 10

2. Ibid. Edwards's lieutenant to Governor Edwards 5 Sept. 1780.
3. Ibid. Record of a court held at St. Johns 23 Aug. 1780.
8. Ibid. 36. Edwards to Germaine. 1 Aug., 1780.
Campbell captured six more in 1782, and gaining heart, Messrs. Spurrier and Keates of St. Mary's quickly armed and manned a fishing vessel and took another one. At the end of the season Campbell was able to report that 'nothing much had happened'.

Unfortunately this was more than outweighed by shortage of labour and the closure of markets. The migratory fishery was especially harmed and in 1781 there were only 51 fishing ships (less than one fifth of the 1775 total). A year later the fishing ships caught only 19000 quintals (compared to the 305,000) they had taken in 1775. The eye boat keepers were not quite so badly affected but even so the number of boats operated by them fell from 518 in 1774 to 176 in 1781. The planters came through best for although the number of their boats declined by over 50% between 1774 and 1781 this left them as by far the largest group in the fishery. In 1770 the amount of fish taken by 'migratory' and 'sedentary' fishermen had been 365000 and 277000 quintals respectively;

1. Ibid f 41. Prizes taken 1782.
3. C.O.194/35.149 Campbell to Shelburne 23 Nov., 1782.
5. Frowse, History of Newfoundland pp 694-5.
7. Frowse, History of Newfoundland pp 694-5.
in 1781 the totals were 86000 and 171000. 1 The sedentary fishery had become the 'mainstay' of the Newfoundland and merchants adjusted their trade accordingly.

Effects of the War.

Basically the war had accelerated trends which were already turning Newfoundland into a 'colony'. The cessation of American supply forced large merchants to expand their carrying trade, to build increasingly large premises and increase their dealings with the planters - a development which was furthered by the decline in the migratory fishery. The increased price of provisions, together with normal wartime labour shortage further tempted merchants to 'set up' boat keepers rather than carry on a direct fishery. Bye boatkeepers, unable to continue because of the war, were in danger of losing their property, 2 and thus chose to 'plant' upon it, and the failure of wages and price to fall when the war ended was joined with an increasing shortage of 'free' rooms to prevent them from re-expanding as they had done after previous war. Meanwhile the planters, unable to employ six man boats crews on a 'wage' basis turned to the 'share' or 'family' system which utilized smaller boats, and in every harbour there was a tremendous spread of 'property'.

2. Because of the 'property' clauses in Palliser's Act.
Growing shortage of 'free' and cheap fishing rooms.

Even before the war very few of the ancient 'ships' rooms still existed south of Cape Bonavista, and if the owner of 'private' rooms could not use or lease them he would allow them to decay before letting others fish upon them. In providing that rooms not used for an entire season were to revert to 'public' ownership Saliier's Act represented an attempt to solve this growing evil. By 1778 the decay of the migratory fishery had left over 375 'unoccupied' rooms between Ferryland and Twillingate, but they were soon taken as 'property' for one year later Edwards (pleading for 'property' to be legitimised) claimed that 'There (were) few fisheries now but which do not belong to the same person...they are looked upon as property'. Although many by boat and bank ship owners probably did lose their plantations in this way, a growing shortage coupled with the increasing size of premises which now dealt in supplies as well as 'pure' fishing entailed an increased value of shore-land and an increased expense in erecting premises. By 1782 the largest establishments were valued at over £60,000 and even quite moderate properties might cost £8000.

1. G.O.199/17.44. Shuldham remarks on his instructions 1772-3.
2. G.O.194/34.48. Census of the fishery 1778.
3. JLD f 90 Governor Edwards' report 1779.
In theory, outport land was owned by the boatkeepers, but these were so indebted that it was all assigned to the merchant. Even where they did retain some independence, planters would never allow another to use their rooms. At St. Johns the problem was slightly different. There was only a small sedentary fishery, but mercantile competition for waterfront property caused land prices to soar. Most of the land was owned by the descendants of 'old' migratory fishermen who had long ago retired. Thus in 1780 Robert Bulley occupied premises first built by the great-grandfather of Mathew Earle, a painter and glazier of west Teignmouth, and Betty Pitts (also of Teignmouth) held land in trust for the orphans of John Butler (late of Fort de Grave then Teignmouth). The lands she controlled must have brought in rents of several hundred pounds a year. William Thomas of Dartmouth owned land first granted to a planter (William Kennet) by Charles II. As a result of this 'creeping' ownership, 'all convenient parts of the island are occupied by merchants who were anciently concerned in the trade'.

**Merchant Monopoly**

In 1785 George Hutchinson revealed that six firms at
St. Johns held a monopoly in the supply of bread and flour and thus controlled trade throughout the area, and so did Colonel Elford. He declared that he wished to be understood as meaning the Dartmouth and Poole merchants or their agents when I mean the principal inhabitants for I look upon Dartmouth and Poole as the principal support of this country and when both or either of these fails Newfoundland will be shaken to the core.

As the table on the following page shows, dependence upon a few turbulent merchants was even more marked in the outports:

1. B.T.5/2.52, Board of Trade inquiry. Hutchings evidence 17 Jan., 1786.
<table>
<thead>
<tr>
<th>NEWFOUNDLAND HARBOUR</th>
<th>ENGLISH TOWN</th>
<th>MERCHANT HOUSES</th>
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<tr>
<td>LABRADOR</td>
<td>Bristol/Dartmouth</td>
<td>Noble &amp; Pinson</td>
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<td>TWILLINGATE</td>
<td>Poole</td>
<td>John Blade &amp; Co.</td>
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<td>Poole</td>
<td>Ken Lester</td>
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<td>Jefferey and Street</td>
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<td>Joseph &amp; Moses Neave</td>
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<td>Samuel Spratt</td>
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<td>Robert Tremlett</td>
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From this it would appear that a few merchants thus controlled all the land, all the shipping and all the trade. Newfoundland was indeed little more than a vast monopoly. This would be an extremely inaccurate conclusion, for in the harbours between St Johns and Trepassey a host of Devonshire bank and by boat owners maintained a completely independent existence, and (of much more consequence) Conception Bay was an area in which established merchants had to compete fiercely with 'speculative' or 'partial' adventurers, this giving the planters of that densely populated area, considerable choice, St Johns had become a vast trading town where literally dozens of small merchants jostled each in a supply trade which was extending into the outports and threatening West Country hegemony.

The Rise of St Johns.

Although St Johns (and nearby Torbay and Petty Harbour) was the centre of an enormous 'migratory' fishery, it contained very few 'resident' fishermen. It was not even outstanding as a population centre for its population of 2500 was almost equalled by Harbour Grace (2392). Yet it had become the commercial centre of the Island, where merchants with little nor interest in the fishery were gradually cutting into the supply trade and going to the outports and amongst.

the bye boat men to obtain fish for export. The foole merchants of Placentia and Trinity regarded the town with some dislike, describing it as 'a mere Portsmouth or rendezvous for the Army and Navy where the fishery is insignificant compared with the outports', ¹ but of all men, they had least cause to worry for the St Johns traders made 'very little' impression in Trinity and Placentia until the nineteenth century. ²

Basically St Johns had gained pre-eminence from its position - central to the English settlement area, with a tremendous harbour - and the accident which from the late seventeenth century had made it (instead of Bay Bulls) the centre of 'Government' and the rendezvous for Convoys. Until 1763, St Johns appeared to be of little more importance than any other major outport, all of which looked to their 'capitals' in England, but gradually a race of small merchants (mainly from Ireland and the West Country) ³ settled there, the town became a centre for men wishing to 'settle accounts' with traders from other ports, and most of all, labourers looked there to obtain passages home on one of the innumerable bark ships which sailed from there in the Autumn. Planters soon found that a public house, catering for the needs of newly paid outport men, was a very

profitable business and by 1775, there were eighty taverns. The landlords would be paid in fish or bills and inevitably one or two began to trade supplies for fish. This process expanding enormously during the American War, as the harbour was safe from attack. Convoys arrived and departed from thence and many 'speculative' venturers unloaded their cargoes in exchange for fish obtained by the small trading merchants. Thus in 1778 St. Johns received eighty of the 218 ships visiting Newfoundland and in 1781 catered for 89 of the 112 Sack ships which came out. Its prosperity was vastly increased by the sale of American prizes and by 1786 it had been transformed. George Cartwright was 'astonished at the changes' which had occurred since he was last there in 1768. Merchants now possessed 'elegant houses' and lived 'comfortably and even luxuriously'. There was 'an abundance of horses', cultivation had increased enormously, and at Mr. Ogden's after a 'very genteel dinner' he played cards and supped as though he were living in London.

The older merchants muttered about 'useless officers of the Customs' and 'luxury', but this astounding growth of 'gentility' was only part of an irreversible development.

Until 1775 the population of St. Johns consisted principally

1. Frowse, History of Newfoundland pp 694-8
4. C.O.194/35.130. Census of the fishery 1771
of merchants, a few shopkeepers, publicans, clerks and labourers; but during the war a flood of immigrants established various 'service' trades which had previously been available only back in England. This is clearly revealed in a Census taken in St Johns during 1794, which lists occupations and dates of arrival.¹ until 1775 'non fishing' trades were restricted to a handful of Coopers, Blacksmiths, Blockmakers, Carpenters and 'mariners', but during the war the number in these occupations increased, and new trades were added. Thus five tailors, a Watchmaker, tailor, two barbers and a fiddler, two shoemakers, a glazier, two masons and two schoolteachers provided evidence of the expansion of St Johns. Commercial ‘Houses’ expanded their operations so much that in 1779 Edwards formed a militia which consisted solely of merchants, clerks, dealers and tradesmen.² Many merchants (especially the smaller ones) gave up a migratory life and settled permanently in the town; whereas there cannot have been more than half a dozen such in 1775, but by 1784 there were at least twenty-four.³ Some like Richard Stokes, George Gaden, John Cummings and Hugh Lowe were old West Country traders and others like Timothy Shea, Martin Deane, Andrew Gleeson and William Ryan, rising Irish shopkeepers. Elliott Ellms came from Ross and

1. Census taken in St Johns 1794-5. Gosling Memorial
   Library St Johns.
2. 7.0.194/35.3. Pringle to Edwards. 10 Dec., 1779.
3. 7.0.194/35.174. Elford to Sydney. 16 Dec., 1784.
Liverpool, John Rogers from Chester, Peter Prim and John Nicholas Buffet had been born and bred in Newfoundland, and Nathaniel Philips and Nicholas Gill were Bostonians who had chosen to remain inside the Empire. Most ominous of all were the Scots - Alexander Stuart, Robert McAuslan and Andrew Thomson.

Although (as we have seen), 1 Scottish traders were in the trade before 1775 their real expansion dated from the American revolution. In 1775 Scotland sent its first exports of cloth, 2 and by 1786 her total exports were exceeding £10,000 per annum. 3 During the war McAuslan, Cormack, Roderick Robertson, Crawford and Stephenson, Stuarts and Rennie, or Hunter, Robertson of Greenock all built or leased properties which by 1786 rivalled many medium sized West Country houses. 4 Although they were beginning to venture into the fishery, the Scots flourished best when confined to trade, and they were soon supplying West Country merchants as far away as Placentia and Fogo. 5 By 1780 the outports were said to be 'very dependent' upon St John's for supply, 6 and merchants in the nearer harbours began to feel the cold wind of competition. Firmly established, the Scots were...

1. See above pp.
sure to expand as the Industrial Revolution progressed. We should not exaggerate the immediate effects of this for the largest West Country merchants operated on a scale which these men could not as yet aspire to. Even so the latter were perhaps becoming too large. Many had now become too 'grand' to supervise affairs at Newfoundland, and were relying upon agents. Some like Newman & Roope Sparke Hutchings and Sparke and Arthur French (all Dartmouth) employed West Country men, and others employed experienced Irish factors such as Dennis O'Brien, Benjamin Kearney, Martin Power and William Burke.¹ Like all 'good' agents, most of these would eventually 'inherit' their master's property. The largest Dartmouth merchants were becoming so wealthy they were beginning to lose interest not only in Newfoundland but even in the West of England. Holdsworth, Hunt, Roope, Teage and Newman of Dartmouth were by now deeply engaged in a wine trade which was beginning to out-value the Newfoundland business. As yet they still engaged in the latter, but in 1782 Robert Newman & Co opened a London House (Newman & land),² and in time would close down that at Dartmouth. Already Hill & Sweetland had moved from Topsham to London, and the large Jersey Houses had transferred their head offices to the same place. Soon other merchants would

¹. C.O.194/35.276. Petition of St John's merchants. 16 Dec.1784.
take the same step, and others would move to take advantage of all the Industrial revolution could offer through the port of Liverpool. The migratory fishery was being slowly eroded. In Newfoundland Irish-West Country merchants were taking up residence, the population was increasing and land becoming monopolised. In Europe, Scotland was beginning to use her new strength whilst the West Country merchants were beginning to move out to London Liverpool or Newfoundland. Ahead lay the Napoleonic war and the collapse of Newfoundland’s 'sister' the West Country Cloth trade. But ironically the migratory fishery would in the next six years rise to its greatest ever peak.
CHAPTER TEN

Considering that England had come closer to losing a war than at any time in the past hundred years, the Treaty of Versailles was almost a triumph. Newfoundland was by 1782 resigned to the probability that both French and American vessels would obtain fishing rights, and the merchants contented themselves by trying to ensure that the 'old English shore' between Bonavista and Fortune Bay should remain intact.¹ In fact the final treaties saw England in a surprisingly favourable position. St. Pierre 'retained in the pride of our superiority' in 1763,² was ceded to France 'in full sovereignty', and they were granted the right to cut wood on Newfoundland,³ but French attempts to obtain an exclusive fishing area were repulsed,⁴ and they were still forbidden to erect buildings or leave men to 'winter' on the Island. Unfortunately much of this was destroyed by an arrangement to prevent Anglo-French disputes in the 'concurrent' area. Under Article Three

¹ PRO.30/8/346. Petition of hoole merchants Sep., 1782.
² Annual Register 1783.
³ PRO.30/8(Manchester Papers) No.1132. Manchester to Vergennes 16 July, 1783.
⁴ C.O.194/37.116 Manchester to Fox 23 June, 1783.
of the Treaty France renounced her rights to fish between Cape Bonavista and Cape St. John, so that the 'concurrent' area now extended from the latter to Cape Ray on the West Coast, but in return the English government agreed 'to take the most positive measures' to stop Englishmen 'interrupting' the French in their fishery on the 'treaty' shore. In 1784 Governor Campbell ordered all English settlers living in this area to evacuate.¹

In theory this agreement had been designed to stop English settlers from 'engrossing' fishing rooms, in order that the French fishing ships could compete on equal terms with those of England but it soon appeared that the French were interpreting it to include even English fishing vessels. In 1784 the Jersey merchants complained that their ships had been obstructed by French warships in St. Georges Bay: 'we conceive that the Treaty which has extended the French fishery can in no way mean an exclusion of His Majesty's subjects from any part of Newfoundland'.²

The English government took no action and in 1785 more incidents occurred. British vessels fishing between Cape Ray and Point Ferrole were forced to leave by a French frigate which, when challenged, produced a letter from the

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Duke of Manchester to the effect that no English vessels were to fish on the 'concurrent' shore whilst there were any French ships there.\textsuperscript{1} Tension grew rapidly as English fishermen retaliated by plundering a French brig driven ashore near Greenspond,\textsuperscript{2} and a 'banker' of Dartmouth fired on a French ship on the Banke.\textsuperscript{3} In return the French drove Jerseymen away from the Humber river and destroyed their salmon nets.\textsuperscript{4}

In 1786 the board of Trade urged that the Governor be ordered to prevent the French from cutting wood, staying in winter and hiring English subjects to look after stores left behind, but even they were stumped by the 'Manchester Declaration'. They did not contest France's right to insist on the withdrawal of Englishmen from the concurrent shore. All they could suggest was that such men 'should be removed by English and not French warships'.\textsuperscript{5}

In the ensuing season English and French officers worked harmoniously to exclude Englishmen from what was in fact, if not in theory, rapidly becoming an 'exclusive' shore. Governor Elliott evicted Nathaniel Tory of 'Coole from 'rooms' at White Bay which he had used for twenty

\textsuperscript{1} C.O.194/36.63. Captain Lumsdaine's report 24 July., 1785.
\textsuperscript{2} Ibid ff 67-69. Nepean to Campbell. 26 Nov., 1785.
\textsuperscript{3} Ibid f 23. Campbell to Sieur de Danseville 10 Aug., 1785.
\textsuperscript{4} O.O.194/36.31. Deposition of Thomas Anquetil 1785.
\textsuperscript{5} Report of the Board of Trade 10 May, 1786.
six years, and English vessels were again forced away from Port aux Basques and Port Saunders. By interpreting the Treaty to mean that

'His Majesties subjects cannot possess fixed settlements on any part of the French Treaty coast nor interrupt them by competition by prosecuting a boat fishery whilst the French are there'.

Elliott was giving the French that 'exclusive' fishery so ardently denied in 1783.

In 1787 Noble & Pinson of Dartmouth determined to send a ship to the French shore in order to test the validity of this interpretation in English Courts, and Sydney, while hastily instructing Elliott to use his 'utmost endeavours' to restrain them, had to point out that

'at the same time you will understand that by the act of 10th & 11th William III c 25 the fishery is so regulated that it will be very improper for you to use any force against such of the British fishermen as persist in their resolution to continue in the exercise of their fishery within the said limits (i.e., on the French shore). If you cannot persuade them, nevertheless it is to be hoped that French fishermen do not receive any injury from this... We will make an immediate representation to Paris (and) remove the difficulties by an application to Parliament during this next session'.

Obviously the desire to maintain friendly relations with France far outweighed the ancient insistence upon a

1. C.0.194/36.101. Elliott to Tory 21 July, 1786.
2. IBID f 198. A Le Sieur to Captain Zakenham 19 Sep., 1786.
4. 0.0.194/36.20 Sydney to Elliott 6 June 1787.
concurrent fishery. In 1787 Elliott informed the French governor that

'I lament exceedingly that the fishermen of the two nations should continue to regard each other in a manner so little becoming the good understanding which at present subsists between our respective Courts'.

In 1788 Wyndham introduced 'an Act to enable His Majesty to make regulations to prevent the inconvenience which might arise from the competition of His subjects and those of France in carrying on the fishery on the coast of Newfoundland', which was but lightly opposed in Parliament. A government which normally refused to tamper with the 'Newfoundland' Act found no difficulty in so doing when its own interest was involved. For the first time Newfoundland was being sacrificed for Anglo-French amity.

Although some of the merchants protested and Browse later described it as a 'sacrifice of Newfoundland to the French' these concessions were of little importance at the time. Only the Jerseymen and a few settlers were visiting the French shore and most of the English fishery was unaffected. It was important only in that it established a precedent for the interminable wrangles which occurred during the nineteenth century, and as an indication of an (admittedly slight), lessening of

government interest in the fishery.

Decline of the French fishery.

The ease with which the government passed this legislation was probably due to something that by 1788 had become very obvious; while the English were enjoying a tremendous boom, French fishermen were near the point of ruin. Although their government introduced two substantial bounties in 1785, they could not reverse a decline of long standing. Years of warfare and heavy expenditure was bringing France to bankruptcy and a grave disruption of trade and industry. While the Treaty of Versailles gave them St. Pierre and confirmed their right to fish and cure in Newfoundland, it did nothing to overcome the crippling handicaps conferred through the earlier treaties. Thus although the English merchants were at first alarmed by the French bounties, the Board of Trade took a much calmer view in calculating that these bounties were barely sufficient to allow French fish to compete with that of England or the United States even in the French West Indies. Even the merchants agreed that they did not require a retaliatory bounty.

The French were also unlucky for the cod, while it

3. Ibid f 64. Evidence of Newman/Ougier 1 Jan., 1786.
5. Ibid.
came into the English shore in great abundance, almost deserted that used by their vessels. In 1785 their inshore fishery was 'insignificant', their boats taking only 150 quintals each (as against an English average of 300), and from then until the outbreak of war each season appeared more disastrous than the last and many merchants were utterly ruined. As the table below would appear to indicate, the French fishery was kept alive only by the bounties. The internal turmoil of France after 1789 merely aggravated an already disastrous situation, and the ensuing war prevented any revival. As a competitor France was wiped out until 1815.

The United States and Newfoundland.

The Treaty of Paris recognised America's traditional fishery rights on the banks, in the St. Lawrence Gulf 'and all places where they used to fish', and also permitted them to fish (though not to dry) on uninhabited parts of

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3. The French Fishery 1774-1792

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the 'English' shore in Newfoundland. They were also permitted to fish and cure their fish on uninhabited harbours in Nova Scotia, the Magdelens and Labrador.

As Chalmers pointed out, whether the right to catch fish included Bait was 'a doubt which the Dutch jurists may answer', but (like the French shore question) commitments entered into in 1783 were not paid for until the nineteenth century, for America took some time to recover from the devastation caused by war. Nevertheless a certain amount of friction soon arose. In 1785 the Americans were accused of illegally buying fish from south coast planters (the real complaint was that they were paying 2/- a quintal more than English merchants), and many were said to be trading to Newfoundland under false colours. Although officials reported a certain amount of smuggling, local merchants ensured that this did not reach large proportions. 'The merchants are jealous.... and inspect them as strictly as a customs house would'. Until 1789 the American fishery was too weak to worry Newfoundland, but after that it soon began to recover markets in Europe.

1. Chalmers, Opinions on interesting Subjects pp 24-5 (n)
4. C.O.194/41.23 Captain Croft's report 10 Jan., 1795.
and the West Indies, a revival aided by a series of Indies bounties granted between 1789 and 1799. By 1791 the United States was exporting over 300,000 quintals annually and this undoubtedly helped to destroy Newfoundland's post-war boom.

In 1784 men debated not whether America should have fishing rights, but whether she should be allowed (despite the Navigation Acts) to supply foodstuffs to Newfoundland. The possibility that the United States might be admitted into certain parts of the Navigation system aroused impassioned opposition from English traditionalists. Quite apart from emotions aroused at the prospect of permitting victorious rebels to retain the advantages of the imperial system many writers saw in American exclusion, a chance for the fisheries of British North America to supply West Indian markets won during the recent war. In order to develop that trade, and to replace New England as a supplier to Newfoundland, English merchants had had vastly to increase their shipping (and hence the nursery of seamen), while the 'drain' of men to America had now come to an end. If America was allowed to regain this trade, the advantages would be lost.

On the other hand, the government saw that as yet

British North America was unable to supply the West Indies with sufficient flour or fish, and that the re-entry of American food to Newfoundland would greatly reduce the price of supply. Moreover America had, prior to the Revolution, become a vast market for English commodities; exclude her merchants from Imperial trade and they might retaliate by trading more with France.

Shelburne hoped to expand Anglo-American trade 'on grounds of mutual advantage and convenience', but his resignation and the determined opposition of Eden and others meant that Pitt was unable to obtain a rapid settlement.¹ For the time being the government regulated commerce with the United States through Orders-in-Council but nothing was done to define the relationship between that nation and Newfoundland.² In 1783 therefore not only English, but American vessels came with food from Boston and Philadelphia. No one protested but the Naval Officer at St. Johns spent the winter in trying to define the legality of this trade. He finally concluded that the Navigation Acts excluded a direct colonial trade from foreign Europe and could not apply to 'foreign settlements beyond the Atlantic', and therefore recommended that all American foodstuff except rum be allowed in English.

vessels only. 1 The Newfoundland merchants were informed and accordingly sent vessels to America for food.

Simultaneously the Board of Trade was conducting an independent enquiry into the supply of British North America and the West Indies during which Palliser and the garrison commander of St. Johns argued strongly against permitting American fish or grainstuffs into the empire. Colonel Fringle claimed that Newfoundland was already well supplied from Canada and England. Admitting that American flour was 20% cheaper, he argued that this was outweighed by the need to prevent smuggling, trading under false registers, American penetration into Newfoundland's carrying trade, and the 'enticement' of mariners to New England - all of which would undoubtedly occur if American vessels were admitted. If ships brought food from America, those coming direct from England must go out in ballast. 'The Newfoundland fishery does not need the United States supplies...it would be advantageous to have no intercourse with them'. 2 Palliser was mainly concerned to keep America from the West Indian fish market, but he also argued that Newfoundland could be supplied well enough from within the Empire, and pointed out that the exclusion of American rum from Newfoundland would encourage a direct trade between

1. C.O.194/35.386. Buchanon to Stewart 5 April 1784.
there and the West Indies. He in vain still diminished Poole and Dartmouth prepared a petition against the American trade and Buchanon hastily prepared a defence of his actions. He was against the admission of American Shipping, but pointed out some possible dangers if her food were excluded. Before the war ('partial') adventurers had sent ships to New England with manufactures, had then loaded provisions for Newfoundland, and from thence took fish to Europe. If direct intercourse with America were forbidden these vessels would have to sail from there to Newfoundland in ballast, which would make the voyage unprofitable. The number of partial adventurers would thus decline, and this would lessen competition in Newfoundland. The price of food would rise, and that of fish would fall, so that the fishermen (both migratory and settled) would find themselves in difficulty. Canada and Nova Scotia had so far been incapable of supplying Newfoundland with flour, and already prices were so high that men were leaving Newfoundland for America. 2

Dartmouth 3 however 'dreaded an open trade and commerce with the United States (however beneficial it may be to partial adventurers'. The admission of American shipping would lead to their dominating the carrying trade, and even

2. T.0.194/35.326 Buchanon to Stewart 5 April, 1784.
3. Ibid f.331. Petition of Dartmouth merchants 16 April, 1784.
if only her food was permitted this would still diminish the manufactures of Great Britain and (since it must be paid for in Bills of Exchange) would 'be a foundation of credit for Americans to traffic with every other nation'. American ships would still come under false registers, smuggling would take place and worst of all, men would flee to New England since

'not only the fishermen of this country but the inhabitants of Newfoundland would gladly quit it for America where fisheries can be carried on at a greater advantage'.

The Board was unable to decide one way or the other and the trade was wracked by uncertainty. An order in Council permitted American trade with the West Indies but made no mention of Newfoundland, and the diplomats continued to negotiate with the United States. In May Poole presented a petition along the same lines as that from Dartmouth, but which was if anything, even more alarmist. Any communication with the mainland 'must ultimately end in annihilating the trade from this Kingdom'.

'The great support of Newfoundland hath been the Navigation Acts so far as it prevents the trading of foreigners there, and on this alone its welfare and harmony depends'.

Now the merchants were completely confused, but

could no longer delay their shipping even although they had no idea whether American food would be allowed in or not. Many (fearing that it might) did not load flour in England, but others (fearing it would not) sent no ships to the United States. When Admiral Campbell arrived in Newfoundland he found a severe shortage of bread, with the price touching 35/- a hundredweight. American vessels appeared off St. John, but the Customs House would not allow them to unload until Campbell (arguing that because the April Order-in-Council made no mention of Newfoundland, he could use his discretion) allowed them to unload. The quantity involved was small, but it brought food prices down quite sharply. Campbell had helped the fishermen, but embarrassed the Government for Sydney had verbally assured West Country members that American food would be excluded. In December he became the target of angry reproaches for what the latter felt to be a breach of faith. I am sure that this must be your Lordship’s wish that the firmest confidence should exist between government and every branch of trade, which has in this particular much been shaken this last mistake.

The Board of Trade had to prepare another enquiry at which

2. G.O.194/35.278. Campbell to Sydney 29 Dec., 1784.
4. G.O.194.35.278. Campbell to Sydney 29 Dec., 1784.
5. IFID f 331. Holdsworth to Sydney 3 Dec., 1784.
both sides acted in the traditional manner. Jenkinson ruefully discovered that the debate consisted mainly of assertions of the most positive nature contradicted by assertions equally positively given.¹ The merchants were represented by agents from Poole and Dartmouth² and received support from Quebec merchants who hoped to corner the supply trade,³ while the 'pro-american' side was represented by three officials⁴ and a resident merchant.⁵ Evan Nepean betrayed a slight bias against the United States but (as a prudent civil servant) said nothing which might be later held against him.⁶

The merchants repeated arguments already raised, but introduced a new point by claiming that the importation of American food, even in English shipping would (by encouraging 'partial' (and competitive) adventurers diminish the trade of the large merchants upon whom Newfoundland depended for regular supply. 'These merchants are the only support of the fishery and without them... it would fail'.⁷

² Benjamin Lester and John Jefferey from Poole, Peter Cugier and William Newman for Dartmouth.
³ Cutler and Davidson.
⁴ Governor Campbell, Naval Officer Buchanon and Customs Mr. Routh.
⁵ George Hutchings.
⁶ B.T.5/2.52 Evidence of Evan Nepean 20 Jan., 1785.
⁷ B.T.5/2.61 Cugier's evidence 28 Jan 1785.
However, their opponents stressed the importance for cheap food if the fishery was to compete against France and America, 1 accused the merchants of Poole and Dorset of wishing nothing more than selfish monopoly, 2 and produced evidence to show that Canada could not supply a sufficiency of grain for the foreseeable future. 3

The Board had indeed heard 'assertions positively given, contradicted by assertions equally positively given.' Exclude American food and the cost of supplies in Newfoundland would rise considerably: Allow it to enter and you risk smuggling, fraudulent trading under false colours, a drain of specie to America, and the continued drain of men to the mainland. On the other hand no one appeared to want American shipping. Action was urgently required and the Board decided to recommend that for a trial period of seven months, American bread and livestock only be imported in British vessels. 4 Jenkinson forthwith introduced a bill in Parliament, which despite considerable opposition from merchants, passed into law. 5

During the summer of 1785 the measure worked reasonably well although speculators in England listened to the

1. B.T.5/2.53 Euchanons evidence 20 Jan., 1785.
4. I.0.194/40.6 Report of the Board of Trade 5 Feb., 1785.
Parliamentary debate — assumed that Newfoundland was starving — and despatched enormous quantities of bread which glutted the market. Much more important, now that the legislation was finally settled, merchant opposition seemed to weaken rapidly. In January 1786 the Poole traders continued to argue that all intercourse with America be prevented, but that the present arrangement was at least preferable to an 'open' trade, and (rather inconsistently) asked that Indian corn be added to the list of goods importable from the United States. Dartmouth did not even bother to offer evidence and the board accordingly recommended that the Act be extended for two years. This was done, and the fever went from the debate. By 1786 the merchants had swung to the other extreme and became ardent supporters of America trade. In that year the Quebec merchants quietly applied for the Act to be allowed to lapse on the grounds that Canada was now in a position to supply everything Newfoundland required. Before the adventurers knew what was going on the board had recommended that food from America now be completely prohibited, although (to ensure that temporary harvest failures did not bring Newfoundland close to starvation) the Governor should be enabled to allow

2. F.T.5/2.171 Poole agents evidence 11 Jan., 1786.
3. F.T.5/2.151 Evidence of Watson/Hunter/Erickwood 14 Feb., 1788.
temporary importations. ¹

Poole reacted by entering a strong protest which expressed her 'great alarm' at the prospect of being cut off from American supply, ² but she was over-ridden and the intercourse Act was duly allowed to lapse, to be replaced by legislation on the lines recommended above.³ Poole's concern if somewhat inconsistent with past professions, was only too well justified. The Canadians proved incapable of fulfilling their promise and the governor was forced to licence importation from the United States. This however was a very unsatisfactory procedure, since merchants had little time to send ships to the mainland, and could not know whether Canadian supplies would be sufficient until they actually arrived in Newfoundland. Poole, at the end of the year again begged for a return to the Act of 1785,⁴ and instructed her members of Parliament to inform Hawkesbury that 'although we were originally against (American intercourse) we have experienced its great utility'. They hoped that at least the Governor might be allowed to grant licences 'indiscriminately' and that in his absence the garrison commander of St. Johns be allowed to do likewise.⁵

¹. IBID f 19/ Minute of the Board 14 Feb., 1788.
². IBID f 33. Minute of the Board 26 Mar., 1788.
⁴. C.0.194/21.163 Petition of Poole merchants 26 Nov., 1788.
⁵. C.0.194/21.84 Spurrier to Morton Pitt 1788.
Another enquiry established that the Canadian harvest had been a failure, that Bristol and Poole were importing foreign wheat, and that prices in England had reached 48/- a bushel and might well rise further. Even so the Board refused to return to the Act of 1785, merely authorising the Governor to licence vessels to carry food from the United States for the ensuing season only. Every merchant in the trade however was henceforth an ardent supporter of trade with the United States, and indeed they made several attempts to liberalise the licence system and to extend the range of permissible produce.

Their change of attitude was due to the fact that both the hopes and fears of 1784 were not fully realised. They had then hoped that the Imperial supplies obtained during the war would continue, and be supplemented by a steady increase in Canadian production, and had also feared that an 'open' trade to the United States would, by introducing numerous partial adventurers to Newfoundland, diminish their own trade. The 'monopolists' of roole and Dartmouth had after all been forced to expand their shipping fleets and their 'property' in Newfoundland in order to fill the gap caused by the dislocation of American supplies in 1775.

What would happen to these investments (many obtained through

1. B.T. 5/5.199 Minute of the Board 7 Feb., 1789.
4. T. 1/2.165 Lester to Rawkenor 2 Jan., 1791.
However by 1788 everyone realised that American supplies were essential. Canada proved a disappointment and by the late 1780's England was beginning to suffer almost continuous grain shortages which at times resulted in a ban upon exportation, and certainly raised the price. Only the United States was in a position to send large and reasonably cheap supplies to the fishery. The rapid acceptance of this by the merchants however, must have owed much to the fact that until 1789 Newfoundland flourished exceedingly. 'Monopolists' and 'partial adventurers' flourished together. The fear of the former that their trade would be undermined appeared to have been unfounded.

Settlement and Government.

The end of the war enabled the merchants to resume their campaign against 'Palliser's Act'. Arthur Holdsworth (long the controller of Dartmouth borough) was himself elected to Parliament where he promptly introduced a private bill to amend the above Act.

1. C.O.194/21.271 Petition of Dartmouth merchants
   29 Jan., 1790.
2. Kamier & Brooke, The House of Commons Vol. 1
He wanted the system of bounties to be changed, and the clause enacting that 'rooms' left vacant for a season were to become 'public', to be repealed; rooms not at the moment being used by 'free' fishing ships should be vested in the present occupier in 'Fee simple', as should those places 'reputed' ships rooms which had been used by one man for twenty years. All vessels cleared from England as 'fishing ships' should pay on entry and clearance fees of 2/6d to the Customs at Newfoundland, while train oil blubber and sealskins should be importable duty-free into England. The clause which limited 'advances' to employees to 50% of their wages should be repealed, and that which gave the servant a 'first charge' upon the effects of Bankrupt employers should be amended so that only 50% of such affects were liable. Penalties for neglect of duty should be greatly increased and the Vice Admiralty Court should not be permitted to hear civil cases.

1. Under 'Palliser's Act' 'fishing ships' certified to be under the terms of the 'Newfoundland Act' (i.e. clearing from England and carrying one 'green man' for every five members of the crew) were to pay only the 2/6d fee, while all other ships were to pay normal Customs fees. However the Newfoundland Customs House had defined 'Fishing ships' as only those which fished on the Banks. This was quite logical in the conditions of the late eighteenth century, but it was certainly not what a 'fishing ship' had meant under the 'Newfoundland Act' - for in 1699 England possessed NO bankers at all.
Between 1783 and 1786 the West Country merchants paraded their various grievances before the Board of Trade, but they had chosen a bad time to advocate anything which smacked of 'settlement'. A stream of reports informed the Government that land was being monopolised, trade engrossed into a few hands, and the population growing so rapidly that the migratory fishery was threatened with extinction. 1 Governors Campbell and Elliott 2 were alarmed at the manner in which good fishing 'rooms' were being taken over as land for commercial or even residential purposes, and naval surrogates found that the entire Eastern Coast of Newfoundland was being possessed as 'property'. Owners who did not fish themselves, would not allow others to use their rooms, and 'new' adventurers were finding increasing difficulty in obtaining conveniences.

The most influential opponent of the bill was Palliser who (as the author of the original Act) was both the best qualified and most determined defender of it. In one paper 3 he pointed out that Newfoundland was 'a mine

   L.T.6/89.84 Buchanon, Principal fishing settlements 1785. 
   C.O.194/35.274. Elford to Sydney 17 Dec., 1784. 
   ff 342-348. 1785 or 1786.
of gold', being the best country migratory trade. This
'carried on with the smallest capital compared with its produce of any other
trade whatsoever. The poorest subject of this country is able to enter into it, and he is employed in the best of all occupations for a country that depends upon naval power'.

But

'it must be a British fishery. Newfoundland should never be suffered to become a colony...Newfoundland is not fit to become a colony; the soil of Newfoundland can produce nothing of value to Great Britain...It follows from here that no property should be allowed in the soil of Newfoundland, except what is necessary to carry on a fishery'.

Unless this policy were rigidly enforced land would become engrossed by men who did no (or very little) fishing themselves; these would hire it to others for very high rents. 'Property' would inevitably cause much litigation which would necessitate permanent law courts - and in the end, a 'regular' government.

'every advantage should be given to those who go from Great Britain...above the residents, who will thus be induced to return....it may be for the momentary interest of individuals in Poole and Dartmouth to obtain their points, but it is contrary to the general interest of these towns, if property is once admitted into Newfoundland it will soon become a Colony and there will be an end of the fishery carried on from any of the towns of the west England'.

His arguments were logical - and even more important were correct. The increase of settlement and property was
soon to destroy the West Country migratory trade. This however was not the point. Could such a development, no matter what its implications, be reversed by government policy? Palliser was sure that it could.

Palliser attended the Board to refute almost every measure demanded by Holdsworth's bill. He agreed that the bounty system needed some modification, but would concede nothing at all with regard to the other clauses. The granting of 'property' would be 'contrary to the spirit of the present fishery', and land would be contracted 'into the hands of a few'. Incroachments by the 'old' merchants had already caused a 'great decay' which made it difficult for new adventurers to obtain fishing rooms. The granting of titles to land would result in its being converted for non-fishery purposes— as was already the case at St. Johns, and 'a few opulent merchants' to whom the rest were indebted would soon own all the land and then allow only such rooms to be used as suited their own needs, 'to the exclusion of all small and new adventurers'. He rejected the idea that the definition of a 'fishing ship' be extended beyond those on the banks, for 'If extended to every ship fitted out to assist the fishery it could be extended to every ship:

...going to Newfoundland', and lead to those very frauds which the Customs House had been erected to prevent.

All merchant ships are and ought to be subject to the same fees etc. as trading ships in other places of America. The admission of seal oil, blubber and skins duty free into England might cause Canadians to smuggle such commodities via Newfoundland, and would certainly cause other Colonies to demand the same concessions.

That clause which limited the advance of wages to 50% only placed Newfoundland mariners on the same footing as others in the merchant marine, and was a measure designed to prevent men from being left 'beyond the seas in Distress'. Before 1775 men hired by the planters had no legal certainty that they would receive either their wages or their passages home to Europe, and the insolvency of most planters had in fact ensured that many servants were left stranded. This was the reason why servants had been given a 'first charge' upon the effects of their employer. The limitation of this to 50% of such effects would lead to numerous frauds and evasions.

Given that the Government was still determined to maintain Newfoundland as a 'British' fishery, Pallie's arguments were almost irrefutable. The conditions which had necessitated his 'Act' of 1775 had in fact grown worse. Holdsworth's Bill would gravely weaken the government in
its attempt to hold back the growth of settlement.

The merchants tried to show that settlement was necessary, that the 'free fishing' rooms were not being used any more, and that conditions had changed so much that it was impossible for the government to try to reverse the growth of a sedentary fishery, but the government would make only minor concessions. Indeed they could hardly do anything else. To accept Holdsworth's Bill was to admit that Newfoundland was ceasing to be that type of fishery, which had made it so important to England; while there was still any migratory fishery at all, they could never do this.

The Board of Trade recommended that Newfoundland 'ought to as much as possible be a ship fishery'. It should never be permitted to become a 'Colony', landed property should be prevented and stages and beaches ought to be reversed for the use of fishing ships.

'Passengers should be induced and compelled by every wise and proper regulation to return to His European dominions at the end of every fishing season'...But... 'it may seem to be beneficial to the fishery, that a certain number of persons should be suffered to remain on the island after the fishing season, for the purpose of taking care of the fishing stages, boats and other necessaries... but far more men now remain than are necessary for this purpose'.

B.T.6/89. Poole merchants to Board of Trade 17 Jan., 1786.
In order to encourage New adventurers, ancient 'ships' rooms should be kept open, and all other property should be owned only by men 'who resort thither from England', and in proportion only to the number of ships and fishing boats they employed, and for only as long as they continued to fish. All land to a depth of 500 yards from the shore should be reserved strictly for purposes of the fishery and the Governor should demolish any building which contravened this regulation. The limitation upon the amount of wages which could be advanced was absolutely essential since:

'on this regulation depends principally the hope the Committee entertain of bringing back the fishermen to Your Majesty's European dominions. If it be repealed the Fishermen would not only lose their inducement to return but it would serve as an encouragement to great expence and manifest detriment of the fishery; the former would thereby become liable to great impositions, and might be made to pay exhorbitant prices for every article they purchase there'.

However they did recommend that 'green men' should be advanced up to £5.10.0d in order to equip themselves. The Board also agreed that the Vice Admiralty Court should not be allowed to judge civil cases, and recommended a more flexible system of bounties, but everything else which Holdsworth had wanted, they rejected completely. Servants should continue to have a 'first charge' upon employers effects, only bankers should be deemed 'fishing ships',

and no seal oil, blubber etc. should be imported duty free since this would tend to encourage settlement.

In March 1786 Jenkinson introduced a 'Bill to render more effectual the laws relating to the Newfoundland fisheries, and for granting bounties', which embodied these recommendations and made almost no concession to mercantile demands. The Bounties were modified; the amount of money which could be advanced to 'green men' was increased to £5.10.0d, penalties for neglect of duty were increased, and fishermen were forbidden to sell fish or equipment to foreigners. Nothing was said about property or other matters complained of by the merchants, and Jenkinson, with his usual clarity, explained why. He was 'determined at all costs to maintain it (Newfoundland) as a nursery of seamen by confining it to British ships' and by no means permitting any stationery settlement'.

Slight opposition in Parliament was easily brushed aside and the measure became law in May.

McClintock attributed the measure to West Country influence!

1. Parliamentary Register 1786. XIX 441.
True to their bigoted and selfish policy the Western Traders marshalled all the arguments in one united attack against the colony...it was clear that the inhabitants were to receive no mercy. For the Western Merchants and the fishing adventurers from British Europe the Act of 1786 was a fresh triumph re-affirming their traditional claims...to the unfortunate inhabitants it was merely another malicious trick of fate which was to make of Newfoundland the cinderella of the Empire'.

As we have seen, he was entirely wrong; the Western Adventurers had signally failed to obtain 'their great object' - the drastic amendment of 'Pallier's Act,' which with the new modifications still applied as the law of Newfoundland.

Despite this however, the new Statute was no more successful than that of 1775. The bounties were gratefully accepted and undoubtedly contributed to the great expansion of the Bank fishery; but since this led to an over-expansion which caused the 1789 'crash' which badly affected the migratory fishery, it ironically worked against the objective of a healthy 'British' fishery. All the other clauses were ignored and evaded by the merchants whenever possible. Government policy, was logical and consistent; unfortunately it was completely unrealistic. The population and 'sedentary' fishery of Newfoundland had increased so much that such a 'migratory' policy could never be

1. B.T.5/2.64 Ougier's evidence 3 Feb., 1786.
Spain increased in like proportion. The merchants had become largely successfully enforced. The merchants had become largely 'suppliers', dependent upon the 'sedentary' fishermen; land was being engrossed and St. Johns was becoming the Commercial centre of the Island. Despite official discouragement these trends continued - greatly aided by an enormous prosperity which induced many more people to 'plant' in Newfoundland.

The fishery.

In 1784 with the French and American fisheries ruined, Newfoundland had almost a monopoly of fish-starved European markets. Small quantities of Danish fish continued to enter Spain and Portugal but it diminished rapidly as the better quality Newfoundland cod began to return. Although in 1785 Spain and Portugal increased duties upon the latter until these amounted to 20% and 27½% of the 'gross proceeds',¹ this had no great effect, being passed on to the hungry consumers. In Italy, Naples increased her imports from 35000 quintals in 1783 to 68000 in 1786,² and Leghorn took 76000 quintals.³ Even Genoa - long a preserve of French fish - took some 14000 quintals.⁴ Portugal which before 1775 had taken 150-175,000 quintals annually,⁵ imported over 250,000 quintals in 1785,⁶ and

¹ B.T.6/89. Barcelona Consul to Board of Trade 25 Jan, 1786.
² B.T.6/63. Information on the trade to Portugal 1785.
⁴ I.BID Letter from Leghorn Consul 27 June, 1786.
⁵ B.T.6/69. Imports into Genoa March 1787-1788.
Spain increased in like proportion. Despite the increased effort there and many regular merchants lost interest. With exportation the prices actually rose. In Portugal for example the average price 1772 had been 18/-d a quintal; it reached 20/3d in 1783, 21/6d in 1784 and 24/-d in 1785, and this did not include the 'freight charge' of 2/6d a quintal which also accrued to the merchant who owned his own vessels.

The more experienced merchants realised that this was due only to the temporary monopoly, and hence must inevitably diminish once foreign competitors revived. As the fever grew and New Adventurers rushed into the trade the former 'carried (the trade) on with great caution and reserve, not to say a degree of languor', but others were more optimistic. Philip Leigh of Dartmouth - almost unknown before 1784 - owned twenty vessels five years later. Not surprisingly his bankruptcy was on a monumental scale.

The boom began only slowly, for the Newfoundland men had to recover from what had after all been a severe war. No marked activity was recorded until 1784 when some 'new' adventurers rushed into the trade, 'made' very bad voyages and promptly disappeared. 'Partial' adventurers from non-West of England towns sent so many cargoes 'on speculation' 

that they and many regular merchants lost heavily. Even the large Poole and Dartmouth traders earned (so they claimed) a profit of only 1%.²

However in 1785 the established merchants 'greatly augmented their outfits,'³ and a wave of New Adventurers from 'London and different parts' decided to enter the fishery.⁴ The season proved remarkably successful and from then until 1788 the fishery expanded tremendously.⁵

The expansion masked very important changes which occurred in the structure of the trade. 'Old' merchants expanded their business, employees became merchants, 'new' adventurers from within and without the West Country entered the fishery and men 'hearing great things of Newfoundland' flocked in as settlers.⁶ As had been the case after 1763 many of the 'new' merchants were drawn from the ranks of captains and agents previously employed by others, examples being Thomas Bulley of Coombe in Teignhead, John Harvey, William Clapp, William Way and William Hawkins of Dartmouth, John Duniam of Teignmouth, Eldred and Thomas Handcock or George Kemp of Poole and Alexander Boucher of Jersey. Some of them merely exchanged

1. B.T. 5/2. 197. Buchanon's evidence. 10 Jan., 1786.
4. IPID Elford to Pitt 22 Dec., 1785.
5. See the table on following pages.
### CONSOLIDATED STATISTICS

**Entries inwards.**

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**NOTES**

1. 1793 inquiry. Third report. Appendix 'C'.
3. From Admiralty Seven series, *registers of vessels*.
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**NOTES**

1. *Rowse, History of Newfoundland* pp 634-5
   *P.T.6/92. Statistical survey of Newfoundland 1787-91.*
command of some other man's 'Banker' to ownership of their own, but most went directly into the Supply trade, where they established 'resident' Houses at St. Johns and depended upon the settlers for fish. Other West Country merchants, not previously connected with Newfoundland now began to take part in the trade - Dixon & Williams of Exeter for example had long been shipowners involved in a European trade, but they now sent supplies to Newfoundland as did Davy & Dingle of Topsham. Plymouth renzance, Falmouth, Milford Haven and Swansea ship owners sent little coasters to fish on the Banks, and non-West of England men established warehouses, especially at St. Johns, where the Scots were especially prominent. The ban on American shipping actually caused an increase in the number of vessels from non-West Country ports since almost any merchantman going to the United States could now expect to find a cargo for Newfoundland, and fish from thence to market.

Shipping.

By 1785 the ancient distinction between 'fishing' and 'sack' ships had become very blurred. Even in legal matters a fishing ship might be defined either as a 'Banker' or as one clearing as such under the

1. Examples being James Melledge and Richard Keefe (Bristol), Aaron Graham (London), John and Garret Quigley of Waterford and Alex Cormack of Greenock.
2. CO.194/35.326. Buchanon to Stewart 5 April, 1784.
'Newfoundland Act', and since all vessels carried cargo outwards, and many took fish to market, it was often difficult to decide whether a vessel was a 'fishing' or a 'sack ship'. The Naval Officer defined a 'sack' ship as one belonging to 'partial' venturers which called at Newfoundland on its way back from the American mainland, and thus the ship owning distinction was now more between 'constant' and 'partial' traders, than between 'fishing' and 'sack' owners. Indeed he implied elsewhere that a 'sack' was a vessel owned outside the West of England.

It would seem that shipping could really be divided into three fairly distinct groups; tankers and inshore fishing vessels (almost entirely owned in the west Country), merchant ships owned by 'constant traders' to Newfoundland, and those calling speculatively. Although one or two Scots and perhaps an Irishman were engaged in the bank fishery, most shipping from outside the West Country fell under the last two groups. Only Greenock, London, Glasgow and Waterford appear to have maintained any sizable and constant trade to Newfoundland, but a host of other ports engaged in speculative ventures. Thus Dover, Whitehaven, Newcastle, Yarmouth, Droitwich, Swansea, Chepstow, Workington,

1. C.O.194/35.326. Euchanon to Stewart 5 April 1784.
2. B.T.6/87.41 Euchanon to Board of Trade 28 Jan 1785.
3. Messrs Hunter, Robertson and Thomason of Greenock for example.
Stockton, North Shields, Gloucester and Sunderland all sent one or more vessels during this period, as did Cork, Ross, Wexford, Belfast, Limerick and Castlehaven in Ireland, and Aberdeen, Saltcoats, Arbroath, Kirkcaldy and Dundee in Scotland. 1 Most of them dropped out the trade again after 1789. In 1788 eleven ships cleared from Liverpool for Newfoundland, 2 but many of these may have been from other ports, loading with Cheshire salt which was becoming increasingly popular in the fishery. Certainly in 1792 Liverpool had only one merchant in the Newfoundland trade. London never sent less than sixteen ships, but here again many were owned by West Country 'migrants' (like Hill and Sweetland), and others were chartered. 3

Although these speculative traders provided enormous competition, and undoubtedly helped to establish many small 'resident' merchants at St. Johns, none of them were likely to obtain a lasting entry into Newfoundland. Their trade 'being generally regulated by what news they receive of the price of provision in Newfoundland and the price of fish in the foreign markets', 4 most of them dropped out when the first news came through of a falling market in 1789.

Even in the most prosperous season, partial venturers were at a grave disadvantage as compared with regular

1. Abstracted from the Admiralty Seven series - Registers of Passes.
2. 1793 Enquiry. Second Report,
merchants who could regulate their trade and arrange for shipping to arrive at, and sail from Newfoundland at their convenience. The former group 'often have to unload provisions in two or three days, to take in fish...hence if two or three ships are at St. Johns the price falls greatly'. Knowing this, established merchants were able to purchase the cargo of a speculative trader very cheaply, for retail at an advanced price. Often too, the masters of such vessels were poor judges of fish and hence very liable to be swindled, both in purchasing it in Newfoundland and disposing of it in Europe.

These vessels provided a large, but only temporary share of the increased shipping which went to Newfoundland after 1784, and if one can discount them it would seem that the 'western' adventurers still dominated Newfoundland. Although one of the Scottish Houses might have been 'doing as much business as any house here', even in 1768 only fifteen ships came out from Glasgow and Greenock. Thus even Scotland should be regarded as firmly established, rather than of great importance in the trade. Other statistics all indicate that the west of England still reigned. roole, Dartmouth, Bristol and

1. 5.T.5/3,41 Buchanon's evidence Jan., 1785.
Exeter still regularly outstripped all other towns in applying for Mediterranean Passes, and of course they monopolised the migratory fishery. In 1788 Poole and Dartmouth between them were responsible for the taking of 480000 quintals of fish¹ — and the planters must have taken most of the remainder. In the same year 118 Dartmouth, 80 Poole and 53 Exeter vessels cleared directly for Newfoundland, of the rest only Liverpool, London and Glasgow even reached double figures.²

There were however interesting changes within the West Country. Exeter never sent as many ships as in the best years before 1775, mainly because of a marked decline in Topsham (hit also by the decaying cloth trade), but Teignmouth, home of bank ship and bye boat, continued to flourish, and her merchants now engaged in a more general 'supply' trade. Plymouth despatched several ships to the Banks, and one patriotic old man in 1831 claimed that she 'would have gained the supremacy from Dartmouth, but war breaking out put a stop to all commercial enterprise'.³ Certainly in 1788 Plymouth was said to possess a flourishing maritime commerce,⁴ and if the war did put an end to it, she did not lose thereby.

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1. Mathews, Poole and Newfoundland. p 75.
4. A Tour through Great Britain in 1788. Devon & Cornwall Notes and Queries Vol IX pt VII (1917)
Privateering and the naval Dockyard made her 'the greatest emporium in the country for prize ships and goods.' Once again it seemed that only those ports lingered for long in the Newfoundland trade, who had little alternative to it. Although Cornwall sent a few ships to the banks, this ended in 1789, and 'old' ports like Southampton, Weymouth and Bideford did not regain even that low level of activity they had possessed before 1775. In Bristol however there was a great expansion, 'It was this (the Newfoundland) trade which grew most significantly towards the end of the eighteenth century'. In 1788 no less than 33 ships were despatched, and six years later Sir George Berkeley was awarded the freedom of the city for 'his great attention to the Act lately passed for regulating the Newfoundland fishery, in which the commercial interest of this City was materially concerned'.

Thus the trade to Newfoundland seemed to be falling into the hands of ever fewer towns, and the decline of Topsham left it mainly under the control of Poole, Teignmouth, Dartmouth and Bristol. For a time this dominance in Newfoundland gave them considerable importance as English maritime ports. In 1785 for example Dartmouth owned 134 sea-going vessels, a number exceeded

1. Worth op cit p 322.
only by London, Liverpool, Whitehaven and Bristol. Poole (owning 127) came seventh. The record of new ship registrations between 1786 and 1789 show similar statistics. Dartmouth registered 277 of 13269 tons, and Poole, 236 of nearly 200000 tons. They were well ahead of such towns as Scarborough, Halifax, Lynn and Southampton. Of course the small size of Newfoundland ships placed them much lower down the list in terms of gross tonnage, but in manpower, they more than held their own. As well as thousands of migratory 'passengers' and bye boat men Dartmouth employed 2000 mariners, and Poole had 1600.

The Government viewed this evidence of prosperity and concluded that 'The Newfoundland fishery, that great nursery of our seamen (was) in a most flourishing condition'. They were grievously wrong. Whatever the sedentary fishery might be doing, that carried on from England was in an unhealthy state.

The migratory fishery.

On the surface it seemed as prosperous as ever. Bankers and bye boat regularly caught more fish than did the settlers, and in 1788 and 1789 the fishing ships caught far more than ever before. This was due mainly to an

4. See the statistics given in Prowse, History of Newfoundland. pp 694-696.
expansion in the Bank fishery.

Any little coaster could be adapted for the banks and they were hardly more expensive to fit out than an inshore fishing shallop. 1 The new bounties introduced in 1786 gave an added filip to the Bank fishery2 and men from all over the West Country hastened to send their ships out. Many of them had no intention of establishing a permanent fishery, and thought only of a quick profit, but they swelled the numbers considerably and in great measure caused that over-production which ruined many regular traders. In 1788 279 bankers and over 100 'inshore' fishing ships went out from Britain. 3 Bank fish was inferior both in quality and price compared with that taken inshore and for this reason, the large merchants used them cautiously, but many small Devonshire traders were dependent upon Bank fishing and these men were hurt badly when the markets collapsed.4

Even more disturbing, however, was an ominous decline in the number of bye boat keepers. They seem to have been badly affected by the American revolutionary war. Many men gave up fishing altogether and their 'rooms' fell into the hands of residents,5 while others settled in Newfoundland. Others, being men of little capital were

1. In 1779 Miles, estimated the cost of a fitting out a fifty tonner to be only £209. Remarks on a Late Act of Parliament. p 17.
unable to take up their abandoned rooms immediately the war ended, and when they finally arrived, found that others had taken them. As can be seen below the number of bye boat men remained very much below pre-war levels until 1786, when arriving in the middle of a boom they found that other men were using their rooms, and that it was expensive to hire them from others. As a result the bye boat fishery again fell off in 1787, and the decline continued thereafter. Squeezed by the increased cost of provisions and transportation costs, rising wages and a lack of fishing rooms the bye boat keepers found it impossible to continue. They were also hampered by the fact that they normally fished from the same areas as the Bank ships which transported them - between St. Johns and Trepassey. The increase in the Bank fleet increased congestion in those harbours. At St. Johns - the most important centre for the migratory fishery - booming commercial expansion was eating up all waterfront land

1. Between 1770 and 1775 between 5 and 6000 bye boat keepers and employees went out annually. After 1783 the figures were as follows:—

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suitable for fishing premises. The result was that 'older' owners of both banker and bye boats tended to give up the fishery and either retired to England, and lived on the rent of their properties, or became merchants themselves.

Under these conditions 'new' adventurers found themselves in a very difficult position. They could not use traditional 'migratory' rooms in such places as St. Johns, Torbay, Petty Harbour, Ferryland or Renews because these were already owned by others. As a result they were forced to make use of previously unused (and not very good) harbours like Cape Broyle. Many had to abandon any hope of using the Last coast and went instead to harbours on the Burin Peninsula and Fortune Bay, but even there resident fishermen soon followed.

The future of the migratory fishery was not enhanced by the fact that all the wealthier merchants had become 'Residents' in one way or another. Large traders employed agents and smaller men resided themselves. All were mainly concerned with the sedentary fishery, and when the migratory fishery collapsed after 1789, only the Teignmouth merchants continued to rely mainly on the Bank ship. The rest merely intensified their activities as

2. Reports of John Reeves upon Newfoundland 1791. (In Reports of the Board of Trade... concerning Newfoundland).
suppliers of the settlers and allowed the migratory fishery to decay.

Thus the migratory fishery was already in irreversible decline; The bank fishery was expanded to unhealthy proportions just as its indispensible 'twin' the bye boat fishery was fading away. The merchants no longer required either of them for soon the planters would be able to take all the fish required.

The sedentary fishery.

Official statistics indicate that the population of Newfoundland was fairly stable until 1787 when it rose by nearly 7000, but this may be due to faulty recording before that date for other evidence points to a larger population before then. In 1784 for example the official census placed the winter population at 10700, but an unofficial writer claimed it to be 19000. Whichever was the more accurate, it would seem that the migratory fishermen continued to catch more fish than the residents right up until 1790. However the share of the latter increased steadily, and even more important, Newfoundland at last began to develop 'subsidiary' industries which allowed her people to earn money during the winter months, the

2. Prowse, Population of Newfoundland. 1784-1791.
3. Addit Mss 15493.
most important being ship building and seal hunting.

It had been the lack of winter employment which for so long discouraged large scale settlement. The inshore cod fishery offered work for only four to six months, and its great fluctuations offered no incentive for more than a handful of people to survive as permanent residents. Newfoundland finds it impossible to survive on an inshore fishery now, and she found it impossible to do so then.

With the American revolution however, she was able to develop the two great winter employments which, together with the cod fishery in Newfoundland and the Labrador enabled her population to grow, and at times prosper until those industries declined in the twentieth century.

For generations men had realised the potential value of shipbuilding and sealing, and both had indeed been carried on upon a small scale since the beginning of the eighteenth century. However the merchants - whose financial support would be required to develop these industries - found no great incentive to engage in them.

New England provided ample supplies of cheap shipping, and Newfoundland lacked sufficient population to undertake any great expansion of such 'ancilliary' employment. The seal fishery would never expand until vessels, manned and equipped from Newfoundland could 'go to the ice' in the Spring (March to May) to catch seals off the Labrador, rather than wait passively in the hope that a few would drift into the Newfoundland harbours when the ice came...
down the coast. But the development of a large sealing
fleet required a large winter population, a numerous
Newfoundland based shipping and above all, a well capit-
alised 'sedentary' merchant complex to finance and organise this
very large scale operation. None of these conditions
existed in Newfoundland until 1763. After that date how-
ever, growth of settlement, and the beginnings of a more
complex commercial society in Newfoundland, slowly
encouraged more men to stay and the merchants pay more
attention to their 'supply' business. During the American
Revolutionary War, various factors coalesced and at last
made possible the development of winter industry. The
collapse of the migratory fishery after 1779 forced the
merchants to rely even more upon the sedentary fishermen,
while the cessation of supplies of shipping from New
England, both forced, and gave Newfoundland a chance to
develop her own ship building trade.

Both industries developed first in the area from
Conception Bay to Fogo and Twillingate - an area which
had always been comparatively highly populated, and which
contained either substantial and 'independent' planters
(like the Bottle$ and Gushues$ of English Harbour and
Irigsus), or very large Poole merchants who had for
generation been oriented towards the sedentary fishery.
This region was also the one in which seals had long been
taken when they drifted in, and moreover at the 'bottom'
of Trinity and Bonavista Bays were rich stands of
unexploited timber suitable for building schooners.

Undoubtedly the shipbuilding and sealing industries were mutually dependent; the Sealing fleet depended upon local shipbuilding, and in turn was its greatest customer.

It is doubtful whether the growth of these industries tempted men to come out to Newfoundland — although they did necessitate the importation of numerous craftsmen, blacksmiths, coopers, blockmakers, sailmakers and shipbuilders (like the famous Mr. Newhock of Trinity); but they did help to persuade men already used to visiting the Island, to **settle** there. The cod fishery was still the magnet which drew men, but ships and seals persuaded them to stay.

The growth of population must have gained from the end of contact with the United States, for now the age old avenue of escape during depression was ended. For the first time in its history Newfoundland now offered men a fair chance to survive and even prosper, at the same time as it became far more difficult for such men to escape when times were bad. This was in great part a result of the American revolution.

The effects of this upon settlement can be seen clearly in the **Trinity Parish Registers**. Until 1775 only twelve weddings are recorded between local girls and 'European' men. Between 1784 and 1793 there were no less than **forty one**. Many were Irish — from such places as Cork, Bloomfield (Co.Wexford), Waterford, Trilmorden (Co.Tipperary),
Enniscorthy, Tallow or Youghall, but most came from the West of England. Several from Sherborne, Litchell, Poole, Wimborne, Beaminster, Simonsbury and Lytchett Matravers in Dorset but even more from Chewton, Wincanton, Bagborough, Nestley, South Petherton and Milborne Port in Somerset, and Fordingbridge, Long Ham, Shaftesbury and Christchurch in Hampshire. A few even came from Devonshire towns and villages - Thorncombe, Ilfracombe, Axminster, Sidmouth and Ashcombe. Every one of them must have travelled out from Poole - for times were prosperous and the merchants had to look far and wide to obtain sufficient labour for the fishery.

In 1784 Chalmers reported that 'since the Revolution' British merchants in Newfoundland (chiefly those from Poole) had been building vessels of up to 300 tons burthen and between fifteen and twenty sea going vessels were being built every year. In 1788 ten brigs, eleven schooners and a large shallop were launched and three years later the industry had become so developed that Lester of Trinity built two 'sixth rates' for the Navy. In the winter 1800-1801 no less than fifty eight ships were launched.

2. ADDIT Mss 15493. Gardner, Observation on Newfoundland. 1784.
5. T.64.287. Ships built in Newfoundland. 1800-1801.
providing employment of an increasingly substantial nature for the men who lived North of St. Johns.

In the seal fishery, men did not begin to visit the Labrador in large numbers under around 1800, but the increasing population did enable planters and merchants to fit out 'Shallops' manned by a crew of seven which cruised to the Northwards, killing seals where they found them, instead of hoping that some would come into the Bays of Newfoundland. In 1787 over 41000 pelts were exported and the seal oil formed an even more valuable part of the cash.

The Salmon industry also expanded considerably; like the above industries it was mainly in the hands of planters 'supplied' by the merchants of 'Coole in the North East, but now increasing population caused men to move into previously unused regions in Conavista and Gander bays, and soon the rivers there were extensively weir'd for Salmon. In 1771 only 1248 tierces were exported, but in 1787 the total reached 2388, and in 1791 it rose to over 5000. South of St. Johns the merchants and planters were unable to enter any of these industries on any large scale, but even they caught the fever and financed a herring fishery in Fortune Bay. It flourished for a few years but then died away.

1. Although Dartmouth merchants were entering it in Labrador.
2. Chalmers, Opinions on interesting questions, p 30.
4. Ibid.
The sedentary cod fishery however, was not particularly rewarding for the fishermen. Of course fish was plentiful and prices fairly good, but the cost of living - and above all of employing servants - had doubled since 1775. Those living in Trinity and Conception bays probably prospered because of their winter employments but elsewhere the planters still depended upon the short summer fishery. For this reason however, they engaged in it much more intensively, and the distribution of 'sedentary' fishing boats changed considerably. In 1774 Conception and Trinity bays had operated over 40% of all sedentary fishing boats, but in 1787 - although Conception Bay still headed the list - Trinity had fallen well behind, and boats operated from the 'Southern Shore', long the preserve of migratory fishery, but now being slowly taken over by settlers, had increased considerably.

1. See last note on previous page pp 381-382.
3. Distribution of inhabitants boats 1787.

<table>
<thead>
<tr>
<th>Location</th>
<th>Boats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conception Bay</td>
<td>361</td>
</tr>
<tr>
<td>Ferryland area</td>
<td>223</td>
</tr>
<tr>
<td>Placentia Bay</td>
<td>243</td>
</tr>
<tr>
<td>Bay Bulls</td>
<td>160</td>
</tr>
<tr>
<td>St. John's/Petty Har.</td>
<td>155</td>
</tr>
<tr>
<td>Conception</td>
<td>148</td>
</tr>
<tr>
<td>Trinity Bay</td>
<td>130</td>
</tr>
<tr>
<td>Trepassey</td>
<td>129</td>
</tr>
<tr>
<td>Fortune Bay</td>
<td>86</td>
</tr>
<tr>
<td>Twillingate/Fogo</td>
<td>70</td>
</tr>
</tbody>
</table>
Despite the talk of St. Johns and Conception Bay men being 'freer' than elsewhere¹ (undeniably true), this did not necessarily mean they were more prosperous. Routh described their condition as 'wretched' and claimed that not three 'real' inhabitants² possessed money to fit out even a small Banker.³ Under these conditions, merchants, finding it unprofitable to employ fishermen on their own account were only too happy to advance credit to 'Common fishermen who having had some success aspire(d) to become boat keepers',⁴ but these had no captial, one bad season sufficed to ruin them and they soon became little more than 'independent' employees of the merchant - carrying all the risk with no guarantee of reward. The merchant then 'supplied the fishermen just as if the concern was their own'.⁵

Unlike boat keepers in the past, even the most progressive found it difficult to rise into the ranks of merchants for to the difficulty of paying wages was added one of the results of halluc's Act; servants, knowing that their wages were guaranteed, worked only until they had taken enough fish to cover them.⁶ There was thus a marked shift away from the 'wage' system into a share or

family system which inevitably entailed a smaller scale of operation and smaller boats. In Conception Bay, William Newman 'supplied' over one hundred families who possessed not a servant between them. This increased a tendency already evident before and during the war. 'boat keepers' increased in numbers while servants at most remained fairly static. Boat keepers remained in Newfoundland and tended to marry while the servants did not. Now of course most of the former were so poor that marriage must have trapped them in their harbours. They were 'independent' only in so far as they alone decided how much work to do; for the rest, the merchant supplied them with their food, equipment and servants, and took off their fish at the end of the year. The merchants seem to have done very well out this system but inevitably they became less involved in the migratory fishery; every extra 'planter' whom they set up in business made the migratory fishery less and less necessary and viable.

1. Proportion of masters to servants 1766-1791.

<table>
<thead>
<tr>
<th>Year</th>
<th>Masters to Servants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1766</td>
<td>over seven (men per master)</td>
</tr>
<tr>
<td>1774</td>
<td>over five &quot;</td>
</tr>
<tr>
<td>1785</td>
<td>under four &quot;</td>
</tr>
<tr>
<td>1787</td>
<td>under four &quot;</td>
</tr>
<tr>
<td>1789</td>
<td>over three &quot;</td>
</tr>
<tr>
<td>1791</td>
<td>under three &quot;</td>
</tr>
</tbody>
</table>

Calculated from statistics given in Prowse pp 694-696.

Changing nature of the Merchant's trade.

Under the impact of these changes the merchant class splintered into six sub-divisions; The 'fishing' merchants who owned Bankers or Bye boats and had no interest in the supply trade (a rapidly dwindling band); the large 'outport' monopolist - usually from Poole who now concentrated almost completely upon supplying Planters, the 'Independent' and truly 'resident' merchants of St. Johns (Farahan, Livingston, Hutchings e.g.) and Conception Bay; the migratory merchants of St. Johns - mainly composed of Scots and west Country ex-fishing merchants (Bulley's Boden, warrens e.g.) and wealthiest of all, a small group of Dartmouth merchants who were rapidly ceasing to have any connection even with the Planters, becoming instead concerned 'with foreign and other houses abroad...and buying fish on Commission...thus (being) a Factor rather than a real merchant'.

Of these groups only the decaying 'fishing' merchants were dependent upon the migratory fishery, and the movement towards settlement grew daily.

'It has been for many years past a common practice among the merchants, particularly those engaged in the trade since the American War, to advance money and encourage resident boatkeepers to build fishing rooms and carry on a fishery on them,

depending on the fish and oil, with a mortgage of the fishing room as a collateral security for the repayment of the money advanced'.

In 1791 Reeves reported that Newfoundland was 'no longer a fishery'. A few men still went fishing yearly from England, but 'most of them are turned into merchants... who speculate in fish and oil as an article of trade, and do extend their concerns much beyond the produce of their exertions as fishermen'. Indeed many were no longer in the fishery at all, confining their activity to the buying and selling of fish. 'Every merchant has a shop where (he) sells all provisions, clothing and furniture'. At St. Johns the merchants 'not only send out enough supplies for themselves and their boat keepers but purchase on commission fish and oil for ships not regularly engaged in the fishery', paying for such fish with supplies imported from other 'partial' traders.

'They buy in Newfoundland cargoes (of supplies) from the West Indies and the Colonies and send them to the Outports in payment for fish bought by them on commission...(such merchants) however they may have increased the trade, have certainly occasioned great alteration in the fishery'.

Newfoundland was still controlled by merchants whose

2. John Reeves report, December 1791.
main 'House' lay in Britain, but these men were losing interest in the migratory fishery, which instead of being the mainstay of both the fishery and the colony, was becoming little more than an independent auxiliary.

Under these conditions it was impossible for the Government to maintain Newfoundland as a fishery carried on from Great Britain. The rapid population increase forced an ad hoc creation of legal and administrative institutions. In 1784 the first 'official' Catholic priest arrived and immediately built a Chapel at St. John's which encouraged many Irishmen to remain behind, who would normally have returned home. At St. John's, the increasing number of propertyless and unemployed began to create grave problems of law enforcement and poor-relief. In 1784 hundreds of Irish 'dieters', left to face the winter without food, shelter or employment, would have torn the town to pieces had not the garrison commander fed them from government stocks. Merchants competed furiously for waterfront premises and the fishery of the Capital diminished daily.

The Governors attempted to reverse these trends but failed completely. Governor Campbell forbade the erection
of dwellings below the 'upper street',¹ and pulled down those which interfered with the fishery but two years later Governor Elliott found that they had been rebuilt, and that more fishing rooms had been built on. Both he and Governor Millbanke issued proclamations against this, and pulled down houses, but with as little success as Campbell.² They published orders admonishing all unemployed men to leave the island at the end of the season but again,³ no one took any notice.

In contrast to the governors, the merchants fully accepted the emergence of this 'sedentary' fishery, and began to argue that this still did not mean that a 'Colony' would inevitably follow. 'Even if the resident fishery is encouraged', a colony could never be established. 'Independent of this or some other country no fishery can be carried on in Newfoundland, the very idea is absurd'.⁴ This however was not the point; a sedentary fishery did not provide a useful nursery of seamen, it might not choose to consume products of English manufacture; resident merchants might not return their foreign earnings to England, they might decide to link with America. The profit of the merchant might be secured by growth of

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³ Col. Records 1789-1792. Proclamation of Millbanke 17 Sep., 1789.
settlement, but the interest of Britain might not.

Despite this, the same governors who tried so hard to hold back settlement found it necessary to advocate an increase in Government. The appointment of a Sheriff in 1784 was soon followed by that of a 'Keeper of the Records',¹ and even the Outports possessed (at least in theory) a panoply of magistrates, Customs Officers and Coroners. In 1786 the English Government was forced to obtain a parliamentary vote of £112 to pay for civil government.² This had to be increased to £1182.10.0d,³ and became an annual vote thereafter. Inevitably demands would soon be made for some tax in Newfoundland to meet the expense of its own administration. The government might refuse to admit it, but Newfoundland was now 'become a Colony'. Only the continued prosperity of the migratory fishery obscured this fact.

1. C.0.194/37.1 Elliott to Kepean 20 Feb., 1767.
2. C.0.194/37.1 Elliott to Kepean 28 May, 1787.
3. C.0.194/38.5 Parliamentary vote for the year 1 April 1788- 1 April, 1789.
In 1788 over-fishing caused an enormous glut in the market, which in turn led to a collapse of credit and depression which although it only lasted for four years, fatally injured the migratory fishery. The increased catch was due to two factors, a vastly inflated bank fishery, and a population which in 1787 soared from 11000 to 18000— all of whom were fishing by 1788.\(^1\) As a result the end of that season saw 300,000 quintals of fish in the hands of the merchants and boat keepers, which could not be sold at any price.\(^2\)

Nevertheless even more people took part in the 1789 fishery which Governor Millbanke thought to be 'very flourishing', needing 'only a good market to make it as profitable as it has ever been to those at present in it'.\(^3\) The fishery did indeed prove very successful - and another huge quantity of fish descended upon already sated markets. In Newfoundland the price fell by 2/6d a quintal,\(^4\) and by

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even more in Europe. In October the recently established but very extensive business of Philip Leigh became insolvent for over £70,000,¹ and soon afterwards news from Dartmouth told of 'many ruined already. Those who continue are withdrawing their business', and in Exeter men bewailed their 'Almost ruined and still declining trade'.²

In 1790 although trade declined somewhat it was still considerable and 'tolerably successful'.³ Unfortunately even a 'Tolerably successful season resulted in more fish than the markets could now absorb. By now most of the 'new adventurers' had disappeared from the trade, and speculative shipping had diminished considerably, but most of the regular traders and fishermen went out as usual. In 1791, for the first time since the war, fish failed to 'come in' to the east coast between Cape Race and Bonavista,⁴ and this resulted in a small catch, and while it helped to restore the price of fish it increased the already great financial pressures upon east coast merchants. In the autumn bills of exchange (many of which had been outstanding for two years) were presented and protested, and only the very largest Roole and Dartmouth firms escaped relatively unharmed. The St. Johns merchants

1. IIID
3. C.0.194/38.196. Willbanke to Grenville 27 Sep., 1790
especially had engaged in a tremendous amount of cross-credit financing and the downfall of one or two affected the rest. The three Exeter firms at Bay Bulls became insolvent and Thomas Tremlett of Dartmouth 'went out' at St.Johns and Fortune Bay.\(^1\) The medium sized merchants of St. Johns and conception Bay were very badly affected and the 'resident' merchants - of small capital, and almost no shipping - suffered worst of all. Thus John Thomery of Harbour Grace (and Bristol) owed £4271 to the merchants, but in turn was owed £4374, which he could not collect. Old resident houses like Hugh Rowe, William Gaden, Patrick Power\(^2\) and Patrick Forehan\(^3\) suffered the same fate as did George Welch of Placentia and Samuel Lilly of Conception Bay, while the 'new' Bristol adventurers to that region became insolvent almost without exception.\(^4\) John Jefferey claimed that many small merchants had become insolvent at Poole,\(^5\) and certainly a host of small merchants disappear from the records during this period.\(^6\)

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2. Ibid
4. Ibid.
6. Examples being Webber (St.Johns,) Sparkes (St.Johns,) Geaves (St.Johns), Cruse (St.Johns) and Drew & Griffin (Ferryland) of Dartmouth; Henry & David Sweetland (Cape Broyde), Thomas Lloyd (Bay Bulls) of Topsham. Pike (Carbonear) and Keates (St.Mary's) of Poole, and 'residents' like Aaron Graham of St. Johns and William Bottle of English Harbour.
In fact 1791 proved to be the worst year, and thereafter trade began to revive, so much that many of the insolvents succeeded in re-entering the trade,¹ but the atmosphere of dismay - heightened by the fortuitous death, and consequent winding up of the estates of several very important merchants² - did not abate one jot, for the merchants had again become embroiled with the Government over 'Palliser's Act', and the legal system. In 1792 pessimistic petitions poured into the Government and House of Commons. At Bristol only four firms were still in the trade, the others having 'felt the effects of the trade to the loss of their whole property... and become bankrupt'. Those who survived 'must suffer the same fate unless the assistance of government were forthcoming'.³ 'Many, very many opulent boatkeepers (were) reduced to beggary and the rest...must become like them'.⁴ No one was now concerned at Liverpool for⁵

'failures to an extra-ordinary degree have taken place within these last few years in the Newfoundland trade...The sums that have been lost are immense, the mercantile part of these kingdoms tired by their continual losses withdraw themselves more and more every year. In a few years the whole trade

¹. Caden, Tizhenry, Howe and Tremlett for example.
². Messrs Young and Green of Poole, Arthur French of Dartmouth and Squires of Plymouth.
³. E.T.1/2.190 Sheffield to Board of Trade 17 Jan., 1792.
⁵. E.T.1/2.216. Wilkins to Fawkenor 26 Jan., 1792.
will be confined in a very narrow
circle, and no objects in point of
national benefit'.

Although many of the older merchants blamed the
decline on reckless speculators, everyone reserved most
criticism for what they thought to be the cumulative
effects of disastrous legislation introduced since 1763.
It was ¹

'the universal opinion (that) the
government of the island never
exhibited more harmony between the
different class of the merchants,
planters and servants than when it
was wholly regulated by the Acts
of Parliament previous to the year
1774'.

'Ever since the Act of Wm. & Mary has
been interrupted by subsequent Acts,
the fishery has evidently declined,
and merchants to this adventurous
trade have been totally ruined'. ²

'Under it trade flourished to an astonishing degree,
the laws being equal to every purpose, but since then
many Acts have been passed, all more or less detrimental'. ³

During 1792 and 1793 the merchants had but one warcry
— back to the 'good old days' of King William's Act. They
wanted 'the laws, or rather the customs which were now
proved to be beneficial by experience (to) now be
sanctioned by Parliament'. ⁴ This pre-occupation with

1. B.T. 1/2.165 Lester to Fawkener 2 Jan., 1792.
2. IBID f 192. Bristol merchants to Lord Sheffield
  14 Jan., 1792.
3. Commons Journals 37. Bristol petition 4 April, 1792.
legislation was partly a result of the collapse of the old legal system in 1788. Dissatisfaction with its successor joined an already general unrest to provoke a general attack upon all Government policy towards Newfoundland.

Breakdown of the Legal System 1780-1788.

The 'Newfoundland Act' had placed all original jurisdiction in the hands of the Fishing Admirals, with right of appeal to the convoy commander and his surrogates. As early as 1728 the inefficiency of the Admirals had forced the naval officers to 'usurp a power which does not properly belong to us' and sit with them in 'courts of first instance', and the situation became even more confused with the introduction of magistrates. Supposed to deal with crime during winter, the magistrates (backed by the Government) from the very beginning dealt with all kinds of civil and criminal matters all the year round. Merchant opposition died away as soon as they themselves became magistrates, and the fishing admirals continued to lose authority. By 1780 civil cases were being dealt with by every conceivable authority. At St. Johns they might be heard by the Governor, the Governor and the fishing admirals, the Vice Admiralty Court, the magistrates or any combination of these. In the Outports civil law was dispensed by magistrates and the naval 'surrogate' who toured the harbours during summer. In St. Johns a jury
system (originally introduced for capital crimes in 1750) had also spread to major civil disputes, and over the years there had emerged a special Newfoundland 'Common Law' which often conflicted with that of England.¹

Although this system must have worked against the boat keeper in those cases where he was involved against a merchant,² it worked well enough as long as the population of Newfoundland consisted only of boat keepers and servants, for civil litigation would consist of little more than small scale debt and wage disputes. More complex commercial litigation between merchants was fought out in England. The magistrates were condemned as 'a disgrace to human nature',³ but their very involvement in the fishery at least enabled them to understand the simple business which came before them⁴ and anyway, while settlement was confined to poor planters no one was going to complain in England. Above all the magistrates dealt with cases cheaply and quickly 'on the spot', and extremely important factor in a fishery where disputes tended to occur during 'settling up' at the end of the season, when everyone was desperately busy.⁵

After 1763 however the increased mercantile element in the population gradually began to create strains for

1. B.T.1/2.216 Wilkens to Fawkenor 26 Jan., 1792.
which this illegal 'legal' system was unfitted. After 1775 resident merchants began to use the local courts to solve intra-mercantile disputes, and this made inevitable the collapse of the system. In 1780 a Torbay rye boat keeper appealed in Exeter against a decision of Governor Edwards and won. The Governors from then on refused to sit in any courts, and his share of the work devolved upon the other institutions. By 1785 the merchants had become enraged at the expense and corruption of the Vice Admiralty Court which was then forbidden to hear civil cases, but continued to do so nonetheless. Three years later the entire system fell to pieces. Mr Hutchings of Dartmouth appealed to Exeter against the decision of a Surrogate, and the English Judge realised that the latter had been acting illegally. When news of this reached Newfoundland, administration of justice came to a complete halt. Governor Elliot (with some pressure from the merchants) who 'found it absolutely necessary that they should be heard somewhere otherwise they could not proceed with their business', attempted to persuade the Vice Admiralty Court and the magistrates to hear civil cases, but the latter knew that they possessed

2. IEID.
'as little, or rather less power to determine in such cases than the Governor himself, they therefore did it negligently, rather consulting the inclination of the parties, and proceeding as arbitrators not judges, in such cases as they undertook to hear'.

Not surprisingly the lowly servants and boat-keepers found it almost impossible to obtain a hearing, and appealed to the Governor, who merely

'desired them to go the magistrates; the magistrates, if it was not perfectly convenient to them, or if the complaint was against a person whom they thought could or would assist their assumed authority, desired them to go to the Court of Admiralty, and that court did, or did not attend to it, as it suited the will of the judge;

In some cases boatkeepers spent a whole season being passed backwards and forwards between the two courts, and never 'got their business settled at all'. Thus 1789 saw the appointment of a new governor at a time when the approaching financial crash was about to create a mountain of litigation for courts which now refused to handle it.

Governor Willbanke turned to his secretary for advice, and the latter found a clause in Willbanke's instructions which authorised him to take arbitrary steps 'in matters concerning the safety of Newfoundland'. Arguing that a breakdown in civil justice endangered that safety he persuaded Willbanke to erect a 'Court of Common Pleas'.

consisting of three Judges, and a jury. This Court then issued commission to the Surrogates enabling them to hear Outport disputes.

When the merchants of South Devon returned home they sent a furious petition to the Board of Trade. Already hit by 'an almost ruined and declining fishery', they were 'greatly alarmed' by a fresh instruction to hasten its total destruction, to wit, Millbanks New Court. They complained of exhorbitant fees and arbitrary fines, but above all of the summoning of their servants and agents from the outports to act as defendants or witnesses, or to serve on juries, all of which had caused enormous disruption in the fishery.

Millbanks stoutly denied their general charges, asserting that compared with the old system, 'it is established on simple principles, and cannot fail to distribute equal and immediate justice to all without respect to persons'.

'Whatever judicature may be established in the Island, it is likely to meet with opposition from the memorialists who aim at sacrificing the real interests of the fishery to their private views'.

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1. Two of whom were Customs Officers.
2. Graham's evidence.
It was after all, merchants who had caused the old system to collapse. They had prevented the Admiralty Court for hearing civil disputes; they had threatened to prosecute magistrates if the latter decided against them. Hence the merchants were in no position to criticise a Court erected to replace an irremediably defunct institution.

This was undeniably true, but the Board of Trade as recently as 1786 had refused to allow 'landed property' because this would cause litigation, and hence Courts of Law and a regular Government. Unfortunately the board had no alternative; the old system was gone, and some new institution must be established. Their refusal to allow property had not prevented the emergence of law courts. However when they asked the Law Officers to comment on the legality of Millbank's action and make recommendations the latter were instructed:

'To take notice, that the Government of this Country, having always considered the Trade of Newfoundland merely as a fishery to be carried on solely by the subjects of His Majesty's European Dominions... and prevent a Colony in Newfoundland. Of late years a greater number of His Majesty's Subjects continue to reside at Newfoundland... than formerly... The Committee see this circumstance with regret, thinking it contrary to ancient policy, and the true interests of this Country, and wish to prevent it as much as possible'.

1. Report on the Establishment of a Court of Civil Judicature. 10 May 1790. (in 'Ragers relating to Newfoundland 1718-1792'.)
2. See above pp 121 238.
Any recommendations should be based upon this general policy. The Board of Trade was not giving up without a fight.

The Attorney and Solicitor General duly took this into account. They had no hesitation in declaring Millbanke's system to be illegal but thought that the Crown had authority to create a 'Court of Civil Judicature' under the Great Seal and recommended that it consist of a Chief Judge — who should be an English barrister of not less than five years standing — to be assisted by two lay 'Assessors' appointed by the Governor. In order to at least retard the erection of 'regular government' they recommended that the Judge should return annually to England and hear cases only between the first of June and the first of December. The Board of Trade agreed and added that in order to strengthen the system the 'Governor be instructed to continue on the Coast longer than has hitherto been practiced, and as long as the Season will permit'.

Hopes that the new Court would function during 1790 were foiled when the Lord Chancellor suddenly declared that it was illegal to erect such a Court under the Great Seal. Argument about this continued for most of the summer and Millbanke (waiting for instructions) was unable to leave England until the season was far advanced. Since the necessary legislation could not be quickly introduced

1. Report upon the establishment of a Court of Civil Judicature. 10 May 1790.
Millbanke continued with his old Court but since he did not arrive in St Johns until September 26th, - and sailed away a week later¹ very little litigation was settled. Writs for bankruptcy and debt were being taken out in great numbers and the outports received no civil justice at all.

The merchants might have been responsible for the collapse of the old system, but they were justified in disliking the new. In 1789 they had complained because the Court sat too much; in 1790 they complained because it hardly sat at all, and in 1791 they launched a massive campaign to prevent the introduction of new legislation to create a Court of Civil Judicature. In the past the fishery had been 'encouraged by the wisdom of Parliament and laws enacted for making it free from all exactions', the 'Newfoundland Act' together with the magistrates had provided law enough to satisfy everyone and new courts were unnecessary. It would

'increase the emoluments of a few individuals, subject merchants and their agents and boatkeepers for injury service... encourage inhabitants and disorderly servants to neglect their master's service in the most busy and important season'

and result in

'frivolous' accusations which officials of the Court (for

¹. C.O.194/38. 196/198. Millbanke to Grenville. 27 Sept./21 Nov. 1790.
their own financial gain) would eagerly press. So claimed the merchants of Dartmouth¹ and they were echoed by Glasgow,² and Bristol.³ only Poole — remote from justice whether good or bad — in Trinity, Bonavista and Placentia did not raise a cry.

Their resistance was vain for necessary legislation was introduced and passed despite resistance from a few West Country members.

The new Act⁴ erected a 'Court of Civil and Criminal Judicature' at St Johns which consisted of a judge and two assessors. The Judge was to receive a salary in lieu of fees and the assessors were to be 'unconnected' with the fishery. Judgements were to be valid only if at least one assessor agreed with the judge, no man was to be arrested for a debt of less than £5, and where the case involved more than £100, there could be an appeal to the Privy Council. Finally (to reduce the enormous backlog of litigation) only those cases which had arisen since 1789 could be heard.

Thus passed away the ancient rights of the Fishing Admiral. Ever since 1700 the Board of Trade had been attempting to chip away at their authority and they had now succeeded completely. But since the 'Newfoundland Act'

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¹ Commons Journals 36. Dartmouth petition. 12 April 1791.
² Ibid. Bristol petition 26 May 1791.
³ Ibid. Glasgow petition 20 April 1791.
⁴ Statute 31 Geo. 111 c 24.
still stood as the premier law of the fishery, matters had become very confused indeed. Nothing in this new statute definitely repealed anything in the old, nor for that matter did anything in 'Palliser's Act'. King William's Act was now meaningless - not because settlement had increased, but because of new legislation - but the government could not bear to repeal it, since it symbolised the principle of a 'British Fishery'.

The government were careful to see that the new Court did not lead to a 'more regular government' however. It was to sit only while the Governor was in Newfoundland, was to deal only with criminal and civil cases of debt and contract (this preventing any extension of 'property' litigation), and was to be reviewed after one year. Above all they selected as the first Chief Judge, their own legal advisor John Reeves; a man who could be trusted to ensure that the new system did not encourage residence.

The Act was riddled with defects. It was the only civil court in Newfoundland and sat only at St Johns. This left outport traders with a choice of having no legal redress or a long journey to St Johns. This was no light matter for since the Island contained almost no roads, communication was by sea, and for example the journey from Trinity to St Johns could quite easily take a week. Since the Court sat only during the short fishing season, outport men risked the loss of week's of vital time. The merchants of Harbour
Grace pointed out that
t‘unless we can get immediate
redress on the spot our trade is ruined,
for while we or our agents go to St Johns
the catch is stolen’,

and even Secretary Graham -
no friend of the merchant - admitted that this had 'very
properly alarmed the merchants', if they needed a writ of
attachment upon some debtor's property they had to go to
St Johns, and while they were away the planters might 'and
I have many instances where they did, dispose of their fish
to the amount of many thousands of pounds'.

The merchants were further enraged by the Sheriff's
venality, and the choice of the Naval Officer and Governor's
secretary as 'Assessors'. The latter (since they had to be
unconnected with the fishery) was almost inevitable, but
they were both disliked by the merchants. Finally the new
system was introduced just as Newfoundland's tottering credit
finally collapsed. Bankruptcies totalled £170,000 and many
other men were in serious, if temporary, difficulties.

Writs to the value of over £25,000 were issued in St Johns,
and the Court forced to cease functioning at the end of the
season, was unable to hear more than a fraction of the cases.

1. 1793 Enquiry. Petition of the merchants to John
Reeves. July 1791.
3. IBID. The case of John Thomey.
5. IBID. Writs issued at St Johns. 10 Sept., - 10 Oct. 1791.
Their nerves were shaken by the financial crisis, and unable to settle their accounts, the merchants hysterically denounced Government in any of its forms, but Graham pointed out that they had only themselves to blame.  

He was sorry the merchants were so hasty in representing to the Board of Trade, in all of which they declared they wanted no court, therefore the giving them only one, was coming as nearly to their wishes as it was possible to do, without actually complying.

He made this statement in London; If he had done so in St Johns, the merchant's would probably have thrown him into the harbour.

Reeves and the Bill to amend Palliser's Act.

When Reeves returned to London he presented a report on the condition of Newfoundland, which though it dealt with the judicial system was mainly concerned with the growth of a 'colony'.

'Newfoundland is no longer just a fishery... most of the (migratory fishermen) are turned into merchants who besides catching fish, and curing it, speculate in fish and oil as an article of trade, and do extend their concerns much beyond the produce of their own exertions as fishermen'.

He divided men into three classes; the merchant, the boat keepers and the servants, but divided the boat keepers into two groups. Those (bye boat keepers) who came annually

from England, were usually of

'some substance and constitute in the trade a sort of Yeomanry, which was once considered as the great force and support of it; but the number of these of late is much diminished. Whether they have gradually crept into the order next above them and become merchants, or have fallen through want of success to a lower stage I cannot pretend to say. In proportion as this class of boat keepers may have diminished the other class seems to have increased'.

The 'other class' of boat keepers were mainly 'residents' who were dependent upon the merchants, often 'common fishermen... who having had some success, aspire (d) to become boatkeepers', but soon fell into, and remained in, debt to their suppliers. Disputes between these men and their supplier's caused three quarters of all civil disputes.

The 'common Fishermen' were employed by both merchants and boat keepers. If employed by the former 'there is rarely anything heard of them', but if by the latter 'they (were) subject to changes in his circumstances; if he cannot pay (them) they look to the merchant who takes the fish and oil, and he is liable in law'. Because of this servants in Newfoundland were 'favoured beyond all servants', and the legal relationship between employer and servant 'seems to be as good as any law can provide'.

The relationship between merchants and boatkeepers
an opinion has prevailed that the boat keepers are greatly oppressed by the merchants; that they are kept by different arts, in the perpetual thralldom of debt; and that being the useful part of those concerned in the fishery, they deserve some interposition to rescue them from their present depression, and I conceive the Provisions of the Act of last session respecting the limitation of two years (upon the hearing of debt claims in the Court) was meant to operate as a release to those very persons.

I went to Newfoundland with strong prejudices against the merchants, upon the score of their conduct towards the boat keepers but what I have seen on the spot has rather induced me to doubt upon this question, than to strengthen those prejudices or to form any precise opinion at all. The merchant hazards his property, depends not only on the success of the season, but the integrity of the boat keeper. If the season is bad the boat keeper's necessity is more pressing than his obligation to pay'.

Thus he disposed of his catch to other merchants, and (lacking immediate legal redress in the outports) the merchant was 'irrevocably the sufferer'.

Reeves also pointed out that more than 2/5ths of litigation now concerned disputes between merchants, but felt that nothing more was needed 'or sought by the merchants but the establishment of a court in which they can confide for an impartial hearing, and...judgement in the decision of their causes'. However increased settlement made
necessary a more 'regular' government. He recommended changes in the Judicial system, a civil list fund, and the creation of a Council comprising merchants, boatkeepers and magistrates who, under the Governor, would make Bye-Laws for the Island.

The last part was rejected out of hand by the Board of Trade who instead decided to amend the Judicial Act, and to introduce new legislation to compel men to return to England at the end of the year. West Country towns were asked to comment upon his proposals but they were not told what exactly, he had said.

In January the merchants returned blustering answers. Since they did not know what exact steps the government proposed to take, they tried to cover every eventuality,

'experience has taught us that the Judicial powers in Newfoundland, however well vested in the first place has fallen into improper hands, and should any court (however upright in its beginning) be established on the principles of the present (court) and not be amenable to the Courts of Westminster we do not hesitate to foretell its falling also into the same state'.

They complained that the 'assessors' being government officials were often materially concerned in cases which came before them and demanded that the estates of Bankrupts in Newfoundland be at least equally liable to creditors in

1. B.T.5/7.130 minute 21 Dec., 1791.
2. P.T.1/2.165 Lester to Fawkernor 2 Jan., 1792.
England, and complained of long delays and excessive charges. Liverpool, Dartmouth and Poole presented similar complaints but the Government had already made up its mind. Reeves was ordered to prepare a bill to reconstitute the Judicial system on the lines indicated in his report, and include provisions for a tax upon rum to pay for the expense thereof.

In April two Bills were laid before Parliament; the other being a 'regulating' bill to tighten up enforcement of 'Palliser's Act'. Petitions from Exeter, Dartmouth, Totnes, Poole, Brixham, Bristol, and Clyde asked the Commons to reject them both. This legislation would 'if not utterly ruin, very much diminish Newfoundland trade'. Their tactics were obvious; it must have been apparent that these government bills could not be defeated, but they might at least be amended, and possibly 'talked out'. The petitions therefore prayed for an adjournment of both Bills until Parliament could hold an enquiry into the state of trade.

1. IBID f 192. Bristol merchants to Sheffield 14 Jan., 1792.
2. IBID f 216. Wilkins to Fawkenor 26 Jan., 1792.
3. IBID f 197. Dartmouth merchants to Bastard 9 Jan., 1792.
4. IBID f 165. Lester to Fawkenor 2 Jan., 1792.
5. Commons Journals 47. Exeter petition 26 April, 1792.
7. Commons Journals 47. Totnes petition 26 April 1792.
8. IBID Brixham petition 4 April 1792.
9. IBID Bristol petition 4 April 1792.
10. IBID Clyde petition 18 April 1792.
The Parliamentary battle was extremely bitter. Although a motion for an Enquiry was defeated, the Judicature Bill was deferred three times, and only after the Government agreed to bar Customs Officials from acting as 'assessors' did the Bill become law - three months after its introduction. Moreover, the Government found it impossible to carry both Bills, and the 'Regulating' Bill had to be abandoned. The merchants had scored what was to be almost their last victory over the Government.

The new Statute created a 'Supreme Court of Judicature', with both civil and criminal jurisdiction. The Governor was empowered to appoint 'Surrogates' (both naval and civil) who could deal quickly with outport disputes. In the latter any case involving £40 carried the right of appeal to St. Johns. Cases which involved servant's wages were to be heard before two magistrates in a Court of Session, and Customs Officers were even forbidden to act as magistrates. In cases involving £10 the defendant could insist upon a jury, and those involving £100 carried the right of appeal to the Privy Council.

The Act was in fact a sincere attempt to rectify the defects pointed out in 1791. Under this system Justice should be speedy, the Outports obtained adequate and rapid

1. Statute 32 Geo III c 46.
redress, and the fact that wage disputes were to be heard by magistrates put a speedy end to that 'frivolous' litigation which had called employers and agents away from the Outports. By 1798 the merchants had taken it to their hearts, and indeed used John Reeves as a kind of intermediary to the Board of Trade, but in the tense atmosphere of 1792 they were still suspicious.

No copy of the abortive 'Regulation' bill has been found, but it can be reconstructed in part. According to Reeves, it was intended to ensure that masters did procure passages home for their servants. 'Receivers' were to collect the passage money on the same principles as the collection of 'Seaman's Sixpences' for Greenwich Hospital. Certain groups of men - those born in Newfoundland, or married and having a child there could obtain a refund, as also would bona fide 'winter servants' who could produce their indenture. Any other man who remained would forfeit his passage money which would then be used towards the expense of civil government.

Obviously therefore the government was still determined that Newfoundland should not become a colony. Unfortunately their success with the Judicial bill, was coupled with their failure on the Regulating bill to ensure that government.

1. C.O.194/41.176 Petition of Poole merchants 15 June, 1798.
increased, and settlement grew as much as ever. Now no one was very happy: the Government disliked settlement - and the merchants hated government. Although growing tension with France was diverting attention from Newfoundland neither side was prepared to leave matters where they were. The Government was determined to re-introduce the Regulating Bill, and the merchants - hoping to defeat it continued to press for an enquiry.

At least one group of merchants were now prepared to accept any sort of legal system as long as it worked. In October the 'resident' merchants of St. Johns told Governor King that

"we don't care what mode of justice is introduced, provided justice is Permanent, our usage in the fishery confirmed, and our expenses not increased, but the new forms have been attended with disappointments... in the present form more than half the island is nearly if not quite without any effective justice for the whole system'.

They wanted magistrates who were acquainted with the fishery and (rather a new development('permanent justice, winter and summer, whether the governor is there or not').

The signatories were not only men of importance; they also included many who were in fact prominent West Country

merchants, and their view might be taken as representative of much mercantile opinion. Nevertheless in the same petition they angrily attacked 'Palliser's Act' and 'expected regulations' to re-inforce it. Prepared to accept permanent justice they were strongly opposed to any measures which interfered with their 'freedom' to carry on business as they saw fit.

In December Reeves reviewed the situation. He felt that the Judicial system was working well and recommended that it be made perpetual, but suggested that salaried 'surrogates' be appointed to administer law in the outports. Even more however, he realised that the new system was only part of the answer.

'The Judicature of the island consists of much more than the new Court, which is the transient and ambulatory authority, subsisting only for a few weeks, and passing from one place to the other.'

It was upon the magistrates that

'we must depend for executing stat 15 Geo III and seeing carried into effect the Regulations respecting Master and Servant, and the passages home, all of which are thought to be closely connected with the value of this Island as a Home fishery'.

Under the present system these laws were being ignored and settlement was increasing to an alarming degree. As an

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3. It was not made perpetual until 1810.
example he instanced the regulation requiring employers to obtain passages home for their servants.

'This Regulation has, however, been disappointed of its effect and greatly abused...the masters have never failed stopping the 40 shillings, but there the directions of the Statute have usually been abandoned and the money has...been misapplied'.

Attempts to prevent encroachments on 'ships' rooms had been no more successful, for these

'were made long ago and are now of so long standing, that nobody thinks of contesting the point, unless it is some litigious man, who seeks only to vex his neighbour; and then the claim meets with no encouragement from a Court'.

Reeves realised that the Magistracy were the key to any attempt to enforce anti-settlement laws, but despair of being able to force them to act against their own interest. 'There are no residents but such as are in the Pursuit of Gain in some way or other'. If merchants were forbidden to act as Justices this left only Surgeons and Clergymen - both of whom were dependent upon the merchant. If they were paid salaries clergymen might be the best choice but there were very few of the Anglican (or indeed of any other) persuasion, and thus in most places only the merchants or their dependents were available. In which case he despaired of ever seeing such laws enforced.
How this can be enforced in the fullest extent, I do not see. It is vain to attempt by a salary to person, as a magistrate to draw his mind from the more important interests he may have as a merchant of boatkeeper. It would be too much to give a salary to a surgeon sufficient to buy out the claim which two or three merchants may have on him.

He finally recommended that salaries be paid to surrogates and magistrates, even though this would not free them from dependence on the merchant, and showed very clearly that government policy was un-enforceable. It was based upon a persuasion that men went out and return every year, but this was not so. There were now about 30,000 inhabitants, who have no other home. Even those who migrate, mainly stay two, three or four years—especially the Irish—who having done that are very likely to continue (as residents).

From this he was driven to the conclusion that 'ships' rooms should be abandoned and 'property' be granted in return for quit-rents. This would at least help pay the expense of government, whereas at the moment land was being 'engrossed' anyway, and not even revenue was accruing in return.

Thus in one year heeves had (through no liking for them) become converted to the merchant advocacy of 'property'. but the Government would take notice only of his proofs that the growth of settlement had been caused by merchant-magistrates. It confirmed them in their dislike of the western adventurers. However the latter continued to press for, and finally obtained their parliamentary enquiry. The last battle of the migratory fishery was about to commence.
The Enquiry of 1793.

1793 was not a good year in which to prove that the trade was irretrievably ruined, for the volume of shipping, population, exports and the price of fish had all risen considerably since 1791. The financial crisis was almost over. Nevertheless, having pressed for an Enquiry the merchants had to say something, and (without being able to put their finger on specifics) they must have known that some fundamental change was taking place. Looking (as was their wont) for scapegoats, they blamed the inrush of 'new adventurers' who had undoubtedly helped to cause the crash of 1789, but they looked even more to the laws passed since 1775. What the merchants really wanted was a return to the 'good old days' when quick, cheap and (from their point of view) popular justice had been freely obtainable; to the days when Newfoundland was truly a 'free trade' in which merchants could do as they pleased without the interposition of Customs officials, lawyers and officious Sheriffs, Governor's Secretaries and other functionaries; to the days when 'luxury' at St. John's was a thing undreamed of. Perhaps they were missing the tremendous cohesion which had characterised the fishery when, in less prosperous days it had been the preserve of inter-married, long established families all drawn from the same area - days when even Fooie and Dartmouth (with their separate areas in Newfoundland) saw very little of each other. They saw in
'Pallier's Act', a symbol of every thing which had changed that situation, and somehow thought to exorcise the new, by abolishing the Statute.

Their task was impossible. Even if Palliser's Act had been repealed, and the law courts along with it, this could not have changed the development of Newfoundland into a sedentary fishery, and unless that trend were stopped, there could be no return to the past. Since the merchants were committed to settlement anyway, they could suggest nothing which would prevent its increase or revive the migratory bank and bye boat fishery. It was even beyond their power to repeal existing legislation. They were regarded with the most severe hostility by a Government and convinced (with justice) that increased settlement was due to the merchants themselves, and even in Parliament there was a widespread prejudice against the merchants for 'enslaving' men in Newfoundland. Obviously the ministry would oppose them tooth and nail, and in witnesses like South, Graham, Palliser, and Reeves produce spokesmen to present damning evidence of mercantile self-interest and irresponsibility.

Messrs. Ougier and Newman of Dartmouth, and John Jefferey of Poole were the main witnesses for the merchants. They began by pointing out an enormous amount of bankruptcy, a great decline in the number of shipping and above all of bye boat keepers and passengers — all of which seemed to indicate that the migratory fishery was the most badly
affected. However (in order to show that the decline had started with 'Palliser's Act) they also produced rather dubious statistics purporting to show that in general the average catch before 1775 had been higher than in post war years. The evidence was garnished with the sauce of ample pessimism; John Jefferey spoke

'with the most disinterested motives (being) resolved to quit the trade as fast as possible from a conviction of its present evils, and from apprehension of those still worse consequences which may result from political changes..... I am afraid--it has seen its best days'.

William Newman was prepared to sacrifice 'a tenth of his fortune to be out of it' and knew of many others who would do the same 'could they get rid of their ships, effects and stores at a loss'.

The spectacle of rich men preaching poverty has never been convincing, and these men were among the wealthiest in the trade. The Board of Trade produced figures showing that the fishery had made a creditable recovery, while Routh and Graham had no difficulty in proving that the 'depression' was due to nothing more than the normal boom and slump which had already been known to always follow the end of a war. Routh scored heavily by pointing out that the

4. Third report.
witnesses and their comrades had earned huge fortunes in the fishery. 'It is well known that all the great
fortunes at Poole and Dartmouth have been made in the
Newfoundland trade'. None of them appeared to be any
poorer now. Dartmouth and Poole were

'trying to pretend they (were) less competent than other (towns), and this has been the constant tale since 1772, but they are as highly reputed as to repectability as they ever were, and will I sincerely hope, flourish and become still more opulent notwithstanding the custom house, and all the offences the officers commit in doing their duty'.

Graham however conceded that there might have been
some decline in the West of England, but argued that this
was only the natural consequence of the rise of Scottish towns.
This would 'inevitably' diminish the share owned by the
Western ports.¹

This was true enough but neither the general prosperity
of the trade, nor the proven affluence of large (and
sedentary) West Country merchants, in any way disproved the
assertion that the small bank ship and bye boat operates
were (for whatever reason) fast disappearing from
Newfoundland. Graham and South were forced to admit that
this class of men had diminished greatly.²

From the arguments two factors seemed clear; the
recent depression had been due mainly to over-production.

¹ Graham's evidence.
² Graham South evidence.
something which would inevitably cure itself, but although the fishery would revive, that carried on by migratory men seemed in a ruinous condition. Why?

The merchants argued that immediate cause of collapse had been due to 'speculators' but that in reality the trade had been decaying ever since the war at least. 1

'This extent (of the fishery) had in great measure been kept up by speculators and adventurers of various sorts, who on the one hand preyed on the ignorance and credulity of monied men at home, and on the other have introduced luxury and dissipation among the settlers at Newfoundland; so that far from serving the interests of the trade, they have pared its real resources. A constant succession of these, whilst they have given the trade an air of apparent prosperity, have brought many to the brink of ruin, and deceive those who only looked at the trade in a speculative point of view'.

Behind this facade lay a decline of long-standing caused by unwise government policy, which in turn was due to the fact that the Government had ceased to listen to the merchants, who alone were the best judges of the true interests of the fishery. 2

'Since the first establishment of the fishery no laws or regulations have taken place, but from the application of the traders to government, before the act of the 15th of his present Majesty (Fallisi's Act) nor were any former laws enacted without the opinion of the traders'.

2. Ougier's evidence.
In consequence, every act of government since 1764 had proved harmful. Oppressive expensive and unnecessary Customs officers, time consuming and venal law Courts and above all, the restrictions imposed by Palliser's Act, which had operated in such a way as to cause great inconvenience and injustice while at the same time, completely failing in its main objective - the maintenance of a migratory fishery.

This had been inevitable because the government was attempting the impossible. Settlement was essential to a prosperous fishery and no matter how 'sedentary' this became Newfoundland could never become a Colony, being too dependent upon an uncertain fishery. What was it but

'an island affording nothing but habitation and conveniences for the accommodation of men, who at the risk of their own and what other property they may borrow engage in a certain expense for a very uncertain return, men who will not carry out from any part (if they have liberty), more (men) than what may be needed for their necessary purpose, and what they should be prevented from it, we cannot conceive'.

The merchants wanted

'no more men than their interest requires and so far from its being the desire of the merchants to incline at all to make that fishery more a residence than can be avoided, the distresses arising from the great number of families already on the

1. B.T.1/2.192 Bristol merchants to Sheffield 14 Jan., 1792.
2. Jefferey's evidence.
island, and which are daily increasing. Calls for the intervention and assistance of the government to prevent it and bring them home'.

The cure for Newfoundland was quite simple. Remove all legislation passed since 1699, so that the 'Newfoundland Act', with 'customs' found to be beneficial, 'laws widely calculated to promote the interest and success of the trade, and the only laws necessary for that purpose', could once again provide freedom for the merchant to flourish. William Knox was even more blunt; 'The fishery might be left to itself; and the less government attended to it, the better it would thrive'.

This was all very well, but how would this revive the migratory fishery and discourage settlement? Whatever the effects that the repeal of Hallisfer' Act, and the abolition of Law Courts and Customs Houses might have upon the fortunes of disgruntled merchants would this revive the 'nursery of seamen'? Those who opposed the merchants demonstrated that it would not.

As Graham pointed out the fishery had changed beyond recognition. Every year 'property' increased, settlement grew and it became more difficult for 'migratory' new adventurers to find fishing space. This was principally due to the merchants who had dropped a 'direct' fishery in favour of supplying boat keepers. The migratory fishermen.

1. IBID and Ougi r's evidence.
far from being ruined, had all risen to become merchants themselves and they too had encouraged men to set themselves up as resident boat keepers. The repeal of legislation was hardly likely to turn these men back into bye boat or bank ship fishermen, neither would it tempt them to dispose of their extensive 'properties', and ceases supplying the settlers. Once could hardly imagine Benjamin Lester (for example) tearing down his stores and warehouses in order to replace them with boats and fishing stages - indeed it would have been an act of madness.

The merchants kept praising the 'Newfoundland Act', but

'unless (they) will be guided by the WHOLE of the Act... which they claim to be so fond of (and which would if properly carried into execution take the greatest part of their property from them), and not by such PARTS ONLY as they have thought could be construed in their favour, it is in vain for the government...to offer any encouragement to new adventurers'.

One might add that it would be in vain for the government to repeal 'Palliser's Act' or remove the Customs House, since this would only mean an acceleration (if such a thing were possible) in the trend towards settlement. It would be equally pointless to repeal the Judicial Act, for the complexity of litigation in Newfoundland had now become far too great for magistrates and naval officers alone to handle.

2. Graham's evidence.
The Enquiry ended (like most which concerned Newfoundland) in inevitable in conclusion. The Judicial system was confirmed and previous legislation left intact, but the Regulating Bill was never revived. The government realised that settlement was increasing, disliked it immensely, but was at a loss to prevent it; the merchants saw that the government was increasing, dislike that, but were equally unable to do anything about it.

Only one thing seemed certain - the migratory fishery was slowly passing away. The population had of course suffered deprivation during the depression, but unable to flee to America had been forced to wait for better times. Even more ominous than its total growth, was a change in its composition. In 1793 the 'Official' census of 'adult males' accounted for only 7800 of a population of well over 17000. Already they were taking over 60% of the fish, and natural increase would ensure that they took a larger share with every passing year. The merchants were now firmly committed to a 'sedentary' fishery and were converting their property for commercial purposes. Even more ominous, the West Country grip on the outports was slackening. In 1793 a vessel from Greenock anchored in Trepassey Bay.

Inevitably some day the migratory fishery would become superfluous; the residents would take all the fish that

1. C.0.194/21.425 Census of the fishery 1793.
the markets could ever require. This would not cause any immediate break in the West Country connection, for it still possessed great reserves of experience and skill, but in the end Liverpool or Glasgow — buoyed up by the Industrial Revolution — would supersede the West Country 'ancillary' industries, the merchants would move away from Dartmouth and Poole, and the fishermen would migrate to Newfoundland. That day was still far off, and West Country merchants had many fortunes yet to earn, but whereas in 1763 the settlers had been largely supplemental to the vastly more important migratory fishery, in 1793 the position had become reversed. There was still room for a migratory fishery, but with every year it would become less and less necessary. The long war which was just beginning, ensured that this change would be enormously accelerated.
CHAPTER TWELVE.

The revolutionary and Napoleonic Wars, though long were hardly calamitous by the standards of Old Newfoundland. The inevitable problems of convoy disorganization caused great loss in early years, but this was largely solved after 1798 and despite the huge volume of shipping, probably less was lost than in previous wars. Although two French Squadrons appeared off the coast in 1794 and 1796 they did little damage, and thereafter the Island was completely secure from enemy attack. Napoleonic victories in Europe caused the markets to be shut for many years at a time, but Portugal once again proved the entrance to Europe and the English government - giving far more assistance than ever in the past - paid huge bounties which allowed fish to be imported to England for re-export in neutral bottoms, and the West Indies and United States also provided alternative markets. In the worst year of the war (1800) over 400,000 quintals were exported - more than ever sent out before 1750. There were many bankruptcies, but no widespread cry of ruin came out of the West Country, and only Topsham disappeared from the trade - and she (like
Hideon in the Seven Year's War) was already 'decaying'.

In 1815 many of the South Devon merchants had made tremendous fortunes out of the war which was described as the 'heyday' of Poole. It was a far cry from the year 1703 when Dartmouth sent only six vessels to Newfoundland, and Solomon Merrett vowed to 'uphold the sinking trade' of Newfoundland.

Although (as usual) the demands of the Navy caused a drastic decline in the size of the migratory fishery, it was evident by 1802 that it would never again be of any great importance. In that year, although 70 'bankers' sailed from Europe, only 34 bye boat keepers sailed with them. Two years later the bye boat system was said to be 'wholly laid aside', the description now being given to 'a few men who keep their families in England and return when business will permit'. Only a few fishing ships and those mainly from Jersey - were now visiting Newfoundland, and even they bought most of their cargo from planters.

The few passengers who arrived were almost all Irish 'youngsters' who worked for the settlers before marrying and settling down. This was not the result of any

1. Although (once again like Hideon) Topsham managed to despatch an occasional vessel after the war, her trade was ended by 1829. See Topsham Wharfage books 1805-1817, and4n1.
4. C.O.194/43.121. Census of the fishery 1802.
depression in the fishery, for more vessels were visiting Newfoundland than ever before.¹

Even in 1810, when Wellington's victories in Spain had resulted in an export of 800,000 quintals,² and the merchants made a fortune through supplying cod to his army,³ the migratory fishery consisted of but 19 bankers—all at St Johns, and 16 'inshore' fishing vessels (from Jersey)—all of whom fished on the remote South Coast in Burin and Fortune. Although over 100 bye boats operated, they too had abandoned the East Coast to work on the South.⁴

This was the inevitable result of rapidly expanding settlement. Even during the revolutionary war, when very few passengers went out natural increased alone caused the population to increase from 17,000 in 1794, to over 20,000 in 1802.⁵ These, with some 650 'youngsters' sufficed to take all the fish required, given the closure of markets.⁶

Even before 1800 population pressure forced men to leave the old and crowded harbours in order to find room for their stages and gradually smaller coves and the 'bottom' of bays began to fill. Many went from the crowded North Shore of Conception Bay to found settlements at places like Pouch Cove, or shoal harbour, Hickman's Harbour.

1. H.T. 6/92. Wyndham to Shea. 29 April 1806.
5. C.O.194/43.121. Census of the fishery 1802.
and the Randoill Islands in Trinity Bay; even to the desolate 'straight shore' along Bonavista Bay. Others went to the South Coast to Clattice Harbour and Monkstown in Placentia Bay or to Fortune and Bay D'espoir. Every boat launched caught fish previously taken by migratory men; every stage built meant less 'room' for bankers or bye boats, and every new settlement created a need for more 'resident' merchants to supply its needs.

Newfoundland began to acquire a numerous shipping, built, equipped, manned and operated from within her own resources. The outbreak of war made many Devon bankship owners to move bodily to St Johns and Ferryland — and to take their skilled mariners with them. In 1795 there were 42 of these 'island' bankers,¹ and a year later (as the migratory fishery dwindled away), there were 93.² Although unprofitable markets caused this fleet to diminish,³ the vessels were turned to other uses. From Conception Bay northwards a horde of small schooners and 'shallows' sailed every season to the deserted 'French shore' or fished at the Labrador.⁴ By 1810 over 100 ships used that 'resident' fishery and Newfoundland possessed over 300 sea going vessels.⁵

Until 1807 the war caused great depression and the

1. C.O.194/38.3. Census of the fishery 1795.
3. By 1801 there were only 23. C.O.194/43.32.
settlements suffered grave hardships, so much that at the height of the fishing season Governor Waldegrave was appalled by the poverty of St. John's labourers.¹

'The very first object which attracted my attention on my landing in the town of St. John's was the wretchedness and apparent misery of its inhabitants. It instantly occurred to me that if such were their state in the height of summer whilst money (relatively speaking) must be flowing in upon them from their active labours, what must be their wants in the frigid season'.

Nevertheless people in England and Ireland were still anxious to join them,² and even hardship was not able to persuade the poorest settler to leave, they being 'so attached to Newfoundland (that) they can only be persuaded with difficulty even to go market in a ship belonging to Newfoundland'.³

In fact, depression in the cod fishery merely intensified development in the seal industry—whose market lay in England and was thus secure from 'closure'. In 1794 the first ship ever to hunt seals off the Labrador sailed from Carbonear. She was lost 'on the ice' but others soon followed, and a simultaneous expansion of the 'inshore' seal hunt made that industry a very important part of Newfoundland's economy. In 1799 over 40,000 pelts were taken in Conception Bay alone,⁴ and five years later

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2. Lawton & Devine, Old Kinca Cove, p 7.
3. C.C.194/41.23 Captain Croft's report 10 Jan., 1798.
110,000 were exported. Over 150 ships manned by 1500 men hunted seals off Labrador and each man earned from £5-25, an important supplement to their earnings, in the cod fishery. It also enabled men living to the North of St. John's to work all the year round. From late May to October they fished for cod, either 'inshore' or in Schooners to the Northwards. After that Logging and shipbuilding engaged their labours until March when they went sealing to the Labrador until May. After that the cycle began once more. By 1808 this had enabled the fishermen in Trinity Bay at least, to 'close their accounts' with the merchant owning a credit balance, which they spent on unheard of luxuries like tea, or hats and ribbons for their women.

The development of this year-round economy combined with the expansion of population and its dispersal into small and remote harbours to force the merchant to become even more 'fixed to the spot'. In St. John's Devonshire 'migratory' traders jostled with others from Scotland, and even more who had 'risen from almost common fishermen' and knew no home but Newfoundland. A few of the Teignmouth men continued to fit out 'bankers' - indeed they did so almost until 1840, but even they had to devote most of

1. C.0.194/45.20. Gower's remarks concerning his report 1804.
their attention to trade. Many Devonshire traders continued to flourish but by 1809 they had to share - or even to cede - pre-eminence to Scots and residents. As St. John's grew it 'diffused its influence through the outports', gradually but inevitably replacing Poole and Dartmouth as the true capital of Newfoundland. By 1807 this influence had even penetrated into Poole-dominated harbours and bays in the remote North. Even Slade and Kelson of Trinity found it convenient to purchase supplies in considerable quantity from Parker, Lulley and Knight of St. John's.

In the outports change was even more striking. Although new West Country 'migratory' merchants sprang up, they were completely dependent upon the residents. The only people who 'commuted' from England were merchant captains and the merchants themselves, with perhaps a few 'educated' youngsters recruited as clerks or book keepers. Moreover, there at last arose some truly 'resident' outport merchants like William Lemister of Dartmouth, John Elson of Exmouth.

1. If one looks at the amount of insurance taken out, the largest was that bought by Cunningham & Bell of Glasgow - and others like Sturte & Kennie, Hunter & Co, Crawford and Macbraire; or Parker, Lulley and Knight, James Kelledge or Murphy & Gleeson from the true 'residents', seem to have owned just as much as the largest West Country firms - William Newman and Hunt Stabb, Preston.

3. G.J.194/44.26 Gower to Camden 19 Nov., 1804.
5. Chancey, Josse and Sigfield of Poole (Carbonear) or Goodridge of Teignmouth (Renews) for example.
of Thomas Chancey and Robert Park of Poole, who came and lived in Newfoundland until they died.

In Conception and Trinity Bays at least, the more progressive planters found that the seal fishery enabled them to become truly independent. An aspiring skipper could obtain credit which enabled him to build and fit out a fish and sealing schooner. With luck the debt could be paid off in two years, and the owner became independent - trading with whoever he pleased. Similarly the growth of ship-building necessitated the importation of skilled master craftsmen and these too - like famous Mr. Newhook of Trinity - were soon independent of the merchant who first brought them over. Thus Newfoundland already possessed a nicely graded and quite self sufficient class structure. Merchants were 'Esquire', schooner owners and master craftsmen 'Mr', poorer (but independent) fishermen went by their full name (e.g. 'John Barnes') while servants had no name at all.

Although the Government disapproved of the change as much as ever, and Newfoundland Governors complained of

'a disposition of the merchants to evade the laws by staying behind themselves and encouraging the persons they employ to do the same',

by 1800 even the latter were beginning to face the

1. C.O.194/45.20 Gover's remarks concerning his report 1804.
inevitable truth. In that year Governor Poole reported that the merchants were now 'fixed to the spot... looking to the nearest port (i.e. the United States) for supplies and luxuries', and the Government must have realised that all its laws had proved ineffective. From now on - although they were still hostile to settlement - they slowly retreated from the rigid positions laid down in Pallier's Act.

Between 1804 and 1806 Governor Gower argued forcefully that the old ways could never be revived, and advocated that all laws which restricted settlement and government should be repealed, since they had long since fallen into disuse and in 1808 (while zealous Governor Holloway was lamenting 'that it was ever recommended to His Majesty's Ministers by my predecessors to grant leases of Land')

even Lord Redesdale, while 'lamenting the unfortunate results of the departure from the old system', doubted whether it could have been continued. By 1812 'ships rooms' were being leased to private individuals in St. Johns and the Law Court had been placed on a permanent basis; Newfoundland possessed schools, charitable institutions, a post office, printing House, newspaper and hospital. Missionaries of all denominations were improving

1. C.O.194/43. Governor Poole's report 1800.
the morals of the poor and the merchants had started to agitate for road construction. Further developments toward self government had to wait (as all other English reform movements) until the war was over, but it is important to note that nobody was now saying anything at all about the 'migratory' fishery - that shibboleth which had obsessed both traders and government for two hundred years. It was dying, unblanketed by the merchants and almost unnoticed by the Government.

If any man still doubted this the tremendous influx of Irish, and to a lesser extent Englishmen which occurred between 1811 and 1815 must have finally convinced him. Wellington's liberation of the Iberian Peninsula followed by the Allied advance into France and the opening up of Italian markets provide a demand for Newfoundland cod at the best possible of moments when both French and American fisheries were prostrate. In the face of this the war with America was little more than a pinprick which the huge British Navy quickly stopped. The number of Newfoundland vessels captured was outweighed even by the sale of American prizes and the supply of a huge English fleet at St. John's. In 1814 exports were valued at the fantastic sum of £2,886-327, and cod sold for 40/-d a quintal in Newfoundland.\textsuperscript{1} Lages were enormous for a boatkeeper, who

\textsuperscript{1} Patrick Morris. \textit{Remarks on the State of Society, Religion, Morals and Education at Newfoundland} (1827) p 6.
earned £150 for four months work and common fishermen commanded £70. In 1817 George Garland claimed that in the last years of the war Spain and Portugal alone had 'paid annually...not less than £2,000,000 and thus the trade (had) restored to our country a considerable part of those treasures which political circumstance required to be there expended'.

While prosperity reigned in Newfoundland Ireland was feeling an increasing imbalance between her population and her land, while in Devon and Dorset the price of bread was high, maritime employment was (other than in the Newfoundland trade) at a low ebb and agricultural wages only 6/-d a week. Not surprisingly Newfoundland saw the greatest immigration of her history. In 1814 over ten thousand people arrived—mainly from Ireland and a year later came at least five thousand more. Since they travelled on vessels which were coming to Newfoundland anyway, slept on deck and provided their own food it cost them only 10/-d. If they had ever wanted to return it would have been a very different matter, but when the great and inevitable post-war crash occurred in 1816 between sixty and seventy thousand people were residing

1. P. Tocque, Newfoundland as it is, and as it was (1877) p. 82.
5. Ibid p 86.
in Newfoundland. She no longer required the services of boats and bankers.

There was to be sure, some revival in the migratory fishery after the effects of the crash wore off. In the 1820's up to fifty bankers from Poole, Dartmouth and Teignmouth fished off Newfoundland, but by 1828 there were only ten, and by 1840 the migratory fishery had ceased altogether. It had after all been nothing more than the last reflexive action of a vanished way of life.

This did not cause any sudden break in the connection between Newfoundland and the West Country. 'Youngsters' were recruited from Devon, Dorset and Somerset until the 1890's, and West Country merchants continued (and their descendents to some extent continue) to play a great role in the Island and its fishery. During the nineteenth century a tremendous wave of immigration landed thousands of West Countrymen on the shore of Newfoundland, and West Country shipping, mariners and selected manufactures were in demand long after the last annual 'Adventurer' had sailed and returned in the Autumn.

Nevertheless once the migratory fishery came to an end, an eventual break in the connection was inevitable. During the Napoleonic Wars both merchants and fishermen were faced with a choice of remaining at home and finding new employment, or of moving away. Many of the merchants (with the exception of those in dinosaur-like Poole) began
to transfer their operations to Liverpool or London where they could take advantage of the Industrial Revolution and the tremendous commercial advantages possessed by such towns. In the end those who remained had to abandon the fishery. Some, like the follette's of Topsham merely concentrated on other maritime commerce,\(^1\) and others, like Ellis Hinde of West Teignmouth\(^2\) 'swallowed the anch r' and turned to other activities altogether. The humbler fishermen had to make the same choice, and while many went to Newfoundland, others found new employment in England. Now that the Industrial Revolution was destroying West Country industry, and that Newfoundland could catch her own fish, the importance of Devon and Dorset decreased with every passing year.

In 1785, Milliser had forecast that

'it might be for the momentary interest of individuals in Poole and Barmouth... (but) if property is once admitted into Newfoundland it will soon become a colony and there will be an end to the fishery carried on from any of the towns of the west of England.'

His prediction had come true, but no one seemed very concerned. Although Castlereagh praised Newfoundland as a source of maritime strength in 1815,\(^3\) the Government gradually forgot its pre-occupation with 'nurseries of

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1. Topsham Wharf Journal 1813-17.
2. He became a brewer.
3. Mathews, Poole and Newfoundland, p 85.
seamen', and the swelling wealth of Industrial England made that trade seen insignificant. Newfoundland ceased to be thought of as an asset, and became (there are parallels with modern 'anti-colonialism') thought of as an irritating liability; an unwelcome, but ineradicable hangover from the past which served only to complicate relations with France and the United States. Only the inhabitants of Newfoundland still remembered that the fisheries were 'coeval with colonial dominions and the maritime-superiority of England' — until two world wars reminded England of this ancient but still valid axiom.

As to the West Country, it seems to have barely noticed that any fundamental change was taking place. This was due to the fact that the decay in the West Country connection with Newfoundland occurred so gradually that her inhabitants had plenty of time to adjust and find new activities. The merchants either went into other fields, or moved away, and in some cases became 'merchant princes' in London and Liverpool, or bequeathed their estates to heirs who preferred the life of a vicar or a country gentleman to that of a 'fish merchant'. Even the 'ordinary' people were cushioned by the long drawn-out process of decay. Poole did not end its connection with

1. Russell, Dartmouth p 95.
Newfoundland until the 1870's; Dartmouth and Jersey until 1907, and Teignmouth (tho' in a much 'diminished degree') was still concerned in 1910. ¹

This gave ample time for re-adjustment. Many migrated to Newfoundland and fished as their fathers had always done, and others must have found employment in the great Home fisheries which developed in Plymouth andrixham. Once the Newfoundland trade came to an end Poole and Topsham never recovered, but the other ports flourished well enough in various ways. Torquay, Exmouth, Sidmouth Weymouth and Lyme regis found a more general prosperity as Victorian resorts although Dartmouth had to rely upon bunkerin! coal for the navy.² Other towns managed to resist the lure of 'tourism' longer, for Teignmouth found that the coastal trade in china clay was as great a 'mine of gold' as Newfoundland had ever been,³ and Plymouth grew rich and populous, not only from the naval dockyard but from her 'own flourishing maritime commerce and fishery.'⁴ North Devon, Kingsbridge and Salcombe developed the famous 'Square rigged Top's'l Schooner' which in the 1880's re-conquered the fish-carrying trade of Newfoundland.

¹ S. Heath, The South Devon and Dorset Coast (1910) p 132
³ Ibid p 45.
⁴ Lewis, Topographical Dictionary of England (1835) III
for the West Country, and Southampton which had always claimed to be 'decaying' ever since the sixteenth century, came at last into her own as a commercial port.

Thus died the western fishery — quietly and unlaudomented except by a few discerning Antiquarians. The profound peace which marked its end was in the most striking contrast to the jarring discord which had characterized its life. Much more had elapsed between 1793 and 1815 than a mere passage of twenty two years.

The superficial cause of death was of course the rise of a 'sedentary' fishery in Newfoundland which made the migratory fishermen obsolete. But this increased settlement requires its own explanation, for as we have seen it was largely due to the Western Adventurers themselves. All that happened was that the Adventurers finally decided to transfer to Newfoundland. The migratory fishery died from a surfeit of prosperity.

This becomes apparent if one examines why settlement failed to grow until the second half of the eighteenth century. This failure was due, not to governmental policy (which was always ineffective) and certainly not to West Country opposition, but to a lack of security and prosperity.

1. For a description of this trade see H. Lubbock. Last of the windjammers. (two Vols. Glasgow 1929).
2. The first — and most prescient, being John Sydenham of Poole in 1839.
Until the end of the eighteenth century Newfoundland was dependent upon an uncertain cod fishery which was also a prize which embroiled her in the turmoil of constant international rivalry and conflict. Until 1763 the fishery never knew security or prosperity for long. The great expansion after 1604 which laid the foundations for West Country dominance and tempted the first settlers to come out, came to an end with the civil war in 1640 and from then until 1675, civil and international war combined with some disastrous fishing seasons to reduce both 'sedentary' and 'migratory' fisheries to a dangerously low ebb. From then until 1689 settlement may have doubled to 3000, but 'King William's' war again smashed any reviving prosperity and devastated the Island. An incipient revival following the peace of Noyse was again crushed by the long and disastrous war of the Spanish succession, during which settlements were again devastated and the migratory fishery almost collapsed. Any post war revival was delayed unparalleled for nearly twenty years by an unparalleled 'failure' in the fishery which resulted in a nett fail in population from the level reached in 1700, which was not regained until some time in the 1730's. Only from 1730 onwards did the population begin to rise side by side with the migratory fishery, and even this expansion was hindered by mid-century wars.

Under these conditions it is not surprising that
settlement was sparse, and life primitive. Nor was it surprising that the Western Adventurers absolutely dominated the fishery. Only they could carry on a migratory fishery, and only they, and the Irishmen they transported were in a position to settle on the Island which afforded no means of subsistence except through a fishery. They were the only men who knew how to fish. Reference has been constantly made to the wretched conditions under which the early settlers lived; it is not surprising that, given a chance, men preferred to return home to Europe every year. While settlement was restricted it was impossible for non-West Country merchants to develop a profitable trade—especially since the settlers were 'relatives of the West Country merchants, and completely dependent upon them'. Even more important perhaps, the (over the long run) unprofitability of the fishery which made the Western Adventurers even more dependent upon it, also made the London traders (for example) turn to other pursuits when the fishery was bad. Newfoundland thus remained a 'plantation of the West' because no one else was interested enough to stick with the fishery through good and bad. This, and the 'selfish interests of the Western Adventurers' or even reactionary government policies, retarded settlement in Newfoundland.

After 1750 however conditions changed radically. During the Seven Years War the Royal Navy at last established
a dominance which (as far as Newfoundland was concerned) lasted until modern times. In marked contrast to Queen Anne's period the English fishery and its shipping flourished while those of its rival France vanished, so that even during war it expanded to a size previously unknown. After the war the French fishery (while still large) ceased to compete with that of England in the European markets and the population, again together with the migratory fishery continued to expand. This tempted merchants to establish more permanent supply houses in the Island and a few truly 'resident' merchants began to emerge. This in turn began to tempt artisans, doctors and others not directly connected with the fishery to emigrate to Newfoundland, and caused the gradual development of St.Johns as a commercial centre for the Island. The American war immensely speeded up these trends. The price of provisions and labour made it difficult for bye boat owners and planters alike to employ as many servants as in the past, but on the other hand when the migratory fishery declined during the last period of the war, it merely tempted the merchant to 'set up' more and more fishermen as resident boatkeepers - who could no longer as they had used to do, flee to America during hard times. The end of the war again saw Newfoundland in a position of great, if temporary strength for now not only the French, but the American fishery was prostrate. The short but
hectic post war boom saw a large increase in settlement, the rise of even more 'resident' traders, the entry (at last) of non West of England merchants who would stay in the trade, and an enormous extension of 'property' which left no room available for 'new adventurers' in fishing ships. By 1793 hardly anyone was vitally concerned in the migratory fishery which was fast becoming an ancillary to that carried on by the planters. Everyone was, in some way or another, a settler.

The changes brought the merchants into ever increasing conflict with a succession of governments who tried to arrest the growth of settlement. In a way this was the fault of the merchants for in the 1670's they had succeeded too well, in convincing the government of the day that the value of Newfoundland depended upon its being 'above all a British fishery'. However whereas the merchants quite readily changed their minds about the value of settlement, the government became ever more convinced of the truth of what had after all, been nothing more than a little mercantile propaganda. They were quite justified since the objective of a 'nursery of seamen', undoubtedly did depend upon the existence of as large as possible a migratory fishery, but the merchants were more interested in finding the most profitable way to operate. The 'national interest' was never in the forefront of their mind - particularly since whenever the navy made use of the 'nursery' it merely said it almost impossible to
continue with the migratory fishery.

Mistrust between merchants and government went back at least as far as that day in 1675 when Secretary Williamson discovered they had misrepresented the true situation in Newfoundland, but until 1763 settlement was too scant, and the fishery too depressed for any great conflict to arise. After 1763 the government realised that settlement was increasing, and found it necessary to attempt two contradictory aims; to retard settlement, but to increase government in order to ensure that its attempt to restrict settlement was successful. The merchants resented laws enacted in pursuance of this policy, because it interfered with their 'freedom'; since Newfoundland lacked impartial organs of government they were able to prevent these policies from working. But this merely made the government enact more regulations which further increased merchant resistance. By 1790 the two sides were locked in bitter and irreconcilable conflict a conflict which ended in more government (which the merchants loathed), and more settlement (which the Government loathed).

Only historians have ever had difficulty in understanding the position of the merchants in this problem; Governments of the day knew - and stated it - constantly.

Thus ended the heyday of the Western Adventurers; the most determined band of pessimists, England has ever known.
In 1920 a writer mourned the end of the West Country-Newfoundland fishery and saw Poole's 'grand old Georgian mansions mourning departed glories', but the trade can find a better monument than that. The Western Adventurers never passed from history. They and the Irishmen who went with them, together with a nineteenth century leaven of Scots were the first and last Planters. Those who have not emigrated to Toronto and the United States are still there.

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Papers (Adm 1)

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Out-Letters (Adm 2)

Contains a certain amount of useful material - e.g. instructions to the Governors etc, but mainly this duplicates material in Board of Trade papers.

Miscellanea (Adm 7)

Volumes 75 to 121 are the 'Registers of Passes' 1662-1815. These Registers contain very important information concerning shipping, ports of origin, trading areas in Newfoundland, manning, ownership, and Newfoundland trading routes.

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The DARTMOUTH CORPORATION Archives.
D/D 61927. A letter from the mayor to Gorges concerning the 'London - Outport' struggle and piracy, dated 1617.
D/D 61928. 'The Humleigh accounts'. Dated 1621, information concerning some of the Newfoundland merchants. An extremely well preserved and ornate copy of the 'Western Charter' of 1661.

The TOLLED wharfingers journals and bale books.
Much information on Topsham's Newfoundland trade between 1750 and 1817.

The FODLIRAS library OXFORD.

The WILLIS Manuscripts.
Comprise several volumes of queries and answers from parish priests concerning evens'ire parishes during the 1750's and demonstrate the importance of the Newfoundland trade in coastal areas. The Ms comprises 'parochial returns', and a 'parochial survey' Volumes 1 - 10.

Documents in the British museum.
Exerton Ms 2395. Correspondence concerning Airke and Baltimore.
Exerton Ms 2541. Seventeenth century, mainly political.
Exerton Ms 921. A report of the board of trade 1705/6.
Blore Ms 3662. An 'account of Newfoundland', probably written in 1677.
Additional Ms 9747. Contains a petition from the inhabitants of St Johns to the Bishop of London 1699.
Additional Ms 15493. J. Gardiner 'An account of Newfoundlani' (1704).
Additional Ms 33030. Diplomatic and political for the period 1750 - 1767.
Additional Mss 35913. Anglo-French relations and disputes 1760's.

Additional Mss 32882. Correspondence (mainly diplomatic) concerning Spanish and French fishing rights 1758-1762.

Additional Mss 36807. Mainly diplomatic 1760's.

Additional Mss 38225. Includes letters from William Knox on economic and political conditions following the American Revolutionary War.

Additional Mss 38347. Two very important papers. One written circa 1786 by Falliser in defence of his 'Act', the other composed by Archibald Buchanon 'on landed property' about the same period.

Documents in the Gosling Memorial Library St Johns.

Census of St Johns 1793/1794. An extremely useful document.

Documents in the Library of Memorial University St Johns, Newfoundland.

' The Colonial Records'. These volumes which commence in 1749 are basically 'entry books' of Governors' correspondence and contain information of a kind unobtainable elsewhere.

Documents at St Paul's Church, Trinity, Newfoundland.

Parish registers - complete from 1753 onwards.

In Walter White of Trinity.

Abstract of the Trinity 'Court of Sessions' register 1753-1768.

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The Journals of William Mcleod, agent and partner at Trinity for Robert Slade of Roole 1808-1858.

In possession of the writer.

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PRINTED SOURCES

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**Additional Notes**
