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The Liberty to Take Fish: Cod Fisheries, American Diplomacy, and Atlantic Environments, 1783–1877

by

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ABSTRACT

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The Anglo-American relationship across the long nineteenth century was one that was marked by the periodic oscillations between confrontation and cooperation. While the discourse between the leaders of either nation was marked by a kind of gentlemanly civility any sort of linear approach to the emergence of the “Special Relationship” of the mid-twentieth century obscures the significant transformations in transatlantic diplomacy during the nineteenth century. North Atlantic fisheries played a key role as transatlantic relations tacked between agreement and discord during the nineteenth century. This single issue allowed for and created the conditions necessary for addressing myriad other concerns and in the process continually redefined the relationship.

The significant pivots in Anglo-Americans relations were in one manner or other intimately tied to the fisheries. Introducing the fisheries issues will demonstrate how, for instance, the Convention of 1818, the Reciprocity Treaty of 1854, and the Halifax Commission were the most vital junctures in transatlantic relations. This narrative of Anglo-American relations would remain obscured without an appreciation for the fisheries and the role of the environment more generally. While environmental history has long appreciated how proceedings in the human world were influenced by the natural, or nonhuman, world, diplomatic historians have been slow to consider that nexus. The transformations that are the focus of this dissertation would be invisible without the environmental lens. Fishermen, in addition to the fish they sought,
are likewise important actors in this story as the on the ground, or perhaps water, decisions they made influenced the course of diplomacy at every level.

This dissertation brings fish, fishermen, and statesmen together to tell the story of American foreign relations during the nation’s turbulent first century, and in doing so shows that elite politicians and diplomats were never isolated from the worlds they supposedly controlled. By integrating topics and characters often left to environmental and maritime histories into the narrative of foreign relations this dissertation offers a more complete understanding of American statecraft. At what seems to be a particularly dire moment in the environmental history of Earth, lessons about the interdependence between the human and nonhuman worlds should not, indeed cannot, be so lightly dismissed.
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and has given me a kind of optimism for the future—my own, at least—that the study of the past does not often cultivate.

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INTRODUCTION
FISHERIES AND FOREIGN RELATIONS IN NINETEENTH-CENTURY AMERICA

The 1783 Treaty of Paris recognized the independence of the United States. Part of that independence was that this new state would have the “liberty to take fish” along the shores and in the seas adjacent to Britain’s remaining North American colonies. From its inception, the United States would define itself and its independence in terms of accessing and exploiting this maritime resource. When John Adams, member of the American peace delegation and the Bay State’s favorite son, demanded that the settlement address the North Atlantic fisheries, he entered the United States into a much older process of fisheries diplomacy. European fishermen were among the first to cross the Atlantic, and since the fifteenth century, the fishing grounds of the Northwest Atlantic were part of European imperialism and international politics. With American independence, the United States would cast its lot in with the European powers who had long used the fisheries as a makeweight in their diplomatic proceedings. In some respects the inclusion of the fisheries article in the Treaty of Paris was in no way novel. But the way that the fisheries would become so enmeshed in the workings of American politics—indeed become equated with independence itself—demonstrated that the American brand of fisheries politics would at least be unique.

This dissertation argues that cod fishing in places like the Bay of Fundy, the Gulf of St. Lawrence, and the Grand Banks operated as a central facet of American statecraft and nationalism for much of the nineteenth century. The fisheries stood at the nexus of multiple forces—economic, social, and cultural—making the question the fodder of politics at multiple levels—local, regional, and national. The phrase fisheries issue will serve as shorthand for the series of questions that surrounded American commercial fishing in the North Atlantic. Internationally, the question was one of who could fish where, while domestically, the central
question concerned the degree to which the American state would support the fishing industry both politically and economically. While such fishing was a subject of foreign diplomacy, it was enmeshed in both domestic and international commerce, and implicated in concerns ranging from the nature of American federalism and the relations between the sections, to the military and national security, and even to competing definitions of nationhood. The fisheries issue encompasses how these various dynamics intersected at the fishing grounds. Commercial fishing occupied such an important place in the operations of the federal government because it represented so much more than just fish. The fisheries became an environment upon which the American political community ascribed various meanings. Fundamental beliefs like independence and national security were tied to the daily operations of fishing to make this maritime environment an important element of American state making.\footnote{The projection of political ideas onto environments resonates with Paul S. Sutter’s notion that landscapes are hybrid assemblages of human and non-human elements, bridging the nature-culture divide within the environmental history literature, see Sutter, “The World with Us: The State of American Environmental History,” \textit{Journal of American History} 100 (June 2013): 94–119.}

While seemingly a parochial concern of the few fishing towns along New England’s and Canada’s Atlantic coast, fishing resonated at the highest level of government. This maritime industry provided the tissue connecting the wharves of Gloucester, the halls of Congress, and the cabinet rooms of Washington and London. The federal government had a sustained investment in the productive capacity of the fisheries. From the Second Congress the federal government directly supported the cod fishing industry through the payment of bounties to fishermen. For more than six decades federal coffers fed the industry—at times providing necessary capital to sustain fishermen during particularly lean years—under the assumption these maritime laborers were of singular importance to the American polity. But perhaps the strongest evidence of the
federal defense of the fisheries was found in the series of treaties the United States and Great Britain concluded across the nineteenth century. As a subject of diplomacy, an important industrial sector, and an element of American nationalism, the North Atlantic fisheries did not escape the attention of the federal government. The way fishing concerns resonated with political concerns, however, was not unique to the cod fisheries.

Ocean fisheries inhabit an interesting niche within the historiography of both the environment and of diplomacy. This aquatic resource is most often tied to the problems of regulating an elusive, but ubiquitous, mobile resource with little concern for humanity’s political and regulatory regimes. Often times these kinds of resources demanded the attention of political establishments not only because of their value as commodities but because of their mobile nature, making them fundamentally different than other resources. Active political regimes have been necessary to facilitate the extraction of this resource because of its peculiar nature. Throughout the eighteenth and nineteenth centuries Anglo-American commentators often compared the value of the fisheries to the wealth of silver and gold mines, and the labor of fishermen to that of farmers. These overwrought metaphors hint at just how difficult states found regulating such a fickle resource. Histories of fisheries are often tied to how governments at various levels worked to claim, manage, and defend the right of their citizens to exploit a maritime resource. In that way, then, the histories of fisheries become the history of statecraft.²

While the fisheries issue would become part of the larger workings of the American state, the fisheries would become most consequential in the realm of diplomacy. In 2000, historian Kinley Brauer called the study of foreign relations during the nineteenth century the “great American desert” of diplomatic history. One would be hard pressed to claim to have seen the desert bloom in the intervening decade and a half at the yearly meeting of the Society for Historians of American Foreign Relations—topics dealing with the first century of American diplomatic history make up a paltry number of panels in any given year. But the subfield of nineteenth-century American foreign relations has grown significantly during that period. If the desert remains, the monographic literature is at least a steadily growing oasis.

This dissertation is firmly rooted in the history of nineteenth-century American foreign relations. Americans consistently looked beyond their borders—both maritime and terrestrial—and in the process foreign relations became an often-contested field focused on national self-definition. The earliest generations of historians approached this broad topic with great care and did much to meticulously explicate the inner workings of American power. But these studies were premised on narrow terms and concerned only with the elite cadre of policy makers in Washington. These studies also overlooked serious engagement with the multivalent

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4 For a sampling of these early studies see Dexter Perkins, The Monroe Doctrine, 1823–1826 (Cambridge, Mass.: Harvard University Press, 1927); Perkins, The Monroe Doctrine, 1826–1867 (Baltimore: Johns Hopkins University Press, 1933); Samuel Flagg Bemis, John Quincy Adams and the Foundation of American Foreign Policy (New
connections between the exterior processes that define foreign relations and the ostensibly international workings of domestic politics. Jay Sexton’s work on the Monroe Doctrine is instructive as he is mindful of “the potential overlap between internal divisions and foreign threats,” making clear that effective scholarship is attuned to “both the external relations of the United States and its internal dynamics and politics.”\(^5\) A more recent cohort of historians representing a range of methodological orientations have approached early republic and antebellum foreign relations with this connection in mind, showing that the foreign and the domestic were always tied together in the creation of American identities.

Expansion has been the watchword for much of this literature. Unsurprisingly, the continental West, a region stretching from the Appalachians to the Pacific, has factored prominently into studies of early America’s interaction with foreign entities from European empires to Native American polities.\(^6\) The process of violence and dispossession that has defined American continental expansion has been subsumed under the tidy rubric of Manifest Destiny. Despite its association with an amateurish, inchoate, and reactionary approach to foreign policy, Manifest Destiny represented a clear, if not always consistent approach to foreign relations that

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approached the status of grand strategy with territorial acquisition and commercial expansion as the overriding goals. Thomas R. Hietala dispels the notion that foreign relations were of little concern for the denizens of nineteenth-century Washington, more the preoccupation of those agents actually on the frontier. Instead, Hietala notes that while “[p]ioneers played a role in expansion…the historical record points to politicians…as the primary agents of empire.”

Obviously the invasion of and ensuing war with Mexico in the 1840s have been the linchpins of this body of scholarship and are oftentimes taken as the major turning point in histories of antebellum foreign engagement. By defining gender roles, class relations, and racial attitudes, the continental expansion that was so much a part of Manifest Destiny proved to present the rhetorical and geographic space to explore and bound American nationalism.

Study of American foreign relations during the nineteenth century does not, indeed cannot, assume the eventual boundaries the states would take. While the manifestly destined coveted continental territory, expansionists looked south in a similarly greedy fashion. Latin America and the Caribbean have also proven to be an area of rich inquiry for recent scholarship. Tied to a pivotal period in the history of defining American identity, relations between the United States and the nations of the Caribbean Basin and South America were shot through with sectional tensions. The circum-Caribbean was never just a static backdrop on which southern slaveholders projected their idle imperial fancies. This region proved to be a vital front upon

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which the ostensibly domestic contest of North and South was waged. While the impulses of expansion were an important motivating factor, just as it was in continental North America, actual territorial acquisition was minimal, but no less important in how the region factored into the co-constitutive processes of foreign relations and nationalism.9

An emerging literature removes the study of foreign relations from the Americas, if not the hemisphere. Still concerned with expansion, though commercial not territorial, this historiographical vein turns its attention to the Pacific world—the South Seas, as nineteenth-century Americans would have understood it. In the ports of the vast Pacific, American nationals were forced to defend and define themselves in opposition to competing European merchants to ensure the success of their commercial ventures, and by doing so Americans crafted certain national identities as they interacted with foreign peoples.10

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Although the expansionist impulse guided and shaped much early American foreign relations, perhaps the most important geographic field did not entail any expansion. How the United States interacted with European states did much to influence the development of American identities. The transatlantic intellectual networks of the nineteenth century brought Europe and the United States into direct contact to address nationalism and abolition as paramount political problems of the era. The creation of American national identities did not happen in isolation but was part of a transatlantic discourse, just as abolition became entwined in the process. But of course European-American relations were not confined to these kinds of intellectual problems, but were based in the more material politics of economics and migration. As a point of commercial exchange and a source of migrants, Europe loomed large in how Americans at home, including the recently arrived, thought about themselves and their place in the world.

Historians have been hard pressed to define American foreign relations during the nineteenth century in any singularly coherent way. The expansionist impulse that characterized

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13 In one of the rare overviews of American foreign policy during the middle decades of the nineteenth century, historian Paul A. Varg remarks that there is “no overarching theory to explain what took place. The chief characteristic of both policy formation and the conduct of foreign affairs was the multiplicity of factors entering decision making.” *United States Foreign Relations, 1820-1860* (East Lansing: Michigan State University Press, 1979).
the United States’ disposition towards the Americas, while an important optic in understanding the nation’s transatlantic relations, fails to appreciate the full complexity of the United States’ most important transatlantic relationship, that with Great Britain. The fisheries issue may, however, present a way out of this impasse by bringing questions of commercial and territorial expansion into direct conversation with transatlantic relations. While claims to maritime environments were obviously more tenuous than land-based claims, the fisheries issue was fundamentally concerned with claiming, controlling, expanding, and bounding geographic space along an ever-changing maritime frontier. The effort of politicians to impose order on the fisheries was often frustrated because of the fluidity of this environment, and thus led to confrontation over the inability to mold the environment to human demands. While American fishing interests sought to expand the footprint of fishing operations, it also sought great opportunities to sell American fish in the foreign markets of the Caribbean and Mediterranean in a way that mirrored the larger goals of other commercial enterprises. All the while this geographic and commercial expansion brought the United States, through both its fishermen and diplomats, into direct contact with European competitors, primarily Great Britain. In this sense, the fisheries issue brings together the primary elements of American foreign relations during the early republic and antebellum years.

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Conceptions of American identity were triangulated—created by the United States’ relationship with other international actors. Great Britain proved to be the nation that was most

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14 The idea of a frontier, though not in a Turnerian sense, may prove to be an appropriate analytic for understanding maritime spaces as a way to tie continental expansion and maritime expansion, see Brian Rouleau, “Maritime Destiny as Manifest Destiny: American Commercial Expansionism and the Idea of the Indian,” Journal of the Early Republic 30 (Fall 2010): 377–411.
often and most forcefully implicated in American statecraft, and that relationship informs this work. This dissertation fills a gap in the historical literature on Anglo-American relations, which almost entirely ignores the North Atlantic fisheries in this diplomatic story. But it is not merely that the fisheries contend for space among the “important” topics of Anglo-American relations. Adding fish to a list including topics like impressment, finance, slavery, and expansion yields few analytical insights. Considering the role of the North Atlantic fisheries in the calculus of transatlantic relations forces us to reconsider how those disparate elements work together and has the power to yield an understanding of American foreign relations with greater nuance and texture.

The fisheries issue was the center around which various elements of Anglo-American relations would accrete and offers a reconceptualization of the chronology of transatlantic relations. While not a ubiquitous problem for the United States and Great Britain across the nineteenth century, the fisheries would, on multiple occasions, provide the context for fundamental revaluations of Anglo-American relations. The fisheries issue offers coherency to the first century of British-American diplomacy. In so doing the fisheries issue provides a narrative that is attuned to shifting contexts without assuming the amelioration of the so-called grand rapprochement. Much of the historiography assumes the approach of the “Special Relationship” like a tidal wave that would, in an instant, remake the nature of transatlantic ties by washing away the discord of the past. Fisheries diplomacy, however, shows that Anglo-American relations were marked by the constant lapping of waves oscillating between confrontation and cooperation.

The historiography of Anglo-American relations has remained tethered to the contemporary politics of transatlantic ties. Amid the victorious afterglow of World War II,
transatlantic commentators were not bashful in rhapsodizing about the flowering of Anglo-American relations. Even though war threatened to rive the relationship a mere generation earlier, the postwar period witnessed comment from scholars and politicians alike concerning the maturation of the “Special Relationship” and the deep historical and cultural ties that bound these nations.15 Indicative of such sentiment were the observations of historian H. C. Allen. In his 1955 work, *Great Britain and the United States: A History of Anglo-American Relations*, Allen, with an eye towards the future, confidently declared that “of all historical subjects, it is possibly true that the history of Anglo-American relations is the most important, as well as the most relevant, to the future of Western civilization.” With stakes set so high, Allen crafted a narrative of Anglo-American relations in which the “powerful but sometimes fickle bonds of emotion,” and “manifold links embedded deep in the lives of both peoples,” incessantly tilt towards conciliation and amity. Allen even went so far as to dismiss the American Revolution, the War of 1812, and the subsequent decades of mutual distrust and suspicion that marked the nineteenth century as merely the American son chaffing under the unfair, but well intentioned, tutelage of the British father. Soon enough “filial soreness” and “aggrieved parental authority” were replaced with mutual affection. In Allen’s retelling, the story of Anglo-American relations was one dominated by cooperation, not confrontation.16

While such a narrative obviously reflects the tenor of mid-twentieth century international politics, that narrative has cast a long shadow on subsequent interpretations of Anglo-American relations. For many historians of Anglo-American relations during the nineteenth century the

15 Winston Churchill is credited with coining the phrase “special relationship” in his March, 1946 speech, “The Sinews of Peace,” perhaps more famous for coining another term, “the Iron Curtain.”

comity of the twentieth century is a given and thus the job of historians becomes finding the point at which revolution turned to rapprochement and ultimately—if not inevitably—the “Special Relationship.”17 Although more contemporary scholarship is not quite so cavalier as Allen in writing off the friction of the nineteenth century entirely, finding that turning point has become the primary concern of this body of work. The most popular answer to this historiographical question has been the decade of the 1840s.

Historians have often looked to the 1840s for evidence of the decisive turning point in Anglo-American relations in which the frictions of the early republic were replaced by the fraternity of the Gilded Age. There is much about this decade that would suggest a fundamental set of changes. The conclusion of the Webster-Ashburton Treaty (1842) finally settled the border between Maine and New Brunswick, assuaging tensions that had simmered since the Revolution. Settlement of the Oregon Question showed that Anglo-American statesmen at last embraced the utility of cooperation over confrontation. Even the U.S.-Mexican War, an event ostensibly removed from the workings of Anglo-American relations, could not, in the words of Sam W. Haynes, “fail to transform the nation’s formal relations with Great Britain,” as the United States “had forged an empire by conquest,” and was, at long last, the equal of Britain.18 On this account, the end of the 1840s the United States and Great Britain were no longer enemies, but were certainly rivals, if not headed for friendship.19

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17 The most obvious example of this tendency is Duncan Andrew Campbell, Unlikely Allies: Britain, America, and the Victorian Origins of the Special Relationship (London: Hambledon Continuum, 2007).

18 Sam W. Haynes, Unfinished Revolution: The Early American Republic in a British World (Charlottesville: University of Virginia Press, 2010), 279.

19 For literature that focuses on the 1840s and the pacification of Anglo-American relations see Charles Campbell, From Revolution to Rapprochement: The United States and Great Britain, 1783-1900 (New York: Wiley, 1974); Howard Jones, To the Webster-Ashburton Treaty: A Study in Anglo-American Relations, 1783-1843 (Chapel Hill: University of North Carolina Press, 1977); Kenneth R. Stevens, Border Diplomacy: The Caroline and McLeod Affairs in Anglo-American-Canadian Relations, 1837-1842 (Tuscaloosa: University of Alabama Press, 1989);
These histories may succeed in retelling the gritty details of ongoing boundary disputes and trade disagreements, not to mention the palpable tensions that existed among statesmen on both sides of the Atlantic. Yet these works are all premised upon the notion that Anglo-American relations would eventually be turned to more constructive ends and only needed irritants like the Maine-Canadian border removed so that father and son could reunite in transatlantic harmony. In doing so this literature overlooks such significant tension as that of the Civil War era or the near-war between the two in the 1890s over the disputed Venezuela border. But perhaps more egregiously, it overlooks nuance in constructing an overly simplistic and all-too-linear narrative. It is in this regard that the fisheries issue alters accepted narrative through rigorous attention to context.

The work of Jay Sexton provides a model for navigating through the morass. Through a study of the complex relationship between international finance and American foreign relations during the middle decades of the nineteenth century, Sexton shows how the United States’ need for foreign capital moves the historiography of American diplomacy beyond a narrow focus on territorial and commercial expansion while providing a degree of coherency that is intensely attuned to shifting contexts. Although Sexton tends to see the financial needs of the United States as operating as “a powerful incentive for American statesmen to pursue a conciliatory foreign policy, particularly in relations with Britain, the nation’s chief creditor,” he does recognize that foreign indebtedness “did not always pave the way to harmonious foreign relations,” but, in fact, “had the potential to incite controversy.” By acknowledging this complexity Sexton eschews any

Donald Rakestraw, For Honor or Destiny: The Anglo-American Crisis over the Oregon Territory (New York: P. Lang, 1995); Howard Jones and Donald Rakestraw, Prologue to Manifest Destiny: Anglo-American Relations in the 1840s (Wilmington, Del.: SR Books, 1997); and Francis M. Carroll, A Good and Wise Measure: The Search for the Canadian-American Boundary, 1783–1842 (Toronto: University of Toronto Press, 2001).
attempt to impose a linear narrative on the story of Anglo-American relations during the
nineteenth century. Sexton’s work is also instructive in that his focus on the financial history of
the United States provides an issue that brings together, in his words, “matters as diverse as state
politics in Mississippi, evangelicals’ discussions of morality in Pennsylvania, the fate of the
Confederacy, and the severity of stock market panics on Wall Street….foreign
investment…needs to be considered not only in relations to foreign policy decisions, but also as
a component of the nation’s larger relationship with the wider world, and with Britain in
particular.”

This dissertation uses Sexton as a model. The fisheries issue operated in much the same
way as Sexton’s financial networks. Both serve as neglected aspects of American foreign
relations history that bring together a host of questions and actors that are frequently estranged to
render new interpretations of Anglo-American diplomacy while offering a more coherent
understanding of American foreign relations. But the fisheries issue pushes beyond the more
constrained parameters of Sexton’s work. Sexton’s world of Anglo-American diplomacy is one
populated exclusively by national politicians and elite financiers, two groups that were, at times,
difficult to distinguish. While these actors are incredibly important in any analysis of Anglo-
American relations, the fisheries issue broadens the scope. Secretaries of State and high-level
diplomats, of course, populate this narrative, but the fisheries issue also incorporates actors
including consuls, merchants, ship owners, fishermen and other maritime laborers, politically
engaged citizens at every level, and even the fish themselves. While this study gives little
attention to the women in shore-side maritime communities and the enslaved African Americans
who consumed much of this fish, to name but two groups intimately tied to the operation of the

20 Jay Sexton, Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era (New York:
fishing industry, it does significantly broaden the cast of characters often found in studies of American foreign relations during this, or any, period.

This history of American fisheries diplomacy between the Treaty of Paris (1783) and the Halifax Fisheries Commission (1877) reinterprets Anglo-American relations by offering a series of turning points often overlooked by other historians. At no point does this narrative imply rapprochement. Instead the fisheries issue shows the degree to which Anglo-American relations were subjected to constant oscillations between cooperation and confrontation, accommodation and acrimony. As this dissertation argues, the Convention of 1818, the Reciprocity Treaty of 1854, and the Treaty of Washington of 1871 were the most important turning points in Anglo-American relations across the nineteenth century. These were pivotal dates in which Anglo-American statesmen reconsidered the nature of transatlantic ties as they touched on questions as diverse as the placement of the U.S.-Canadian border, commercial interactions, and Great Britain’s tacit support of the Confederacy during the Civil War. But threaded through these discussions was the fisheries issue. In each instance the United States and Great Britain were brought to the bargaining table to address immediate questions relating to the fisheries and in the process addressed a host of outstanding disputes. The fisheries issue often provided the circumstances for Anglo-American relations to pivot from friction to fidelity and back.

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This narrative of American foreign relations during the nineteenth century would, however, remain obscured without an environmental perspective. American foreign relations and environmental history are two fields that have remained largely estranged from each other. On the face of it, this divide in the literature is puzzling. Both fields follow processes that are international in scope. Environments, like diplomats, necessarily cross borders. But each of these
fields have traditionally been interested in far different questions, showing the mutual
indifference these literatures have shared. Despite nearly two decades of calls to meld these two
approaches, enviro-diplomatic history remains a small—though growing—subfield.

In the first substantive call for an environmental-diplomatic history Mark H. Lytle
exhorts his audience of foreign relations historians to embrace the subject, if not perspective, of
environmental history in order to remain relevant. Explaining to readers of *Diplomatic History* in
1996, Lytle bluntly remarks that “if we do not make an environmental perspective central to our
study of foreign policy, we may consign ourselves to increasing irrelevance.”

The mid-1990s seemed to be a pivotal time for diplomatic history as the conclusion of the Cold War left the field
without its gravitational center. Without a communist specter in a bipolar world, American
foreign policy and its study were free to focus attention on new questions, perhaps even
environmental ones. Environmental diplomacy evangelist extraordinaire Kurk Dorsey has gone
so far as to say that for the field of American foreign relations history, including environmental
perspectives presents an opportunity “as great as the opportunity presented by the opening of
East European archives for Cold War studies.”

But barriers to cross-pollination seemed high. Lytle observed that there was a geographic, if not cultural, divide as environmental history grew
out of the study of the American West while diplomatic history was, as always, focused on the
pinstriped cookie pushers in Foggy Bottom. Driving the point home, Lytle continues, “Where on
the diplomacy side we imagine the tea-and-crumpet set gathering in business suits and tweeds at
the Council on Foreign Relations’ upper-east-side quarters…on the other we have the Levi-clad,

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granola-munching sons and daughters of the West tromping the fields and forests.” **But Lytle’s cheek aside, perhaps the most important point of departure between environmental and diplomatic history is the latter’s overwhelming preoccupation with human actors. The study of foreign relations is almost necessarily human centered, while much of environmental history’s innovation and dynamism come from its focus on the non-human world and its agency.**

But this contrast in subject—human versus nature—has not completely retarded the subfield’s development. Environmental history spent most of its first generation of existence sorting through the divergent pulls of nature and culture, while diplomatic history, or whatever en vogue appellation it has adopted, has expanded its preoccupation to include a cast of characters beyond the narrow world of elite policy makers. Such work is certainly possible, indeed desirable and even necessary, but despite Dorsey’s almost singlehanded attempts to coax this field into fuller form—even calling the environment “the great untapped vein of American diplomatic history”—few self-consciously styled environmental-diplomatic histories exist. As recently as 2013 Dorsey speculated that, given the dearth of scholarship in the decade since his first call to arms, perhaps he was “mistaken” to think that environmental and diplomatic history had much to say to each other. He concluded that such pessimism may be unwarranted, but plenty of rocks remain unturned.

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23 Lytle, “An Environmental Approach to American Diplomatic History,” 282. As a regular attendee of SHAFR and ASEH, I can attest that Lytle’s sartorial stereotyping is not that far off.

24 The extreme of environmental history posits the environment as the central entity shaping human agency; see Linda Nash, “The Agency of Nature or the Nature of Agency?” *Environmental History* 10 (January 2005): 67–69.


To little surprise, what does exist in this subfield is overwhelming focused on the Cold War. Things as epochal as the Vietnam War and as ubiquitous as international development have attracted scholarly interest as traditional topics of foreign relations history with significant environmental components. Most crucially, at least in terms of this dissertation, work in this vein has exposed two particularly relevant areas within the Cold War confines. First, is the ocean. As Dorsey observes, “Work on the oceans…naturally lends itself to a combination of diplomatic and environmental methodologies, in part because the use of the high seas requires the input of diplomats, but also because the oceans present significant opportunities for scientists and resource managers.” Jacob Darwin Hamblin’s work has shown how oceans have factored prominently in the minds of policymakers as an important field of foreign relations. Cold War fisheries diplomacy has likewise generated important scholarship. Second, the emerging subfield of environmental-diplomatic history has brought to the fore the multifaceted relationship between “external” and “internal” processes. From fears of overpopulation, to the development

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28 Dorsey, “Perhaps I was Mistaken,” 38.

of mineral resources in the global south by the Interior Department, to the community ethic in the international development program, this body of literature demonstrates how Americans developed ideas at home that consequently had a significant influence on how the nation approached environments off shore.\(^{30}\) This dissertation builds off the strengths of environmental-diplomatic history by placing a maritime resource at the intersection of political, economic, and cultural forces that are often, if artificially, relegated to the separate worlds of foreign and domestic.

While the fisheries issue brings diplomatic histories of the environment back into the nineteenth century, the topic is ripe for analysis.\(^{31}\) This dissertation not only builds on subjects that form the core of the subfield, but engages its underlying methodology. In setting the agenda for this field of study, Kurk Dorsey outlines three categories that encompass potential topics. First, environmental diplomatic histories would include work on treaties that explicitly address environmental concerns—think studies of the International Whaling Commission, of the Montreal Protocol for the protection of the ozone layer, or even of the recent Paris Agreement addressing greenhouse gas emissions to combat climate change. The second approach covers how American attitudes and practices influence foreign environments. This kind of study also


\(^{31}\) Dorsey singles out the North Atlantic fisheries disputes as deserving scholarly attention, see “International Environmental Issues,” 33–34; and “Dealing with the Dinosaur,” 584–585.
does much to tie the United States to the world as the American impact on global environments was, and still is, most often driven by domestic demand for commodities. Third, and most ambitiously, Dorsey advocates environmental analysis of the most well-studied events in American diplomatic history, which, he contends, could possibly allow fundamental reinterpretations of events as important as the Cold War.32

To a limited extent the fisheries issue engages all of these areas. The series of treaties that forms the scaffolding of this study directly addressed the political operation of the American fishing industry, among myriad other sticking points in Anglo-American relations. These agreements were largely ineffectual as they sought permanent fixes for an environment that was constantly in flux, thereby condemning any such international agreement to almost immediate irrelevancy. The fisheries issue also makes direct connections between American attitudes about the fisheries as both political and ecological entities and the particular maritime environment those ideas were projected on. Finally, this project hopes to offer, if not a reinterpretation of Anglo-American relations during the nineteenth century, then at least a competing narrative demonstrating the importance of the environment, particularly the maritime environment, to the history of American foreign relations.

While the environmental perspective opens up new narratives on otherwise worn topics, it presents a series of methodological conundrums—namely, how can historians hope to understand environmental conditions and perceptions of the past? Historians have offered a variety of approaches in attempting to understand the environments of the past. One such

32 Dorsey, “Dealing with the Dinosaur,” 580–587. Dorsey identifies Mark Fiege’s recent work as a model of how to focus the environmental lens on topics that have been thoroughly worked over in the historiography, thereby refreshing them for more critical analysis, The Republic of Nature: An Environmental History of the United States (Seattle: University of Washington Press, 2012).
approach is rooted in what William Cronon has termed “the relentlessly materialist analytical approach.” This approach is necessarily interdisciplinary, building on the ecological and natural sciences while using sources as far afield from the historian’s ordinary methodologies as dendrochronologies and midden samples. The field of environmental history has developed around a central question: what is the causal force in history, humans or the environment? The question has largely been settled in favor of a combination of nature and culture, with Paul Sutter’s concept of hybrid environments being the most recent and persuasive statement on how the “natural” forces of the non-human world interact dialectically with the cultured environments of humanity. Although a near consensus embracing hybridity exists within the field, this dissertation does not so lightly dismiss what Donald Worster describes as the “autonomous, independent energies that do not derive from the drives and inventions of any culture.”

Attuned to the non-human world, this work recognizes that many of the forces that shape the human experiences operated independently of humanity. During the nineteenth century changes in the sea were, at times, beyond human consciousness and control, even when the ramifications of those changes were not.

Ocean historians like W. Jeffrey Bolster and Helen M. Rozwadowski have rooted their studies in this kind of materialist analysis and engage with an archive of sources generated by scientific disciplines. Yet they appreciate the cultural conditions and subsequent limitations for that body of sources, and in doing so have created scholarly models worthy of emulation.

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global study of climate and crisis during the seventeenth century, historian Geoffrey Parker classifies his sources in two groups, the natural archives—consisting of the physical evidence of the earth’s historical climates found in ice cores, pollen deposits, and tree rings—and the human archive—consisting of sources more familiar to historians like narrative accounts and artistic expressions.\(^{36}\) While my work makes some, though limited, use of the materialist source base, this dissertation largely approaches more traditional historical sources in a way that is conscious of their environmental connections. This dissertation looks for the natural archive within the human archive. As fishermen compiled logs, as consular agents penned reports, and as politicians delivered speeches, they all communicated their understanding of the North Atlantic environment and left traces of the changing state of the environment in the sources that inform this study.

The source base I work from is, in many respects, entirely ordinary given the political and diplomatic orientation of this dissertation. I rely heavily on diplomatic correspondence, politicians’ papers, congressional reports, and newspapers—the National Archives and Library of Congress appear frequently in the footnotes. And while I use this corpus of documentation to glean information about the state of Anglo-American relations and the nature of domestic politics, there is also a wealth of information about the environment, how Americans during the mid-nineteenth century understood that environment, and the political implications therein. By bringing the perspective of an environmental historian to this source base I am better able to see that there is much more to the story of narrowly defined politics and am thus able to construct a new narrative that refocuses the scholarly understanding of this period. Perhaps most helpful in

gleaning environmental information from ostensibly political documents were consular reports. Foreign relations historians are increasingly incorporating reports generated by these commercial operatives who were posted to advantageous places across the globe to ensure American economic success in penetrating and exploiting foreign markets. These men bring an “on the ground” perspective as they were very often the vanguard of American foreign policy, especially during the nineteenth century. While the hundreds, if not thousands, of microfilm reels housed at the National Archives contain page after page blandly documenting the comings and goings of commerce, consular agents do directly comment on local conditions—political, commercial, and environmental. From this correspondence I have gleaned invaluable information about the state of North Atlantic fisheries and how actors ranging from fishermen to diplomats understood that environment and its changes. Although often not directly, these sources are suffused with environmental information.

Maritime laborers, like the environments they operated in, also emerge as a central element of this source base, and consequently, this story. In the eighteenth and nineteenth centuries sailors were tied to some of the most important political, economic, and social changes that shaped the worlds of the Atlantic basin. From revolutionary citizenship, to the creation of the African American community, and even the advent of capitalism, historians have placed sailors and ordinary maritime laborers at the center of these epochal transformations. While unique in their mobility, sailors of the Atlantic world were bellwethers of the changes that swept through landed communities.37 Sailors were especially important in the foreign relations of the

early United States. For much of the nineteenth century the diplomatic corps of the nation was small and clustered in the courts of Europe and the emerging states of Latin America. Consular agents were more numerous, but still a paltry number abroad. Sailors were by far the largest group of Americans to go abroad as commercial ships ranged from the Caribbean, to the Mediterranean, even penetrating the Asians markets of the South Seas. In early America sailors were de facto diplomats. As historian Brian Rouleau notes, “Sailors, simply stated, were nineteenth-century America’s largest class of representatives overseas, and thus the principal engine of its foreign relations at the time.” They were, Rouleau continues, “ambassadors in the forecastle.”  

North Atlantic fishermen were in the same metaphorical boat—Americans who left American shores and interacted with foreign peoples and foreign places. While fishermen never ranged farther than Labrador, a far cry from the exotic ports of call commercial sailors and whalers frequented, they were still the nation’s face abroad along the coasts of British North America. The decisions fishermen made in pursuit of their catch were largely, though not entirely, shaped by economics and environments, but had important political implications for the conduct of American foreign policy. Throughout most of this period the federal foreign policy establishment reacted to the decisions fishermen made on the water, thus implicating these

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maritime laborers in the foreign policy process. As American fishermen were captured by the British navy for plying their craft in forbidden waters, they displayed their knowledge of international politics and operated in the vulnerable political space available to them to address current crises while influencing future policy. Even if the specific decisions fishermen made about how they practiced their vocation were shaped by their economic and environmental contexts, fishermen, like other sailors, were undoubtedly political actors.39

Fishermen also existed in American politics as potent political symbols. Despite being concentrated in a few counties along the coasts of Massachusetts, New Hampshire, and Maine, cod fishermen resonated in political rhetoric across the Union. Fishermen, simply, were national political symbols that most sections could rally around. This political potency came from the close association between fishermen and national security. Politicians frequently employed the epithet “nursery of the nation’s seamen” when describing the fisheries of the North Atlantic. This rhetoric built on a long-standing, Atlantic-wide tradition, in which fishermen were mustered into national service in time of crisis. Given their experience with ship-board life and skill in sailing,

39 This dissertation understands nineteenth-century American fishermen in the North Atlantic to be primarily political actors whose decisions had far reaching consequences for Anglo-American relations and the operations of American diplomacy. This interpretation runs counter to the claims made by other historians. In recreating the cod population on the Nova Scotian shelf at midcentury, Jeff Bolster, Karen E. Alexander, and William B. Leavenworth make the observation that fishermen paid little attention to political boundaries or the dictates of governments at all. But depoliticizing fishermen in this way is shortsighted. While fishermen no doubted fished wherever they could find their prey, they were not indifferent or ignorant of those boundaries or of international politics. Nineteenth-century fishermen showed themselves to be well attuned to politics. Brian Payne’s work on North Atlantic bait fisheries in the context of Anglo-Canadian-American relations, the study most similar to this dissertation, places great emphasis on the role played by ordinary fishermen. Yet Payne draws far too stark a line between local and international politics while emphasizing the fluid nature of national identity in the region. While borders were in flux and labor was portable, at key junctures fishermen appealed to federal power to serve their needs in an action that tied the local to the international while affirming their national loyalty. What’s more is Payne’s tendency to see conflict in everything. Relations among fishermen and between fishermen and government officials were, as Payne would have it, most often marked by friction, if not violence. As this study will make clear, fishermen used federal power when available, demonstrating that, at times, the goals of the federal government and the goals of ordinary fishermen aligned. See W. Jeffrey Bolster, Karen E. Alexander, and William B. Leavenworth, “The Historical Abundance of Cod on the Nova Scotian Shelf,” in Shifting Baselines: The Past and the Future of Ocean Fisheries, Jeremy B. C. Jackson, Karen E. Alexander, and Enric Sala, eds. (Washington, D.C., Island Press, 2011), 79–114; and Payne, Fishing a Borderless Sea, x–xviii.
fishermen from all reaches of the Atlantic operated as a kind of maritime militia. This was not mere rhetoric. Fishing schooners became warships during the Revolutionary war, aligning fishermen, and by extension the fisheries, with American independence. This relationship would remain strong well-through the antebellum era, making the fisheries a measure of independence.

This story points to the importance of maritime laborers in nineteenth-century America, but it also points to the importance of the ocean. An appreciation for the ocean’s role in history is crucial for rendering a more faithful picture of nineteenth-century America. Between the Revolution and the Civil War the United States was a maritime nation. The sea was the nation’s connection to the world and, as scholars are increasingly appreciating, a place that was fundamental to the development of national identity and the functioning of American statecraft. For too long the concept of the frontier has seduced historians to look west to the continent and not everywhere else to the oceans. But recently the Medusian gaze that has ossified a historiographical obsession with the continent has weakened as nineteenth-century histories begin to bear greater resemblance to their subject. This work joins the oceanic turn of nineteenth-century America by placing the seas at the center of the story.

Historical inquiry more generally has suffered from an unfortunate terracentrism that relegates the maritime world to at best a place in between and at worst no place at all. The seas’ opacity and inhospitality make it an unwelcoming place, stifling investigation. Maritime


historians have done much to keep the ocean in historical narratives, but only recently have historians critically engaged with Jeff Bolster’s observation that “salient connections were not only across oceans, but between people and the sea.”42 This dissertation takes this contention as a given and joins an emerging body of work known as the new thalassology. In setting the thalassological agenda for historians of the Civil War era, Robert E. Bonner defines the approach as “a distinctive mode of historicizing the waters of the Earth…. [to] consider the high seas a realm of meaningful human activity.”43 The stakes of incorporating this perspective go far beyond just adding a new field for historical study, but by demonstrating that the oceans can fall victim to change, a relatively recent idea in its own right, this historicization illustrates the extent to which humans truly can influence their environments. This lesson is particularly important at this dire juncture in the environmental history of the earth.44

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This story of the relationship between the North Atlantic fisheries and the intertwined development of American nationalism and state building unfolds in five chronologically arranged chapters. This dissertation begins with the Treaty of Paris (1783). While one of the formative documents in the struggle for American independence, this treaty also formed the basis for the United States’ first legal claim to the piscine resources of the North Atlantic as British

42 Bolster, The Mortal Sea, 3.


44 Recent work on the historiographical potential of the thalassological approach stresses that this body of work looks to distinguish itself from both the grand narratives of oceanic history that have given rise to Atlantic studies and from the narrowly defined world of wooden ships and iron men that have given a false perception of maritime history. See Gelina Harlaftis, “Maritime History or the History of Thalassa,” in Gelina Harlaftis, Nikos Karapidakis, Kostas Sbonias, and Vaios Vaiopoulos, eds., The New Ways of History: Developments in Historiography (London: I. B. Tauris Publishers, 2010); and Peter N. Miller, “The Sea is The Land’s Edge Also,” in Miller, ed., The Sea: Thalassography and Historiography (Ann Arbor: University of Michigan Press, 2013).
ministers assented to America’s “liberty to take fish” in those waters colonial North Americans had plied for centuries. Chapter 1, “Fisheries and the Flotsam of Revolution, 1783–1800,” covers the decade and a half after the Treaty of Paris that saw access to the fisheries become closely associated with the notion of independence: American statesmen made the fisheries, rhetorically at least, a measure of the United States’ newfound status as an independent nation. From the beginning the fisheries were tied to political independence, helping to explain why Americans, from fishermen to statesmen, repeatedly mounted vigorous defenses of this right. In the minds of these Americans they were defending independence itself. This maritime resource became implicated in some of the most important political developments in the early republic, from the struggle over the adoption of the federal Constitution, to the desire to secure international markets that drove much of early American foreign policy, to the polarization of the first party system.

Chapter 2, “Fisheries and Foreign Relations in a Maritime World, to the Convention of 1818,” explores how the political history of fisheries in early America was not limited to Washington. Instead, ordinary fishermen exerted significant influence on the political proceedings as both potent political symbols and actors in their own right. Moving from the assumption that the United States was at its base a maritime-facing nation, this chapter begins with the 1792 passage of the federal cod fishing bounty—a decision that would directly subsidize the cod fishing industry from federal coffers for nearly eight uninterrupted decades. Congressmen from across the Union frequently heralded fishermen as a unique class of hearty, enterprising, and patriotic citizens worthy of federal largess. Here the most explicit connections between fishing and national security were made as the industry’s partisans described the fisheries as the “nursery of the nation’s seamen,” thus necessitating federal support to groom this
group of maritime minutemen. The chapter concludes with the chaotic conditions that characterized the fisheries in the aftermath of the War of 1812. With Great Britain claiming the war had invalidated the United States’ claims to lawful fishing in the region, the British Navy captured scores of American schooners in 1816 and 1817. A close reading of the testimonies offered by captured American fishermen reveals the extent to which these maritime laborers understood the workings of international relations and used their limited means to influence diplomacy in a way that necessitated signing the Convention of 1818. Among settling other outstanding issues in Anglo-American relations, the Convention declared that American fishermen had a right to fish in all waters except those within three miles of the Canadian shore. For nearly a century this agreement would shape the political tenor of fishing in the North Atlantic.

Chapter 3, “Fisheries and Politics in a Changing World, 1819–1845,” covers a period of relative calm in Anglo-American relations as it seemed the countries neared a détente. The fisheries issue, however, shows the degree to which this historiographical characterization fails to appreciate the degree of tension and suspicion that still marked transatlantic ties. Although the stipulations of the Convention of 1818 went unchallenged during this period, the treaty actually created the conditions by which the British capture of American vessels increased dramatically. By cordoning off sections of the ocean—those within three miles of the coasts—the Convention allowed for a greater number of confrontations. Overzealous British captains and inattentive American skippers now had the potential to provoke international incidents as American schooners violated the all-too-difficult-to-ascertain three-mile line that was now a fluid marker of legality on the maritime landscape. During the 1820s, the 1830s, and the 1840s, as Washington and London seemed to inch closer towards each other, American fishing ships were subject to
seizure for real or perceived violations of the Convention’s stipulations. American fishermen attempted to work within the limited political space available to them to remedy their plight, but the conditions on the water proved increasingly untenable, especially as changes in the environment and within the fishing industry motivated more and more fishermen to pursue inshore-dwelling mackerel and thus more frequently violate the three-mile limit.

This situation would come to a head in the events covered in chapter 4, “Sea Changes in Foreign and Domestic Politics, 1846–1860.” Yet this climax had little to do, at least initially, with the fisheries. In 1846 Great Britain repealed the Corn Laws, adopted the tenets of free trade, and wished to convince or coerce the United States into this emerging international order of free trade. Washington balked at the idea, and by 1852 London grew weary of American intransigence, using access to the fisheries as a way to exert pressure. Americans had resorted to inshore waters in increasing numbers as environmental conditions favored the proliferation of mackerel. British cruisers plied the fishing grounds with unprecedented vigor during the summer of 1852. This dispute became front page news across the nation as politicians and diplomats of all varieties chimed in on the crisis. Eventually the dispute fizzled, and by 1854 the transatlantic nations signed a reciprocal trade agreement. But despite the seeming anticlimax of this episode it offers unequivocal evidence of how environmental change, in a very material way, influenced the course of diplomacy.

The final chapter, “Fisheries and Foreign Relations in the Gill-ded Age, 1860–1877,” sees a series of fundamental changes in how the North Atlantic fisheries factored into transatlantic diplomacy and the American political economy. A series of changes in American politics and the fishing industry sapped the fishermen’s rhetorical position of its potency in American politics. As intellectual authority became vested in the now-vaulted men of science,
maritime laborers lost the authority that their hard-won practical knowledge had once given them. Changes in the structure of the U.S. Navy, primarily the transition to steam power, made the connection between fishing and national security more tenuous as sailing skills were no longer in demand. And the increasing capitalization of the industry squeezed out small-scale fishermen in favor of larger fishing firms. This slide in prestige was also seen in the realm of diplomacy. When Great Britain and the United States addressed the myriad tensions that were left over from the Civil War era, it became readily apparent that American statesmen were willing to sacrifice the interests of fishermen in favor of nurturing a budding Anglo-American rapprochement. Whereas American statesmen once saw the preservation of America’s unquestioned right to the fisheries as a major foreign policy goal, by the 1870s that was no longer the case. In 1877 an international tribunal forced the United States to pay Great Britain $5.5 million for decades of exploiting Canada’s inshore waters. To the fishing industry, at least, the agreement amounted to an admission of guilt by an American policy-making elite more concerned with reconciling with its former transatlantic rival than in defending the liberty to take fish.
PROLOGUE
FROM NATURAL HISTORY TO HUMAN HISTORY

Twenty thousand years ago, at the peak of the Wisconsin glaciation, two massive ice sheets, thousands of feet thick descended across North America. The larger, the Laurentide Ice Sheet, covered a wide swath of the continent, extending from the Arctic to Long Island and ran in a curve that reached as far south as the modern day Ohio River and as far west as the Missouri River before receding north and joining the smaller Cordilleran Ice Sheet, which rested upon the furthest western parts of the continent. With so much of the world’s fresh water locked up in these icy behemoths, global ocean levels were hundreds of feet below where they currently inch upward. This exposed land masses that now lay below water, a map of which would look strikingly different from the familiar lines that demarcate land and sea in modern atlases.

Particularly striking was a peninsula of dry land that extended to the northeast from Long Island Sound into what would become the north Atlantic. A series of raised ridges, formed by earlier tectonic processes, were shaped and gouged by the fringes of the mammoth ice sheet. These ridges would become the chain of banks that harbored rich fish communities as the ice sheet regressed for good and inundated the area with water some fifteen thousand years ago. Georges Bank, Banquereau, and the Grand Bank, among others, stand as underwater cliffs, still hundreds of feet above the sea floor around them, with only Sable Island Bank still barely peaking above the waves as a reminder that these prominent formations were once dry land.45

The physical structure of these underwater formations determined why this region became a dynamic home to a number of fish and other maritime organisms. These banks stand at the confluence of two major ocean currents: the cold Labrador Current from the Artic and the warm North Atlantic Drift originating further south. In a process driven by the uneven solar heating of the earth, these two currents collide at the banks and with the banks, before being forced to continue along a northeasterly path that terminates in northern European waters. This collision stirs the waters, creating localized gyres that encourage the mixing of these distinct water masses. As a result, nutrients that would otherwise remain buried in the depths of these waters are forced upward, upon the banks where they interact with sunlight that can penetrate the surface water in what is called the photic zone. Here chlorophyll-bearing, autotrophic phytoplankton thrive, feeding zooplankton and, ultimately, maritime organisms up the food chain. This process, dubbed “primary production” by ecologists, explains the biological productivity of this portion of the ocean, as the necessary nutrients are brought together with the required oxygen, water temperature, and sunlight, to feed the microscopic organisms that then, in turn, feed everything else. Chemically and biologically not all ocean water is the same, nor can all ocean water support complex ecologies. But this portion of the North Atlantic stands at the confluence of factors that allows for such a rich ecology.46

Two important elements of this ecology, at least from the human perspective, are the Atlantic cod (*Gadus morhua*) and the Atlantic mackerel (*Scomber scombrus*). The conditions created through the climate, geology, and chemistry of the North Atlantic made it a welcoming home for these fish. Atlantic cod, a stocky fish that can grow to lengths greater than six feet, is perhaps the most Atlantic of all fish. Unlike the vast majority of fish that have, or have ever, called the Atlantic home, gadoids, a family of fish including cod, haddock, and pollock, originated and evolved in Atlantic waters. These fish are largely non-migratory, preferring to stay in the region’s relatively cool waters year round to feed upon capelin, small crustaceans, and pretty much anything they can get their mouths around. However, those cod fish that live at the extreme northern and southern reaches of their geographic range regularly follow favorable
ocean temperatures as the seasons dictate. All cod do, however, make a vertical migration over the course of their lives as the juvenile fish spawn in open surface waters before descending to their preferred benthic habitat upon maturity. Cod, distinguished by three dorsal fins and a chin barbell, most often spawn offshore where they spend much of their life cycle.\(^{47}\)

Atlantic mackerel, on the other hand, are decidedly migratory. These small, quick fish, rarely to exceed two feet in length, tolerate a much greater range of temperatures than cod and, like their tuna and bonito relatives, regularly range to warmer waters as far south as the Mid-Atlantic Bight. They feed on tiny crustaceans known as copepods and in maturity will consume anything they can fit in their mouths like very small fish, including their own young. Despite their perceived fickleness, mackerel follow a seasonal rhythm traveling northeastward after overwintering in mid Atlantic waters, as the spring’s rising temperatures would allow. In certain years with favorably warm temperatures, mackerel have ranged from as far south as the Carolinas to through the Strait of Belle Isle and into the Labrador Sea. These fish are most at

home in the open water and do not shy away from coming inshore, especially in the spring as they head north. Both cod and mackerel, like most all nonfreshwater fish, have much of their life cycles dictated by ocean temperatures. Migrations, food availability, maturation, and reproduction are all processes that depend on the ever fluctuating temperatures of the ocean. Over the past fifteen thousand years or so, as the general processes and drivers that have controlled this ecosystem have been in place, fluctuations and alterations of the atmospheric and oceanic climates have, at times, been significant, but only over the past handful of centuries have these changes been brought to bear on the human world through fisheries.48

Piecing together climatological history is a difficult, interdisciplinary task requiring the skills of both humanists and natural scientists to fit together indicators of changing climates as diverse as dendrochronologies and artistic expressions. Such a history of the past millennia, as best understood, is marked by three distinct and dramatic climate swings. The first, lasting to about the onset of the fourteenth century, was a period of relative warmth known as the Medieval Warm Period. This was followed by a period of cooling, the Little Ice Age, that lasted well into the nineteenth century. Finally the past couple centuries have been marked by a significant and unprecedented warming as humans have altered the chemistry of the atmosphere and ocean. But it is the Little Ice Age that most concerns the fisheries and its changes. This centuries-long climatic anomaly has been connected to such epochal shifts in human history as the French Revolution and the Irish Potato Famine. It was during this period that Europeans first began sailing farther and farther west in search of cod as their home stocks, perhaps in response to both

cooling and fishing pressures, began declining. And it was likewise during this period that fishermen of all provenances began the alteration, or perhaps more accurately the destruction, of the Northwest Atlantic’s fisheries.\(^49\)

While native peoples made use of the maritime resources of the northwest Atlantic for millennia, this process of exploitation underwent an epochal shift starting with the first Europeans who reached these waters at about the turn of the sixteenth century. The open water fisheries of the northeast Atlantic had been important sites of extraction for various European peoples for centuries. As fishing pressures devastated inshore communities, Iberian, French, and English fishermen began the incremental process of travel farther and farther west in search of unsullied fishing grounds. Given the ecological similarities of the boreal seas of the North Atlantic, fishermen essentially chased cod across the ocean until, by the dawn of the sixteenth century, they happened upon the North American coast.\(^50\)

The earliest Europeans to ply the fisheries of the North Atlantic left scant records of their impressions of this maritime environment. After all, they had little reason to divulge the location and nature of such a lucrative resource to potential rivals.\(^51\) But as the emerging empires of the North Atlantic began to focus their energies on colonization of the lands adjacent to the fisheries, at the expense of formerly seasonal migration of men and capital, observers did not fail to note the fecundity of fish communities in the region.\(^52\) Rhapsodic descriptions of New World


\(^{52}\) For the transition from seasonal migration to more established colonial enterprises relating to fishing in the North Atlantic see, Pope, *Fish into Wine*. 
environments were a regular part of the promotional literature of European observers who hoped to entice investment in colonization schemes. From huge expanses of well-manicured forests, to species unknown in Europe, to rivers choked with fish, Europeans of all provenances were taken aback by the diversity and richness of environments across the North American continent. In a particularly evocative example, historian William Cronon cites the writing of Englishman John Josselyn whose travels in seventeenth-century New England brought him face to face with flocks of passenger pigeons numbering in the “millions of millions,” which seemed without “beginning nor ending, length nor breadth, and so thick that I could see no Sun.” For Europeans New England, if not the Americas more generally, was a land of plenty. The seas would likewise prove prodigiously productive in European eyes; this same tone was brought to maritime resources as well.

The sea fisheries of the Northwest Atlantic presented an environment to Europeans that was at once familiar and foreign. While the conditions of the Northeast Atlantic were strikingly similar to that of the Northwest in terms of water temperature, chemistry, and the relationships between various organisms, the marine communities, by the sixteenth and seventeenth centuries at least, were quite different as a result of centuries of exploiting the waters nearest to the European continent. As historian W. Jeffrey Bolster notes, “When Basque, Breton, Portuguese, and West Country fishermen began regularly to cross the Atlantic, the ecosystem they encountered was ‘new’ only in its abundance: it had not been harvested systematically for centuries by legions of fishermen.” Early observers in the region described this bounty in

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detail. One seventeenth-century witness remarked that “[t]he aboundance of Sea-Fish are almost beyond beleeving, and sure I should scarce have beleeved it except I had seene it with mine owne eyes.” Another noted that mere hours of fishing “had pestered our ships so with Cod fish, that we threw numbers of them over-boored againe.”55 These maritime resources were what first attracted Europeans to the region and proved to be their first experience with the richness of New World environments. Soon this resource and this region were integrated into a developing transatlantic economy as fishermen began systematically exploiting these waters with the same technologies and motivations that had doomed the ecological vitality of Europe’s Atlantic fisheries.

Despite the descriptions of abundance that marked the earliest European impressions of these North Atlantic fisheries, New Englanders soon showed concern over the ability of this ecosystem to respond to the demands of the Atlantic market. As early as the 1660s the colony of Massachusetts declared “that no man shall henceforth kill any codfish, hake, haddock, or pollock, to be dried for sale in the month of December or January, because of their spawning time.”56 While colonial subjects had little understanding of the factors at play that determined the size and scale of fish populations in the region, they certainly had an awareness of fluctuations in catches across time and space. Implicitly at least, colonial residents of New England understood that humans had the ability to influence, for better or worse, this maritime resource. From early on, then, the fishing industry of the region was caught between environmentally imposed limits

55 Francis Higginson, New-Englands Plantation with the Sea Journal and Other Writings (Salem, Mass.: Essex Book and Print Club, 1908), 96; John Brereton, A Brieve and True Relation of the Discoverie of the North Part of Virginia; Being a Most Pleasant, Fruitfull and Commodious Soile (London: George Bishop, 1602), 4–5, qtd. in Cronon, Changes in the Land, 22.

and market forces. Despite Massachusetts’s early attempt to embrace caution, rapacious fishermen seemed more persuaded by the dictates of the market than by a devotion to resource stewardship.

As Europeans marveled at, exploited, and ultimately came to worry about the productive capacity of North Atlantic waters, these fisheries became an important element in the emerging Atlantic economy and, unsurprisingly, garnered the attention of emerging Atlantic empires. Fishing was at its base an economic enterprise—one that generated a significant amount of wealth in transatlantic trade. The early history of this fishery is the story of an increasingly integrated Atlantic-wide economy. Dried salted cod from New England and Newfoundland made its way to the markets of the Mediterranean to feed the Catholic populations of Europe, whose liturgical calendar forbade the eating of meat for hundreds of days every year. Low-grade fish, unfit for the European market, was sold to the emerging plantation societies in the Caribbean to provision the enslaved workforce for as cheaply as possible. In return for selling fish to the metropole and colonies of France, Spain, and Portugal, English fishermen in the Northwest Atlantic not only offset a centuries-old trade imbalance with Iberian and French producers of wine, olives, and olive oil, but fishermen themselves also became significant consumers of wine.57 This process made the Northwest Atlantic in general, and the island of Newfoundland in particular, an important node in an increasingly integrated Atlantic economy. During the sixteenth and seventeenth centuries the transoceanic cod fish trade made the waters between

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Cape Cod and Newfoundland “an Atlantic crossroads.” Given the economic value of this territory, the region would not remain isolated from the imperial politics of Europe.

While the sixteenth and seventeenth centuries witnessed the establishment and maturation of European fishing enterprises in the Northwest Atlantic, the eighteenth century would see fishing become part of European diplomacy at the highest level. Increasingly the British came to dominate the region’s fisheries, but it was not an uncontested process. The first significant international agreement that took the fisheries of the Northwest Atlantic into consideration was the 1713 Treaty of Utrecht. While the French had been important players in the early centuries of the fisheries, the 1713 treaty significantly limited their role. One of a series of treaties that restored peace to Europe after the War of the Spanish Succession, the Treaty of Utrecht redefined the geopolitics of North America. Perhaps more famous for recognizing British rule over Newfoundland, Nova Scotia, and Hudson’s Bay, and in the process limiting France’s possessions to Cape Breton Island, Prince Edward Island, and St. Pierre and Miquelon, the 1713 treaty also stipulated that French ships were limited to the fishing grounds along the northern shore of Newfoundland. This agreement allowed for the expansion, and soon domination, of the cod fish trade by New Englanders, while also ensuring at least a century more of tension in the region as French ships sought to expand beyond their legally defined limit between Cape Bonavista and Pointe Riche. This treaty was most important, however, for setting the precedent that the North Atlantic fisheries could act as a makeweight in imperial politics. The fisheries would again enter European statecraft in 1763 as the Treaty of Paris further restricted French access to the fisheries by banning French ships from fishing within three miles of the shores of the Gulf of St. Lawrence and ceding Cape Breton Island to the British. This agreement altered

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the dynamics of the fishing industry and inaugurated a decade of internecine conflict as New
England fishermen vied with Newfoundland and West Country fishermen for supremacy in the
waters ceded by France. This friction would play no small role in the coming of the next great
imperial crisis of the 1770s.  

By the time some of Britain’s subjects in North America began to chaff under the island’s
rule, the North Atlantic fisheries were an established part of imperial politics. During the ensuing
imperial crisis brought on by questions over the political status of thirteen of Britain’s North
American colonies, the fisheries would became an even more important aspect of how
international relations unfolded in the Atlantic world. While the American Revolution did not
introduce the cod fisheries to the whims of international diplomacy, the era did set norms that
would influence the development of American nationalism and state building for at least a
century to come. Fishery politics were at the birth of American independence, playing, at least in
part, the role of midwife. By establishing direct links between this maritime resource and
independence, the Revolution imbued the fisheries with a potent kind of political salience in the
new nation.

The question of causation in the American Revolution is, to put it simply, familiar waters
for historians. Yet only recently have historians looked past the terracentric factors that have
come to define the historiography. The maritime world generally, and the cod fisheries
specifically, played a vital role in the struggle over American independence. As Christopher P.
Magra plainly asserts, “the origins and progress of the American Revolution cannot be fully

59 Innis, The Cod Fisheries, 135–168, 179–202. For more on how North America more generally fit into European
statecraft during the eighteenth century see Paul W. Mapp, The Elusive West and the Contest for Empire, 1713–1763
understood without coming to terms with its maritime dimensions.”

That New England was a center for both revolutionary fervor and the cod-fishing industry was no mere coincidence. Britain’s attempts to regulate and control the trade in dried, salted codfish helped convince merchants and laborers alike that their interests lay with political independence and not with the increasingly restrictive structures of the British Empire.

In the decades leading up to the imperial crisis of the 1770s the fishermen and fish merchants of New England began questioning the usefulness of their inclusion in the British Empire. To the ocean-going men of the region it seemed as though the most significant impediments to their commercial success came not from foreign competition and restrictions, but instead from fellow Englishmen. The grand sugar planters of the West Indies and the wealthy West Country fishing merchants used their political clout in Parliament to the direct detriment to the fishing interests of New England. While initially New England cod fed the fish-eating populations of Europe, by the middle decades of the eighteenth century this fish found a market feeding the enslaved populations of the West Indies, including those laboring on the plantations of French sugar producers. Incensed that Yankee fish aided their commercial competitors, British West Indian sugar planters mobilized their influence in Parliament leading to the passage of the Sugar Act of 1764 that disrupted this trade. Yankee fishing interests were further threatened as West Country fish merchants—those who controlled the more lucrative Newfoundland-Europe fish trade—used their influence in Parliament to restrict the access of colonial ships to the rich fishing waters of Newfoundland. Finally, Parliament sought to rein in the unruly colonies in

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60 Magra, _The Fisherman’s Cause_, 15.
61 Ibid., 99–126.
62 Ibid., 127–141.
New England by closing the cod-fishing industry through the Restraining Act of 1775, otherwise known as “The New England Trade and Fisheries Act.” In Magra’s words, this act “lit the long fuse of colonial resentment and convinced those involved with the colonial cod fishing industry that the British state no longer supported their maritime interests.” This act against the fishing industry of the region, Magra concludes, “motivated a cross-section of colonial society, entrepreneurs and laborers alike, to fight against the British Empire.”63 From the perspective of New England fishing interests it seemed as though the British state favored the sugar colonies of the West Indies or the fishing interest of the West Country at the expense of Yankee maritime commerce, ultimately forcing New Englanders to question their place in the British Empire.

But the fisheries were not important just because they served as the locus for colonial grievances that motivated insurrection and separation. The course of the war bore the imprint of the fishing industry as fishermen filled muster rolls, fishing schooners became fighting ships, and fish literally fed the war effort. The Revolutionary War was not only fought over fish, but fought with fish as well. While the commercial connections to the West Indian and Iberian markets that fishing merchants in New England had cultivated for decades were mobilized for the purposes of war making, these same merchants leased their ships to the Continental Congress for enrollment in the first American navy—making a tidy profit in the process.64 But perhaps the greatest legacy of the Revolutionary Era for the political fortunes of the fishing industry came as fishermen provided their manpower in actually waging war. Aboard their former fishing vessels and by land alike fishermen, often motivated by their remunerative desires, fought for American independence and in the process cemented the link between fishermen, fighting, and political

63 Ibid., 158, 155.

64 Ibid., 161–188.
independence. This association would later inspire decades of federal support as this maritime resource was, rhetorically at least, tied to independence and national security.\textsuperscript{65}

The New England cod-fishing industry was deeply implicated in the origins of American independence. Both the causes and the conduct of the Revolutionary War owed much to this maritime resource. When the guns fell silent and the time came to create the postwar order, fishermen and industry supporters expected their due. Fortunately, for them at least, one of Massachusetts’s most irascible sons was at Paris in 1783 to sort through the morass.

\textsuperscript{65} Ibid., 215–232.
CHAPTER 1: FISHERIES AND THE FLOTSAM OF REVOLUTION, 1783–1800

Looking back on his career in the foreign service of the burgeoning United States, John Adams recalled the fisheries as the primary factor that took him from his home on the shores of the North Atlantic to the courts of Europe. Upon receiving word of his appointment as minister to France in the winter of 1777, Adams considered the countervailing draws of family and country. Forsaking the comforts of home, Adams sailed to France in order to defend American interests, not least of which was continued access to North Atlantic fishing grounds. Priding himself on his familiarity with life and labor in Essex, Plymouth, and Barnstable Counties, Adams boasted of having “more knowledge both of the Cod and whale fisheries and of their importance both to the commerce and Naval Power of this Country than any other man.” Thus, he feared that refusing this commission would put the fate of this maritime resource in the hands of men unfamiliar with—or worse hostile to—this industry. As Adams “resolved to devote my family and my Life to the Cause,” he did so with the implicit understanding that the cause of independence was the cause of fishermen.66

In the immediate aftermath of independence, cod fish were synonymous with independence itself. American state making, and war making for that matter, fused these two so that by a kind of political alchemy, fish went far beyond being merely a natural resource. The fisheries of the North Atlantic were an environment upon which early Americans inscribed political meaning. And it was in the realm of foreign affairs that this kind of statecraft was most evident. Independence was the watchword for early American foreign relations as statesmen were racked by an all-consuming anxiety that international forces were conspiring to render

independence a worthless label. The search for markets exemplified this process as early Americans were concerned with finding suitable markets for American fish, among other products, that would bolster claims to political independence.

In the context of the United States’ ongoing relationship with its former imperial master, the fisheries issue was part of the fundamental structure of relations. By no means were the fisheries of the North Atlantic the most important facet of Anglo-American relations, but the fisheries issue was indicative of how the United States and Great Britain interacted more generally because of its close association with national independence. The fisheries issue created the conditions under which Anglo-American relations were debated, contested, and constantly redefined. Any threat to the fisheries, real or perceived, was met with a vigorous rebuttal since any test amounted to a referendum on independence itself. The importance of these fishing waters in Anglo-Americans relations was not unique; for centuries, contest over this resource was a piece of transatlantic politics and diplomacy. But with the introduction of the newly independent United States, fishery politics were no longer the domain of Europe’s dynastic rivalries alone.

John Adams would not be alone among the pantheon of Founding Fathers who devoted their attention to the fisheries issue as the United States secured and legitimated its independence. In the decades after 1776, the likes of Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton, among other prominent Revolutionaries, would labor for the new nation to ensure that the fisheries of the North Atlantic became an integral part to the political economy of the new nation. In the process, the fisheries became an unlikely nursery of ideas about the meaning of independence, international commerce, the role of the federal government, and bipartisan nationalism. From the advent of the American nation, the fisheries issue stood at the
nexus of some of the most important political and economic currents facing the nation. Unsurprisingly, the most prominent statesmen of the era did not hesitate to engage this set of questions about the place of this natural resource in the statecraft of the United States.

**Paris, 1783**

By both sea and land, fishermen waged war in defense of America’s assertion of independence. But diplomats, Adams first and foremost, had to ensure that military successes were translated into geopolitical realities. When Adams advocated for American fishing rights at the Paris peace conference, however, it was not his first engagement with the question of fisheries in the context of imperial politics. In the summer of 1769 Adams defended the crew of the brig *Pitt Packer*, who were charged with murder after killing the captain of a British naval vessel that attempted to impress the crewmen into service as they returned from shipping cod to Bilbao and Cadiz. The crewmen of the brig who stood trial for murder were all Irishmen, though they resided in Marblehead, Massachusetts, thus making the Royal Navy’s attempt to impress these sailors into service a delicate question about the place of the mainland colonies within the British empire. Ultimately, the charges against the sailors were dropped as Adams successfully argued that the homicide was justified in the name of self-defense. But, as Adams would recall, this episode did much to hasten the shift in public opinion against King and Parliament. Adams remarked that the *Pitt Packer* incident “contributed largely to render the sovereignty of parliament odious, detestable, and horrible to the people.”

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himself, even before the War for Independence broke out, contending with the relationship between North Atlantic fish and American nationhood. By the end of the armed hostilities the Massachusetts native did not hesitate to make explicit the connection between the fisheries and independence.

Having accepted his commission as the American minister to France and ensconced himself in the courts of Europe, Adams considered the role of fishing in the nascent American nation. He bemoaned that “our fish went to the West India Islands for rum…which injured our health and our morals,” in addition to “the other part [that] went to Spain and Portugal for gold and silver, almost the whole of which went to London…often for lace and ribbons.” But despite the vices and luxury the fish trade invited to American shores, the fisheries provided a “nursery of seamen” that would prove to be “an object of serious importance, and perhaps indispensable [and] necessary to the accomplishment and preservation of our independence.”

While the fishermen’s cause was paramount to Adams as a loyal citizen of the Bay State, Congress did not hesitate to make a similar equation of fisheries and independence. The Continental Congress made the fisheries a sine qua non of any peace deal brokered by American representatives in Europe. Instructions sent to both Adams and Franklin in the summer and fall of 1779 expressed Congress’s belief that the fisheries were necessary to independence and the union of the states. “The common right of fishing,” Congress’s diplomatic instructions demanded, “shall in no case be given up…it is essential to the welfare of all these United States.”

By the fall of 1782, as Adams, Franklin, and John Jay converged upon Paris to meet Britain’s

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peace delegation, the right of American fishermen to continue to exploit waters in the North
Atlantic was, by Congressional order, a prerequisite of peace and independence.69

It takes little imagination to understand why Congress made access to the fisheries a
non-negotiable goal for the ensuing treaty talks. The fisheries were, quite simply, an incredibly
important commercial resource for the mainland colonies-turned-states. Across the seventeenth
and eighteenth centuries the productive capacity of New England fishermen increased
dramatically. In 1641 Massachusetts fishermen produced 6,000 quintals of dried codfish for sale
across the Atlantic.70 By 1765 that number had ballooned to 350,000. As the Revolution
approached, dried, salted cod sold overseas accounted for 35 percent of the total exports of New
England between the years 1768 and 1772. As most of this trade in fish served to feed the
enslaved peoples of the West Indies—in fact New England supplied 82 percent of British fish
sent to the Caribbean—the fishing industry became intimately tied to other economic sectors
including rum distilling and sugar cane production, which itself relied on the lucrative
transatlantic trade in humans. Closer to home for New Englanders, fishing supported various
maritime industries including shipyards, lumber mills, ropewalks, sailmakers, carpenters, and
blacksmiths, not to mention directly employing 8 percent of the adult male working population
of New England in 1770. Fishing was an important sector of the early American economy, one
the fledgling state could not afford to lose on account of inept diplomacy.71

69 Diary and Autobiography of John Adams, 3:104. Also see Ibid.,4:181–182. For Franklin’s instructions see John
Jay to Benjamin Franklin, August 14, 1779, Revolutionary Diplomatic Correspondence, 2:303–305.

70 A quintal, pronounced kental, is a 112-pound unit that was the standard measure of dried, salted codfish
production.

71 Magra, The Fisherman’s Cause, 6–8, 77–89; Vickers, Farmers and Fishermen, 154. For the larger economic
context of the British empire see John J. McCusker and Russell R. Menard, The Economy of British America, 1607–
During the closing months of 1782, as Adams and his fellow negotiators settled into Paris, the New Englander continued to ruminate on the place of the fisheries in the new American polity. While of course this maritime resource was necessary for political independence, it was also necessary to foster and preserve the nascent union. After conferring with Franklin, and referencing the words of South Carolinian Henry Laurens in Congress, Adams confided to his diary that the fisheries had become a point “so tender and important that if not secured it would be the cause of a breach of the Union of the States,” and “lay a foundation for a rupture between the States.”

But this was not the only rupture that American diplomats feared, believing as they did that the fisheries were important and contentious enough to portend renewed hostilities with Great Britain if Americans were left out of this lucrative business. As the American and British peace delegations began in earnest to end the hostilities, the future of the fisheries implicated both the future of Anglo-American relations, if not the relations of the states themselves.

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74 In a missive to Jay, Livingston predicted that barring American fishermen from the fisheries would prove disastrous for the future health of Anglo-American relations, remarking that “our exclusion would only be a benefit to England, and the ill-will it would create, the disputes it would give birth to, would, in the course of a few years, obliterate the memory of the favors we have received.” Livingston, musing upon the centrality of the fisheries to American aims in both war in peace, would later relate to Franklin that “we can not but hate the nation that keeps us from using this common favor of Providence.” Livingston to Jay, December 30, 1782, Revolutionary Diplomatic Correspondence, 6:175; Livingston to Franklin, January 6, 1783, Ibid., 199. Also see Diary and Autobiography of John Adams, 3:61.

Although American statesmen were quick to define their political independence in terms of the fisheries, a notion in part substantiated by the military and naval service of cod fishermen, it would take persuasion and at times deceit for British diplomats to accede to those American wishes. Speaking to his British counterpart Richard Oswald in Paris, John Adams summed up America’s demands for Britain’s post war policy as “see[ing] that American Independence is independent, independent of all the World, independent of yourselves as well as of France, and independent of both as well as of the rest of Europe.”76 Continued access to the fisheries was an important part of the independence Britain was to assure the United States, but such was only the case because of the arguments deployed by the American ministers in Paris. Adams, Franklin, and Jay appealed to Americans’ customary access to the fisheries, in addition to making an environmental argument based on the fisheries’ geographic proximity to the United States, all the while raising the specter of French domination of the region.

To a certain extent Americans based their claims to liberal fishing rights on the fact that North Americans had fished those waters for centuries, and the mere act of revolution did nothing to relinquish that right. Writing to Franklin in his role as the nation’s first Secretary of Foreign Affairs under the Articles of Confederation, Robert Livingston briefed the minister on the expected fight over access to the fisheries. “The argument,” Livingston instructed, “on which the people of America found their claim to fish on the banks of Newfoundland arises, first, from their having once formed a part of the British empire, in which state they always enjoyed, as fully as the people of Britain themselves, the right of fishing on those banks.” The state of war that existed between the two polities did nothing to invalidate this right, however, since “the oppressions of Great Britain forced us to a separation…and it can not certainly be contended that

those oppressions abridge our rights or gave new ones to Britain.” Livingston concluded that any contention that the United States should abandon this maritime claim was foolish, because this resource was quite simply, a reason for resorting to hostilities. “We have kept up our claim from the commencement of the war,” Livingston remarked, “and assigned the attempt of Great Britain to exclude us from the fisheries as one of the causes of our recurring to arms.”

Livingston also proceeded to anchor America’s claim in international law. Any attempt by Britain to claim the vast waters off the coasts of its remaining North American colonies would prove a violation of the law of nations, if not the law of nature. The ground on which Americans placed their “right to fish on the banks of Newfoundland…is the right which nature gives to all mankind to use its common benefit so far as not to exclude others.” But even disregarding the technicalities of the law of nations, Livingston observed that the maritime environment of the fisheries made the claims of any one nation impossible to uphold, remarking that “the sea can not in its nature be appropriated; no nation can put its mark upon it.” Although Livingston may not have realized it at the time, these remarks hint at how the environment became a powerful ally to the American peace commissioners.

Adams boasted that his technical knowledge of the fisheries and the fishing industry was unparalleled by American statesmen, and he did not hesitate to demonstrate his erudition at the bargaining table in Paris. After an extended description of the migratory patterns of cod and other commercially valuable fish, Adams concluded that the right of American fishermen was not a question of politics, but a question of nature. Remarking upon the yearly arrival of fish at

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77 Robert Livingston to Benjamin Franklin, January 7, 1782, Revolutionary Diplomatic Correspondence, 5: 91.

78 Although Livingston does relent that some nations have tried this, but such is an “unjust usurpation…resisted as such, in turn, by every maritime nation in Europe.” Ibid.

79 Livingston to Franklin, January 7, 1782, Revolutionary Diplomatic Correspondence, 5:91.
the shores of Newfoundland, Nova Scotia, and the rest of the maritime colonies in March and April, Adams observed that only American fishermen could take advantage of this resource since “neither [the] French nor English could go from Europe and arrive early enough for the first Fare,” but “our Vessells could, being so much nearer, an Advantage which God and Nature had put into our hands.” As Adams articulated to his American colleagues and British counterparts, it was the United States’ geographic proximity to this maritime environment that gave Americans the right to exploit those waters. 80 The question of geography became a theme as Adams continued to push for the recognition of this right.

British ministers responded to American arguments, not by disputing the notion that American fishermen should continue to ply these North Atlantic waters. Instead they disputed the language that the American commissioners insisted upon using. Through its many iterations Adams asserted that the peace treaty should guarantee that the United States had the “right” of the fisheries, and not the mere “liberty” the British preferred. At one point a British representative went so far as to say that “the Word Right was an obnoxious Expression.” Responding to Britain’s intransigence, Adams resorted to an argument based on geography. “Can there be a clearer Right?” Adams queried his British adversaries, “When God Almighty made the Banks of Newfoundland at 300 League Distance from the Peoples of America and at 600 League distance from those of France and England, did he not give as good a Right to the former as to the latter.” Through geography and history the fisheries were an American right, as Adams asserted that “if Occupation, Use, and Possession give a Right, We have it as clearly as you. If War and Blood and Treasure give a Right, ours is as good as yours.” If the final treaty failed to

80 Diary and Autobiography of John Adams, 3:73.
recognize this state of affairs it would, in the words of John Jay, “not be a Peace,” but instead “only be an insidious Truce.”

Appealing to a belief in natural order, Adams’ geographically informed arguments demonstrated the degree to which the case made by the Americans at Paris was undergirded by certain environmental conceptions. No postwar order prove could tenable if American fishermen where in anyway barred from waters that nature had placed so near to America shores.

While certainly such an understanding of the environment proved to be self-serving, since the final treaty made allowances for American fishermen, this episode demonstrated the degree to which political and natural environments could be manipulated and in this case harmonized to further American interests. While Adams and his compatriots used custom and nature to advocate on behalf of American fishermen, they made sure to demonstrate that American fishermen also served British ends.

The fisheries issue, at least as Adams and his colleagues framed it, contained both the seeds of dissention and of harmony. If the delegates failed to resolve the matter in a way satisfactory to American fishermen, the future of Anglo-American relations would be one characterized by discord, if not outright hostility. While Americans, obviously New Englanders first and foremost, would seethe with resentment for any nation that cut the United States off from such a lucrative trade, Adams suggested that authorities would be utterly incapable of restraining intrepid fishermen who dared flaunt any unfavorable international arrangement.


“How could We restrain our Fishermen,” who Adams called no less than the “boldest Men alive, from fishing in prohibited Places.” This threat of future clashes perhaps inspired greater attention from British ministers as Adams pondered aloud “why should We leave Room for illiterate Fishermen to wrangle and chicane,” when distinguished statesmen could settle the issue for good. Adams touched on themes that would mark the fisheries issues for decades to come as the New Englander offered the fisherman as a symbol of both vice and virtue, and the potential to be an important agent of transatlantic relations, but for the time being raised the threat of future clashes to demonstrate how a settlement satisfactory to American fishermen was in fact a settlement satisfactory to all.

Placid relations upon the fishing grounds would also yield monetary benefits. Adams hoped to persuade his British counterparts that any wealth extracted from this maritime environment, even if done under an American flag, would inevitably fill the coffers of Great Britain. “That this Advantage of ours,” as Adams referred to the fisheries, “had ever been an Advantage to England, because our fish had been sold in Spain and Portugal for Gold and Silver, and that Gold and Silver sent to London for Manufactures.” This transfer of specie to the metropole would be interrupted if Britain pursued a hardline on the fisheries since “N. England had no other Remittance but the Fishery.”

But perhaps the most persuasive argument the Americans offered at Paris was that every fish caught by an American sailor was a fish taken from a Frenchman. Even though the Franco-

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83 Diary and Autobiography of John Adams, 3:73.
84 Ibid., 3:79.
85 Diary and Autobiography of John Adams, 3:73.
86 Ibid., 3:77.
American alliance proved instrumental in assuring American battlefield success, the American diplomats in Paris did not hesitate to exploit Britain’s fear of a fishery dominated by French vessels in the absence of an American fishing fleet. While Americans would happily trade their maritime wealth for British manufactured goods, France would be far more reluctant to pass up the opportunity to develop native manufacturing and in the process enrich Britain’s enemy. Furthermore French sailors trained in that great nursery of seamen on the fishing banks would prove a far more immediate threat. Although the Americans presented the French as a specter of what could be, they were not entirely without their own suspicions of their nominal allies.

Even though military victory was accomplished only with French men and materiel, American leaders were quite wary that such a victory would be betrayed by unscrupulous French action during the peace process. In both Paris and Philadelphia, Americans almost felt it inevitable that the French court would do whatever was necessary to prevent too favorable a peace to the United States. In addition to the navigation of the Mississippi and claims to the trans-Appalachian west, the fisheries were among the major targets, so Adams and his colleagues believed, of French intrigue. The idea that France would attempt to shut American fishermen out of the rich waters of the North Atlantic was not that farfetched however. Both at Utrecht (1713) and Paris (1763) France sought the expansion of their fishing rights in the region and this most recent negotiation seemed to present the opportunity to bar the upstart United States. This kind of anxiety could have been written off as mere paranoia, but the spring of 1782 witnessed a veritable bombshell that threatened to completely destabilize America’s first international alliance.

Before the process of peace was undertaken in earnest, a communique from Francois Barbe-Marbois, a French representative in the United States, to the Comte de Vergennes,
France’s foreign minister, was intercepted by a British naval officer and transmitted to Congress through John Jay. Marbois’s letter depicted Samuel Adams as a rabblerousing malcontent who was “using all his endeavors to raise in the State of Massachusetts Bay a strong opposition to peace if the eastern states are not thereby admitted to the fisheries.” Looking upon the impassioned cries of New Englanders of “No peace without the Fisheries” as inimical to French interests, Marbois suggested to his superior “the means for preventing the consequences of success to Mr. Samuel Adams and his party.” By suggesting that Americans could be barred from North Atlantic waters either through the direct intervention of the King of France or the conquest of Cape Breton in Nova Scotia, Marbois’s letter confirmed fears that French double-dealing would leave the United States with little after the war. While the authenticity of this letter has been questioned—perhaps it was a clever ruse on the part of the British—some Americans were disinclined to trust their French allies at Paris. American suspicion may have in fact motivated the American commissioners to abandon their friends and accept an overly generous British peace offering.

The very instructions from Congress demanding that any peace refer to the fisheries also demanded that France agree to any deal struck between the United States and Great Britain. Fearing that France would never consent to a treaty that left American fishing privileges intact, Adams and his colleagues heartily accepted Britain’s offer to grant American fishermen the “liberty” of access to all North Atlantic waters. By the close of 1782, little more than a month since his initial arrival in Paris, Adams was content to lay the fisheries issues to rest, claiming

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87 François Barbe-Marbois to Comte de Vergennes, March 13, 1782, Revolutionary Diplomatic Correspondence, 5:238–239.

88 Ibid., 239.
“the Fisheries are secured, as well as we could.”

Although the fisheries “Article cost Us all the Industry all the Skill and Address, that We were masters of,” Adams proudly declared that “French Finesse,” which is to say duplicity, “in the End has been defeated, very fairly and honestly defeated.” Adams would credit this defeat of “French Finesse,” and the generous terms Americans secured with regard to the navigation of the Mississippi and the extent of western lands, to a willingness to abandon his initial instructions and make peace independent of French dictates. “All these Advantages,” referring to the fisheries, the navigation of the Mississippi, and the vast new territory of the trans-Appalachian west, “would not have been obtained if We had literally pursued our Instructions.” The willingness of Adams and his fellow diplomats to forsake the French alliance, a decision motivated almost entirely out of regard for the fisheries, ensured the spectacular success they had at Paris.

All in all the Americans left Paris with a generous peace. While the final text of the treaty granted American fishermen the “liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use… and also on the coasts, bays and creeks of all other of his Brittanic Majesty's dominions in America,” this did not guarantee the “right”

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90 John Adams to Elbridge Gerry, December 14, 1782, Ibid., 124–125.


Adams sought.\textsuperscript{94} Yet such a distinction paled in comparison to the, perhaps unjustified, grant of land in the trans-Appalachian west to the new United States. By suasion and guile the United States peace commission left Paris with a new nation whose birth depended upon maintaining access to the fisheries of the North Atlantic.\textsuperscript{95}

The peace process linked fisheries and independence in American political rhetoric for decades to come. As the United States set about the task of nation building, the perceived military and commercial benefits of the North Atlantic cod fishery would be indispensable in creating a state that was no longer dependent on Great Britain, or any other European power for that matter. Adams’s strident tones in defense of the fisheries in Paris would continue to echo through the first decades of statehood, as what was at stake was not just water and flesh but the tools necessary for creating an independent, commercially minded nation. Fish, quite simply, were never merely fish. The piscine inhabitants of the North Atlantic were symbols and building blocks of an independent United States, thus making access to this resource worthy of a vigorous defense from foes, external and domestic. The following decades would see an all-consuming preoccupation with maintaining commercial independence and the crafting of fishery policy toward that end.


\textsuperscript{95} Connections between an ostensibly Atlantic topic such as the fisheries and the seemingly far removed world of the trans-Appalachian West seem tenuous beyond their association at the peace negotiations, but historian Francois Furstenberg explicates such a connection between the Atlantic and the West, see “The Significance of the Trans-Appalachian Frontier in Atlantic History,” American Historical Review 113 (June 2008): 647–677.
Americans had cause for optimism in 1783. With the peace secured, some Americans felt the revolution was merely beginning, as this new nation would lead a revolution in how commercial relations mediated the intercourse of nations. Characteristic of this optimism were the words of Levi Frisbie. In a speech delivered before an audience at Ipswich, Massachusetts, Frisbie imagined a future in which international trade among all nations was unfettered by the mercantilist restrictions of a bygone era. Instead, American merchants and sailors “may rejoice in the liberty of the seas,” in which they were “no longer harras’d with burdensome impositions, or unnecessary restrictions; no longer watch’d and pillag’d by the mercenary tools of a tyrannical government,” and in the process “waft their commodities to every climate, without molestation or disturbance.” This example of enlightened trade would no doubt play a missionary role in the world as “our example and our intercourse with foreign nations [will] widely diffuse this sacred flame [of liberty], and extend its happy influence thro’ all the kingdoms of Europe, if not to the most distant quarters of the globe.” For Frisbie the political independence of the United States was worth little without a corresponding revolution in international relations that would open the ports of the world to American commerce.

The fisheries played no small role in Frisbie’s imagined commercial order. Noting the “ample privileges” granted to American fishermen at Paris, Frisbie called the fishery “so

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96 To a certain extent this was not mere bluster, but in fact an objective of the revolution. When the Continental Congress first considered how the new nation would act upon the international stage, the Model Treaty, which was to guide American diplomats, was predicated upon free ports and the right of neutral trade.


98 Frisbie, *An Oration Delivered at Ipswich*, 16.
important to our commercial interests,” because this maritime resource “afford[s] us a living and inexhaustible fund of wealth and traffic.” Not only would the piscine wealth pulled from the deep provide a commodity to be sent across the far reaches of the Atlantic, but the entire fishing industry would be a boon for American shipbuilders and provide experienced mariners the opportunity to man the fleet of trading vessels that carried both the goods of all nations and the distinct advantages of American liberty. Given the value the fisheries provided American commercial enterprises, Frisbie was content to conclude that those fisheries were “a fund of superior worth to all the glittering mines of Peru.”

This kind of optimism, however, would soon founder upon the harsh realities of the international system. Britain was loath to abandon its mercantile policy and the revolution of free trade Americans thought was imminent never materialized. Silas Deane offered a less sanguine picture of American commerce. Deane was a disgraced former diplomat who spent the remaining years of his life defending his reputation from charges of treason and malfeasances dating to his years as the first American minister in Paris. But Deane’s attempt to clear his name contained a somewhat prophetic vision of the difficulties American commerce would experience as an independent state. In a letter written to the Philadelphia merchant Robert Morris during the summer of 1781, and subsequently published three years later, Deane reflected on the commercial prospects of an independent United States. Noting that Great Britain had reason to encourage and protect American commerce as a colonial dependent, independence would bring “all duties and prohibitions laid on the commerce of other aliens and strangers,” leaving Deane

99 Ibid., 14.

100 For Deane’s defense see Silas Deane, An Address to the Free and Independent Citizens of the United States of North America (Hartford, Conn., 1784).
“convinced” that with independence “we must be losers.” Most alarming was the prospect that American ships would be barred from entering the British ports in the Americas that had long absorbed the produce of the mainland colonies-turned-states. The other nations of Europe, including France, Spain, and Portugal, would likewise have little inclination to offer the United States commercial preference to take up the slack of Britain’s restrictive policies. Furthermore, Deane observed, “our trade…to the Southern parts of Europe, and into the Mediterranean, must at all times be exposed to the Corsairs of Barbary…who pay little or no respect to the flags of the first maritime nations in Europe,” and “will hardly pay any to the flag of a nation, which they have scarcely so much as heard of.”

The fisheries would obviously fall victim to the inhospitable world that would meet American independence. Great Britain, Deane concluded, would have little motivation to ensure the continued access of American fisheries post-independence. Refuting the geographic logic Adams deployed in Paris, Deane remarked that “it will be no purpose to plead that our local situation gives us a natural right to participate [in the fisheries]…that we enjoyed…with others, as subjects, and part of the British empire,” because “we have separated from it, and appealed to the sword.” Even though Deane penned these words before the decisive American victory at Yorktown, much of what he prophesied came to be. Although American fishermen continued to ply the waters they had as colonials, American independence was met with a host of commercial restrictions that barred Americans and their produce from the most lucrative of markets. Paramount among these was Britain’s move to exclude American shipping to the British West


102 Ibid., 75.
Indies. Combined with the Barbary States’ harassment of American commerce, the United States was cut off from the Caribbean and Mediterranean markets that had absorbed the bulk of American fish before independence. Despite securing access to some of the richest fishing waters in the world, the 1780s would prove a difficult decade for American fishing.

Emerging from the Revolutionary War, the American fishing industry was in shambles. The mobilization of men and ships in the nascent American navy, while key to battlefield victories came at an incredible price. Throughout the earliest decades of independence both seasoned fishermen and fishing vessels were precious commodities and despite attempts to reinvigorate the industry tonnage failed to reach prewar levels for at least a decade. In fact, in 1790 fishing tonnage employed in Massachusetts represented merely three-quarters of ships employed in 1775. The postbellum nadir of American fishing was, however, not unique. War in the North Atlantic had discouraged all nations from plying those waters, thus creating a significant rise in demand with a corresponding rise in price. This uptick in demand would help to put the American industry on more solid footing by the end of the century, but the 1780s remained a difficult time for fishermen on account of not only a lack of men and ships but a parsimonious British commercial policy that kept American fish out of its natural markets, namely the British West Indies. From 1783 until the first Anglo-American rapprochement of the late 1790s, American shipping was restricted to the British Caribbean with the export of fish

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104 Vickers, Farmers and Fishermen, 265–267. During the years 1765–1775 the colony of Massachusetts employed 25,630 tons annually in the cod fishery while between 1786 and 1790 the state of Massachusetts’ annual tonnage was merely 19,185, see Lorenzo Sabine, Report on the Principal Fisheries of the American Seas (Washington, D.C.: Robert Armstrong, Printer, 1853), 174.

105 For price fluctuations see Vickers, Farmers and Fishermen, 266n7.
explicitly forbidden. While American goods were temporarily allowed to land in 1784, 1785, and 1786 to relieve Caribbean residents in the aftermath of a series of hurricanes, a British act passed in 1788 formalized an earlier order in council that officially severed the commercial relationship between the United States and British possessions in the West Indies. Americans were quick to identify British policy as a principle cause of the malaise of the 1780s.

The commercial restrictions imposed by Great Britain proved difficult for all American producers, fishermen included. With duties imposed on American goods, or their outright ban in some markets—as was the case with fish in the West Indies—industry in the United States labored under conditions that threatened to short circuit the American experiment. One editorialist remarked on the bleak situation, noting how an imbalance of trade left Americans with little “to support the federal and State governments, and must ultimately tend to the ruin of the tradesman, the decrease of our commerce and fishery, and to the breaking of our national faith.” Another observer commented on how the optimism of the Revolution was quickly betrayed by commercial woes. Despite the natural abundance of the United States’ the new nation faced destitution that threatened to undermine all. “Excluded from those marts where we


usually disposed of the surplus of the produce of our agriculture,” this writer despaired, “the farmer finds he tills in vain,” while “the manufacturer, in like manner, let him employ his utmost skill and industry in the execution of his good, finds his own market glutted with European articles.” And finally “the merchant…is harassed in such a manner in foreign ports by alien duties, that he cannot carry on trade but under such disadvantages as evidently accelerate his ruin.” To remedy this situation and protect American industry from the restrictions and predations of foreign powers required, however, the kind of unity and concerted action found impossible under the Articles of Confederation.108

The first constitution of the United States proved unable to address the problems that elites in Philadelphia perceived to come with independence. Paramount was the inability of the central government to regulate commerce and levy taxes. As Federalists like James Madison, Alexander Hamilton, and John Jay came together to pen their defense of a new plan for the central government, the Atlantic fisheries and maritime commerce were among the problems this new regime directly addressed. John Jay connected the fisheries of the North Atlantic to American state building and the young nation’s foreign policy. In Federalist No. 4 Jay argued that a strong national union was necessary given the likelihood of international conflicts with Great Britain over the fisheries. For Jay, a united national government would leave European powers “much more disposed to cultivate our friendship than provoke our resentment,” as the United States competed with the British in taking fish from the Atlantic.109 Later, in Federalist No. 11, Alexander Hamilton would echo these earlier themes by placing the fisheries as a right


inherent with union. After detailing how a strong central government could, through the use of prohibitory regulations, control the commerce of North America and the Caribbean—becoming the “arbiter of Europe in America,” to use Hamilton’s turn of phrase—Hamilton turned his attention to rights that required a union to defend. In addition to the navigation of the Great Lakes and the Mississippi, Hamilton counted the fisheries as among the “rights of the Union.” And he feared that the “dissolution of the Confederacy would give room for delicate questions concerning the future existence of these rights.” For Hamilton, union and fisheries went hand in hand, and the ability of that union to marshal the resources of the whole became all the more important as Great Britain “would hardly remain long indifferent to [the] decided mastery” of American fishermen in the north Atlantic.\footnote{Alexander Hamilton, \textit{Federalist No. 11}, from the \textit{Avalon Project}, http://avalon.law.yale.edu/18th_century/fed11.asp.} As American statesmen set about fixing the problems of the young republic and creating the kind of centralized government that had the power to defend the international interests of the United States, the fisheries of the North Atlantic factored into the logic of union.\footnote{Gould notes that better transatlantic relations were a motivating factor for drafting a new constitution, \textit{Among the Powers of the Earth}, 130–131.} But the passage of the new federal Constitution was not enough alone to remedy the problems that beset the fishing industry.\footnote{McCoy makes explicit connections between the commercial problems of the 1780s and the advent of the federal Constitution especially as Jeffersonians sought territorial and commercial expansion, both of which required a stronger central government, 120–135. For origins and meaning of the Constitution also see Max M. Edling, \textit{A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State} (Oxford: Oxford University Press, 2003); Hendrickson, \textit{Peace Pact}; Woody Holton, \textit{Unruly Americans and the Origins of the Constitution} (New York: Hill and Wang, 2007).}

Writing to Secretary of the Treasury Alexander Hamilton in 1791, Benjamin Lincoln, the collector for the port of Boston, commented on the problems that continued to strain the fisheries. In discussing the dearth of recent shipbuilding, Lincoln pointed to the international
system that barred American fish from many foreign ports. Lincoln plainly stated that “we had too many and more fish were caught than could find a market.” Not only were the British to blame for continuing their West Indian embargo, but Lincoln remarked upon “the embarrassment which we have experienced from this unfriendly disposition of the Algerines [sic] and the partiality of the French Nation discovered to their own fisheries have been checks upon the sale of our Cod Fish and induced many to employ these vessels in an-other channel.” While the fishing industry continued to operate amidst unfriendly circumstances, the federal government now had the power to aid the industry. The fisheries were positioned to directly benefit from a newly invigorated federal government.

With an industry still floundering and memorials pouring in from Marblehead, Gloucester, and Nantucket—once the proudest cod fishing ports in the North Atlantic—imploring the federal government to relieve the destitution of fishermen, the task fell to Secretary of State Thomas Jefferson to offer an appraisal of the industry and recommendations for how newly found federal power might ease the burden of these communities. Massachusetts’s governor, John Hancock, appealed to a sense of nationalism, beseeching the Secretary of State that while the fishery were “particularly beneficial to this State,” they “must at the same Time be of very great advantage…to the United States,” hoping that “due attention will be had to so interesting a Subject.” Jefferson would indeed pay due attention to the subject and produced a

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report that left an indelible mark upon the fisheries issue, one that would influence the industry for decades to come.

**FISHERIES AND FEDERAL INTERVENTION**

Embracing a centuries long look at fishing in the North Atlantic, Jefferson’s “Report on the American Fisheries” was published in the early months of 1791 with the hope of rallying support for federal intervention. Placing the fisheries in the larger context of Britain and France’s imperial rivalry of the seventeenth and eighteenth centuries, Jefferson made careful note that it was only with governmental patronage in the form of prohibitory duties and outright subsidization through bounties that British or French fishermen were able to thrive or, at times, merely survive. The success of these fishermen was not isolated to the maritime economy of these empires. Instead, Jefferson hinted that the powerful navies of Britain and France were undergirded by fishermen who translated the skills acquired aboard fishing schooners to the decks of warships. The connection of fishing and fighting was powerful in tying the fisheries to nationalism, but for Jefferson it was of a more immediate concern as he feared Britain as “a rival nation aiming at the sole empire of the seas.” But much had to be done before the United States could forestall this possibility.

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117 Ibid., 209n2. Jefferson only leveled this accusation in a preliminary draft of the report and this sort of language would later lead partisans to accuse the report of suffering from an unacceptable anti-British bias. While Jefferson’s anglophobia did feed, in part, to later political divisions his denunciation of a “sole empire of the seas” was probably part of a large commitment to the freedom of the seas. Jefferson’s commitment to the freedom of the seas fit with the larger Jeffersonian vision of free trade during the immediate post-independence decades, see McCoy, *The Elusive Republic*, 76–104.
While the intervening decade since the British defeat at Yorktown had seen minor developments in the fishing industry, the situation in 1791 was still bleak. Among the “hopeless auspices under which this important business” was conducted were many of the problems that faced American production and navigation more generally. Recognizing the deleterious effects of the War for Independence, Jefferson remarked that “the fisheries of the United States [were] annihilated during the war, their vessels, utensils, and fishermen destroyed.” But an inhospitable international environment proved even more vexing as “their markets in the Mediterranean and British America lost, and their produce dutied in those of France,” while “their competitors enabled by bounties to meet and undersell them at the few markets remaining open.” But the disadvantages that American fishermen were forced to labor under were not solely the result of international competition and the mercantilist policy of rival nations. Jefferson singled out the tonnage duties placed on American fishing vessels as well as the import duties on “salt, tea, rum, sugar, molasses, hooks, lines, duck, cordage, cables, iron, hemp and twine,” all necessary articles for provisioning and outfitting fishing expeditions. Despite a number of forces that seemingly conspired against the profitable operation of the cod fishing industry, Jefferson was quick to recognize the advantages that, if encouraged, could allow American fishermen dominance in the region.118

The advantages that Jefferson recognized echoed some of the arguments Adams had put forth in Paris to justify American claims to those waters, namely the geographic proximity of Newfoundland and its rich fishing banks to the United States. Geographic proximity was advantageous because it allowed American fishermen to execute a greater number of fares in a single season compared to their European rivals. But the shorter voyage also meant that the

American fishing fleet was comprised of smaller, cheaper, less capital intensive vessels that reduced risk and insurance rates. Among other assets that were not so easily calculated, Jefferson pointed to the superiority of American sailors. He extolled Yankee fishermen as unsurpassed by their European counterparts “in skill, activity, enterprise, sobriety and order.” For Jefferson the nature of this maritime environment and the nature of the national character aligned with “such force, that while experience has proved that no other nation can make a mercantile profit on the Newfoundland fishery…we can make a living profit,” provided the federal government offer necessary support.\textsuperscript{119}

Even with close waters, cheap ships, and able fishermen, an American fishing industry left alone seemed doomed to failure. The history of other nations promised as much. Cod fishing in Britain and France led Jefferson to the bleak realization that “it is too poor a business to be left to itself, even with the nation the most advantageously situated.” To help a helpless industry Jefferson recommended a three-fold solution. First, the United States repeal any duties placed on ships or the supplies necessary for fishing voyages. Second, the secretary of state suggested that “national influence be used abroad for obtaining better markets for their produce.” Finally, and perhaps most importantly, that a bounty be granted to fishermen.\textsuperscript{120} While this strategy was in some regard unremarkable, in fact merely an emulation of policies enacted by Britain and France, it represented a significant innovation for the young republic’s political economy. With a federal government replacing an alliance of convenience under the Articles of Confederation, Jefferson advocated using this authority to intervene in the operation of the fishing industry. A decade of malaise had shown that the American economy would only flounder without concerted

\textsuperscript{119} Ibid., 210.

\textsuperscript{120} Ibid., 210 (first quotation), 207 (second quotation).
action at home and advocacy abroad. Fishermen stood to benefit most from newfound constitutional authority.

The risk of letting the fishing industry remain insolvent would, in Jefferson’s estimation, be ruinous for the American economy more generally. Cod fishing was not an industry isolated to a handful of ports along the New England coast. Fishermen were important maritime laborers, without which the entire maritime sector would diminish in importance. In the absence of sailors trained on the fishing banks, the demand for ships, shipbuilding, lumber, iron, hemp and a host of other resources and skills would likewise diminish. The United States would consequently be left without a merchant marine to carry the nation’s produce, thus forcing farmers, planters, miners, and manufacturers across the union to rely on foreign bottoms. Such dependence necessarily created vulnerability and subjected the American economy to contend with the whims of international relations. American goods carried on foreign ships would saddle the United States with higher freight and insurance rates in times of war. American merchants would also miss out on the “incalculable source of profit” that was the neutral trade with belligerent powers. Using federal authority to revive the cod fishing industry was not a mere matter of fish. Instead, fishing undergirded a robust maritime sector that in turn made possible commercial, if not political, independence.¹²¹

Jefferson’s appeal on behalf the American fishing industry did not fall on deaf ears. Little more than a year later a bill came before Congress “for the encouragement of the Bank and other Cod-Fisheries, and for the regulations and government of the fishermen employed therein.” The gist of this landmark piece of legislation was that the federal government would make yearly payments to the owners, captains, and crews of cod fishing vessels that plied the waters of the

¹²¹ Ibid., 219.
north Atlantic at least four months of every season. Unlike a previous subsidy paid to merchants who exported fish—intended to act as a reimbursement for the duty placed on imported salt—this new act promised to benefit fishermen directly and was determined by each ship’s tonnage, not the amount of fish sent overseas. February of 1792 witnessed a debate in Congress about whether this unprecedented imposition of federal authority fulfilled the promise of the nation’s new charter to ensure the general welfare.\footnote{Annals of Congress, 2\textsuperscript{nd} Cong., 1\textsuperscript{st} Sess., 362.}

Critics of the measure focused on the notion of general welfare and came to the conclusion that such payments constituted an unfair dispensation of federal largess that benefited the few at the expense of the many. William B. Giles of Virginia, noting that this was “the first attempt as yet made by this Government to exercise such authority,” openly doubted the constitutionality of this measure. Going beyond the mere regulation of commerce, this bill promised a reordering of every manufacturing and agricultural system in the nation. Such a bounty on a single occupation was the degradation of “common rights,” and this attempt to establish a monopoly of “exclusive rights” was as unjust as it was oppressive. To allow the government interference in the operation of this single industry, Giles warned, “can be justified on no other principle than that the whole product of the labor of every individual is the real property of Government…[and] that every individual in the community is merely a slave and bondman to Government.”\footnote{Ibid., 363–364.} Giles’ colleague and fellow Virginian, John Page, likewise ruminated upon the constitutional implications of this bill. Echoing Giles’ concern with the general welfare, Page took the argument a step further by claiming this bill “endanger[ed] the sovereignty and independence of the individual States.” Page even went so far as to claim that
this measure was “a step towards swallowing up the powers of the State Governments, and as consolidating the different States into one Government.” Central to these critiques was an understanding that fairness and balance was the measure of constitutionality. Any measure that threatened to favor one occupation or class over another, at least in the eyes of the elite white men of Congress, was as harmful as any attempt to aggrandize the power of the federal government at the expense of the states. Oddly enough the bill’s supporters employed a similar argument in the hopes of convincing skeptics that this bill merely gave fishermen their fair share.

Leaving aside for the moment the oft repeated cry that the fisheries were central to national security as a “nursery” of the nation’s seamen, the defense of this bill rested upon the assertions that the fisheries promoted national wealth and that supporting this industry was a matter of justice and equity. Fisher Ames and Elbridge Gerry, both of Massachusetts, offered the most cogent defense of the measure before Congress. Ames was quick to assert that the fisheries were “an inexhaustible fund of wealth,” and a “mine of treasure,” that promised to fill federal coffers as the money paid out to fishermen would no doubt be less than the duty collected on the salt that was necessary for this business. The fisheries, then, were a truly national resource whose benefits could be felt well beyond the merchants and captains of the Bay State. Befitting this position, fishermen and their supporters asked for nothing more than “common justice.” Gerry approached the chamber with a simple request, that “the State of Massachusetts ask nothing more than equal justice,” and that “the same system which is applied to other parts of the Union, may be applied to us.” Singling out hemp growers and brewers, Gerry made the observation that duties placed on raising hemp and brewing beer acted in a manner not dissimilar to the proposed

124 Ibid., 391, 393.
125 Ibid., 369–374.
bounty on fish. If, Gerry concluded, the bounty in one case was impermissible is was likewise in the other. Furthermore, the residents of Massachusetts were subject to an unjust tax for the defense of the western frontier. “I wish to know,” Gerry pondered, “on what principles gentlemen can expect that the citizens of Massachusetts should contribute two hundred thousand dollars…for the protection of the Western frontier against the Indians, when no contribution is made to support the commerce of Massachusetts.”

Like his opponents that attacked the bill as an example of geographic favoritism, Gerry and his likeminded colleagues appealed to the notion of equality and demanded fair treatment. In the end, though, it was Gerry’s interpretation of equity that won the day as the bill passed and would remain part of the nation’s political economy for decades to come.

Seemingly lurking behind this debate was the question of sectionalism. Massachusetts and Virginia seemed to stand as proxies for an emerging rivalry of North and South, both vying for federal attention and both loath to see the other privileged. Hugh Williamson of North Carolina gave voice to this perspective as he ruminated upon the ill effects this bill would have in store for his home region—it promised nothing but “destruction” of the South’s “valuable staples” and “visionary wealth.” Yet a closer examination of the final vote, thirty-eight yeas to twenty-one nays, upend the facile conclusion that the debate on the fishery bill was merely an early salvo in what would lead to disunion. Instead, party affinity, such as it was in 1792, and geography provide more persuasive explanations for the final vote tally. Of the thirty-three congressmen identified as loyal to the administration’s goals, twenty-eight voted for the bill, with only five defectors opposing the measure. More intriguing is the group of twenty-six

126 Ibid., 375–377.
127 Ibid., 379–381.
congressmen opposed to the Washington administration. Of that group sixteen predictably voted against the bill, leaving a not-insignificant group of ten congressmen who supported the measure at hand. Not wishing to completely discount the pull of sectional affinities, this group included Elbridge Gerry of Massachusetts along with Israel Smith and Nathaniel Niles both of Vermont, who quite reasonably supported the bill as it would prove beneficial to their New England constituents. Of the remaining seven congressmen who broke party to support the bill four, Samuel Sterett, Thomas Tredwell, Cornelius Schoonmaker, and Frederick Muhlenberg, represented districts that had direct ties to the maritime world with constituencies that would no doubt benefit from an activist federal government with a penchant for supporting maritime enterprise.128

A look at the South further demonstrates the degree of influence geography had on this vote. Of the twenty-two votes coming from Virginia, North Carolina, South Carolina, and Georgia, sixteen were cast in opposition of the measure. Yet eleven of those came from congressmen who represented inland districts removed from coastal occupations. And of the five nays from coastal districts in the South, two, John Baptist Ashe and Hugh Williamson, represented districts along North Carolina’s Outer Banks, a coastal region largely devoid of significant maritime traffic. Indicative of this trend was South Carolina. The three districts along the coast all favored the bill, while the two inland districts, representing the piedmont and back country citizenry, opposed the measure. Coastal people simply had more reasons to support this

128 Samuel Sterrett represented Maryland’s fourth congressional district which included the major port at Baltimore. Thomas Tredwell represented Long Island, part of New York’s first congressional district. Cornelius Schoonmaker’s district, New York’s fourth, was situated along the Hudson River directly north of New York City. And Frederick Muhlenberg represented Philadelphia, then part of Pennsylvania’s second district.
bill and welcome a federal government with an inclination to support maritime-facing communities.  

**FISHERIES AND THE EMERGENCE OF PARTISAN POLITICS**

With the bounty secured the place of the fisheries in national politics did not, however, diminish. Instead the fisheries became a prism through which some of the most important political developments the young nation experienced were refracted. Chief among these was the polarization of the First Party System. In the 1790s the tenor of domestic and foreign policy was very much up for grabs as the roles and powers of the new federal government had yet to be defined. To a certain extent the divide between Jeffersonian agrarians and Hamiltonian manufacturers typified the coalescing viewpoints on the future of the American political economy. But subscribing to too sharp a distinction between the two obscures intriguing, if often overlooked, similarities. The fisheries issue demonstrated the degree to which Hamilton and Jefferson mirrored each other in action, if not echoed each other in philosophy.

As Jefferson penned his call for the federal government’s intrusion in the fishing industry, Hamilton likewise put his mind towards the delicate question of government and industry. What resulted was Hamilton’s most enduring legacy: his “Report on Manufactures” that he presented to Congress in December of 1791 became the most coherent statement of his brand of economic nationalism that would influence the development of American political-economy for decades to come. Like Jefferson, Hamilton sought to address the problems that

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beset the nation during the 1780s and used the advent of the federal government to put the American economy on a more stable footing.\textsuperscript{131} For Hamilton the watchword was independence and he crafted the report with an eye towards the promotion of domestic manufacturing “to render the United States independent of foreign nations, for military and other essential supplies.”\textsuperscript{132} Hamilton and Jefferson both focused upon markets as a key to remedy national problems. As Jefferson made plain, there was little opportunity to sell fish abroad, and Hamilton also noted that the nation lacked a vent for its produce from all sections. But it is in this regard that Hamilton’s report diverged significantly from Jefferson’s views as stated in the fisheries report. While Jefferson hoped to use the influence of the national government abroad to open new markets for American fish, Hamilton was not so optimistic that the newcomer United States could remake the system of international commerce. Instead Hamilton focused on how to create a greater demand at home by “enlarging the sphere of our domestic commerce,” hoping that a “more extensive demand for that surplus may be created at home.”\textsuperscript{133} But despite a divergence on what markets would absorb American produce, both Hamilton and Jefferson did advocate a similar plan of action. As has been seen, Jefferson successfully advocated for a fishing bounty, and Hamilton would do likewise, suggesting that bounties have “a more immediate tendency to stimulate and uphold new enterprises, increasing the chances of profit, and diminishing the risk

\textsuperscript{131} Perhaps indicative of the similarities in thinking between Hamilton and Jefferson on this issue was the fact that both Hamilton’s “Report on Manufactures” and Jefferson’s “Report on the American Fisheries” were compiled based on notes provided by the Assistant Secretary of the Treasury, Tench Coxe.


\textsuperscript{133} Ibid., 123.
Both statesmen, then, supported using government influence through the granting of bounties to support and revive a flagging economy.

Hamilton’s report even directly addressed the fisheries and their role in his newly imagined national economy. Hamilton understood the fisheries, like agriculture, to be a complement to manufacturing. Eschewing the “mischievous” notion that different economic sectors were necessarily antagonistic to the other, Hamilton detailed how fishing and manufacturing supported each other. Not only would manufacturing create a demand for fish in the nation’s new industrial centers—fish being a far cheaper source of protein in the diet of industrial laborers—but “the oils, bones, and skins, of marine animals, are of extensive use in various manufactures.” Thus an invigorated manufacturing sector would create “an additional demand for the produce of the fisheries.”

As Jefferson’s and Hamilton’s reports show, the political economy envisioned by these two men, and the role of the federal government, showed a remarkable degree of consistency on the fisheries issue.

Yet despite these similarities the parties continued to coalesce around distinct visions for the future of the United States. The fisheries issue continued to be both implicated in the divide and to show how divergent political ideologies were bridged by support for this national resource. A pamphlet published in 1792 by ardent Hamiltonian William Loughton Smith of South Carolina was emblematic of how even Jefferson’s staunchest opponents supported his advocacy for the fisheries. Smith placed Hamilton “among the great ministers of the age,” and his brand of economic nationalism was no secret. The South Carolinian was Hamilton’s

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134 Ibid., 135. Both Hamilton and Jefferson advocated the use of protective duties in their respective reports, although Jefferson did not support a general tariff, only one to prop up the flagging fishing industry, 134–138.

135 Ibid., 134.
mouthpiece in Congress, and went so far as to give him solitary praise for assuaging “the languid state of commerce, navigation and manufactures, the general want of confidence and credit at home and abroad, [and] the inability of the government to support itself,” that had racked the nation since independence.\textsuperscript{136} Saving his bile for Jefferson, whom he referred to only as the “Generalissimo,” Smith railed against the secretary of state as an insidious intriguer bent on the destruction of the union while cloaking himself in false republican simplicity to dupe his followers for selfish political gain.\textsuperscript{137} While this sort of impassioned rhetoric was a familiar part of party politics in the 1790s, Smith did relent in his diatribe when surveying Jefferson’s career as the nation’s chief foreign minister. In searching for “what part of the conduct of the Department of State has merited panegyrics” under Jefferson’s auspices, Smith could find but one—Jefferson’s report on American fisheries. Ready to write off the Washington administration’s conduct of foreign affairs as but “a dreary waste,” Smith did recognize at least one admirable action. In fact, the South Carolinian saw in the fisheries report hints of Hamiltonianism by recognizing that Jefferson’s call for a cod fishing bounty differed little from the suggested bounty for manufacturing.\textsuperscript{138} The fisheries issue, and federal support for fishermen, was an issue that spanned the chasm of parties, demonstrating the national character of this maritime resource.

While the fisheries provide an intriguing example of how such a resource could create a degree of cross-party unity, the nascent Federalist and Democratic-Republican parties continued to coalesce around contrasting visions of the nation’s future political economy. But it was not

\textsuperscript{136} William Loughton Smith, \textit{The Politicks and Views of a Certain Party Displayed} (Philadelphia, 1792), 4–12.

\textsuperscript{137} Ibid., 26–33.

\textsuperscript{138} Ibid., 34–35.
just questions of federal debt assumption and a national bank that divided Jefferson, Hamilton, and their respective supporters. How the United States was to engage with foreign powers, particularly Great Britain and France, would serve a powerful role in determining the architecture of the First Party System. Jay’s Treaty, negotiated in 1794, was a flash point in party relations and influenced American foreign policy for the next decade. Settling a host of problems left over from the Revolution, including Britain vacating forts in the west and what would prove to be an abortive attempt to settle the northern boundary line, the treaty was most significant for inaugurating the “first rapprochement” in Anglo-American relations by normalizing trade, especially that between the United States and the British West Indies. This warming of relations with Britain was accompanied by hostilities with revolutionary France. With Great Britain and France at war since 1793, the treaty effectively ended any attempt on the part of the United States to remain neutral in that conflict. To the dismay of the Jeffersonians, the balance of transatlantic relations was tipped back towards Britain as many Americans, remembering French intrigue at the Paris peace negotiation, were already inclined to distrust their one-time French allies.

As tensions between the United States and its erstwhile ally France simmered in the waning years of the eighteenth century, soon to erupt in outright, if undeclared, war, Secretary of State Timothy Pickering remarked on the history of the Franco-American alliance. In his estimation, France, as both a kingdom and a republic, sought nothing less than the dismemberment of the British empire and the usurpation of the United States’ independence. Most troubling was France’s perceived goal of depriving the United States of the “fairest fruits”

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of independence, including its claim to the trans-Appalachian West, the navigation of the Mississippi River, and access to the rich fishing waters of the Northwest Atlantic. For Pickering and his countrymen, North Atlantic cod was no less important to the nation building project than its western territories or access to the Mississippi waterway.\(^{140}\) It was not mere hyperbole that caused the nation’s second leading diplomat to compare fish to the extent of land that would comprise ten states. Instead it was the increasingly strong connection in early national political rhetoric about the relationship between the North Atlantic fisheries and the very meaning of independence.

When Americans cast their lot with Great Britain, France was not content to sit idle as their cross-channel rival recruited yet another nation into its fold to wage a commercial and maritime war upon the revolutionary state. The closing years of the century witnessed the growth of maritime antagonism on the part of both the United States and France until open warfare broke out upon the high seas. The Quasi War confirmed the fears of Francophobes that their supposed republican brothers in arms were little different than the other piratical princedoms of Europe.\(^{141}\) Thomas Paine, the firebrand of 1776, took the opportunity to denounce “Gallic perfidy,” and to commemorate America finally freeing itself from the shackles of its once lauded alliance with France. With the dissolution of the treaty of alliance that bound the two nations since 1778, Paine enthusiastically declared that such a day “will forever be illustrious in our


annals” as “the completion of our Liberties, the acme of our Independence.” For Paine the end of the French alliance was no less important than declaring independence as “one annihilated our colonial submission…the other emancipated use from the oppressive friendship of an ambitious, malignant, treacherous ally.” From its beginning the alliance was detrimental to the United States. Paine remembered how “by the fiend-like hypocrisy, and collusive machinations of the French Minister,” France attempted to sacrifice the American right to the “inexhaustible mine of commerce” that was the North Atlantic fisheries, for fear that one day it would provide an able class of seamen that might allow the United States true independence. While the nascent United States declared independence in 1776, it was only at the turn of the century that it was achieved.

By 1800 the American fishing industry was on a firmer footing than it had been on for decades. Britain assented to American schooners plying waters along its remaining North American colonies while American fish at last was flowing into the British West Indies. As Thomas Jefferson was poised to ascend to the presidential chair, the fisheries seemed safe. But a host of other problems beset the nation. While relations with Great Britain were, at least for the moment placid, war would come in little more than a decade as British harassment and impressment of American sailors seemed to call into question the nation’s claims of independence. Likewise, the undeclared war with France continued to simmer and the United States was stuck between the two greatest European powers. It seemed as though the problems of

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143 Ibid., 6.

144 Ibid., 18–19.
the new century would taste of salt as the United States focused its attention upon the seas and in
the process became a truly maritime nation.
CHAPTER 2: FISHERMEN AND FOREIGN RELATIONS IN A MARITIME WORLD, TO THE CONVENTION OF 1818

The problems of the 1790s seemed to foretell the international environment the United States would continue to face in the new century. Impressment, the harassment of American shipping, and the imprisonment of sailors by the Barbary States were among the myriad distresses that forced the United States to fix its gaze upon the waves that lapped its shores. Although the United States may have lacked a navy on the scale of its transatlantic rivals, sailors became the largest class of Americans to engage with the world beyond its coasts. The maritime consciousness of the United States significantly influenced both the content of political rhetoric and the manner in which American foreign relations were conducted.145 Domestic debates over the North Atlantic fisheries and the place of fishermen in the national community, combined with how the diplomatic proceedings concerning American access to this maritime resource developed, offer an opportunity to see just how maritime concerns directly influenced the workings of American politics. While the creation of Jefferson’s “empire of liberty” may draw the eye westward to the Ohio Valley, Louisiana, and beyond—perhaps in anticipation of what was coming—crucial developments for American statecraft were, in the early republic, much closer to home and far wetter in nature.

The two decades leading up to the War of 1812 saw the United States engage with the maritime world on a scale that has perhaps been unmatched in American history. Given this context, sailors and seagoing peoples were lauded in political rhetoric and popular discourse as

145 While often overlooked, the maritime perspective has the potential to yield important and substantive insights on well-worn topics. For valuable examples of that perspective see: Rouleau, With Sails Whitening Every Sea; Rouleau, “Maritime Destiny as Manifest Destiny”; Gilje, Free Trade and Sailors’ Rights in the War of 1812; Magra, The Fisherman’s Cause; Raffety, “Recent Currents in Nineteenth-Century American Maritime History”; Daniel Vickers, “Beyond Jack Tar,” William and Mary Quarterly 50 (April 1993): 418–424; and Jesse Lemisch, “Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America.”
valuable members of the national community, earning, unlike most other ordinary laborers, a
privileged place in this political world. The symbolic importance of this class of men, of which
fishermen were a central, if small, group, was evident in how they were deployed in political
discourse as national symbols that garnered the support of the federal government. But fishermen
and sailors demanded a role in American politics apart from mere nationalistic imaginings. The
years after the conclusion of the War of 1812 would see American fishermen implicate
themselves, in a very direct way, in the course of Anglo-American diplomacy. In the process
these fishermen would exhibit influence beyond what their financial position and demographic
numbers may suggest by creating the conditions necessary for the United States and Great
Britain to grapple with key irritants in transatlantic relations. The fulcrum upon which Anglo-
American relations during the early republic pivoted was not the War of 1812 and the subsequent
peace made at Ghent. Instead the Convention of 1818, an agreement occasioned by the actions of
fishermen, was of greater importance in redefining transatlantic ties. While often overlooked,
fishermen were implicated in the politics and diplomacy of the early republic and fishermen, as
both subjects and actors, were influential in the unfolding of American statecraft in ways that
have been undervalued or entirely ignored.

The experiences of American sailors in the earliest decades of nationhood demonstrated
the centrality of maritime occupations in the early republic. Restrictions on American seaborne

146 The Convention of 1818, while important in Anglo-American relations for setting the 49th parallel as the US-
Canadian border and establishing the joint occupation of Oregon, in addition to a watershed agreement on the north
Atlantic fisheries, has remained somewhat anonymous in the secondary literature. Howard Jones and Sam W.
Haynes make scant reference to the treaty while George C. Herring’s lengthy account of American foreign relations
completely elides the agreement. Bradford Perkins’s fifty-year-old account remains the most substantive of the
treaty. See Jones, To the Webster-Ashburton Treaty; Haynes, Unfinished Revolution; George C. Herring, From
Colony to Superpower: U.S. Foreign Relations Since 1776 (Oxford: Oxford University Press, 2008); and Bradford
Perkins, Castlereagh and Adams: England and the United States, 1812–1823 (Berkeley: University of California
trade had hastened the coming of the Revolution. The continuation of British mercantile policy was a significant detriment to the early American political economy. An undeclared war with France made the nation, Federalists at least, see the merits of a competent navy. The capture, and subsequent liberation, of American sailors by the Barbary States was a cause célèbre that stoked nationalist fires. And the ongoing impressment of American seamen by the Royal Navy left many Americans seething with indignation and spoiling for another war with Britain. Quite simply, some of the most significant political developments the United States had to contend with emanated from the oceans and the culture of American politics was quick to embrace the humble sailor as a symbol of an emerging nationalism.\footnote{For more on the maritime consciousness of the United States in the nineteenth century see Rouleau, \textit{With Sails Whitening Every Sea}, 2–15; Gillis, \textit{The Human Shore}, 111–114; Raffety, \textquotedblleft Recent Currents in Nineteenth-Century American Maritime History\textquotedblright, 608–609.}

\textbf{FISHERMEN IN A MARITIME NATION}

This embrace of ordinary sailors as powerful symbols in a political rhetoric concerning nationalism had corollaries across the Atlantic. Unsurprisingly British politics were riven by acrimonious debates that put the sailors of the impressive Royal Navy at the center of different interpretations of both nation and empire. While British sailors were at the same time touted as essential elements of the imperial structure and defamed for the manner of their service and lives, American seamen experienced nearly universal acclaim.\footnote{For the role of impressment in the British navy see Brunsman, \textit{The Evil Necessity} and for the relationship between the British state and ordinary seamen see Land, \textit{War, Nationalism, and the British Sailor, 1750–1850}.} Owing to the above mentioned trials, American sailors became widely accepted symbols of the nation. The memory of their service and sacrifice during the revolutionary struggle, along with their continued role as defenders of the nation in times of war and purveyors of trade in time of peace, made sailors into an idea that...
nearly all Americans could rally around. In this world of the early republic even something as seemingly mundane as the launching of a trade ship was given new meaning as the ship, its stores, and the men on deck brought to the world a definition of what this new nation was.  

Sailors, at least as rhetorical symbols, were able to elicit such a visceral reaction because their military service and commercial value made this class of maritime laborers key defenders of liberty if not independence itself. By 1800 it certainly came as no surprise that Susannah Rowson’s verse was met by a receptive and sympathetic audience: “For commerce whilst the sail we spread/To cross the foaming waves boys…/Boldly assert each sacred right/Be Independent, Brave & Free…/Then Huzza, Huzza, Huzza for America.”

Fishermen were not excluded from the plaudits bestowed to maritime labor. Like their brethren in the merchant marine and navy, the cod fishermen who plied the waters of the North Atlantic were likewise enrolled in rhetoric that conjoined maritime labor and national definition. In fact fishermen were uniquely situated to cement this association, owing to their actual efforts during the struggle for independence. Just as other sailors were remembered for their service, fishermen were celebrated for putting aside their occupational pursuits, risking their ships, and sacrificing their lives on both sea and land in defense of American independence. But in this

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149 Dane A. Morrison describes how the return of the Empress of China to New York in the spring of 1785 after a trading expedition to China was a public spectacle and enrolled in a narrative about American nationalism. Other similar craft were imbued with similar meaning as American ships also carried the nation’s reputation and image abroad. See Morrison, True Yankees, xi–xiii.


151 “The American Tar” by Susannah Rowson, quoted in Gilje, Free Trade and Sailors’ Rights in the War of 1812, 95.

152 Christopher P. Magra describes how fishermen were on the front lines of the maritime war during the revolution. See Magra, The Fisherman’s Cause, 177–198. Also see Wayne O’Leary for the deep history of fishermen becoming seamen, Maine Sea Fisheries, 62–63.
instance it was not only the fishermen who were lauded as national symbols and as protectors of political and commercial independence. The fisheries themselves, the waters off the coast of Britain’s remaining North American provinces that teemed with mackerel, hake, haddock, halibut, but most importantly cod, were likewise associated with the nation and independence. Because fishermen learned the skills of seafaring upon these waves, the fisheries were dubbed “the nursery of the nation’s seamen.” An appeal to national security, then, was central to the rhetoric surrounding both fishermen and fisheries.

The debate over the cod fishing bounty in the early months of 1792 was, as previously demonstrated, a debate over the constitutional relationship between the federal government, individuals, and industry. But the debate also became a venue to deploy the symbolic fisherman in defense of the federal subsidy. Boosters of the cod fishing business were quick to describe New England fishermen as valuable, national resources who not only enriched the country but would defend it in times of need. This particular image of fishermen did not go uncontested. With “nursery of the nation’s seamen” as their rallying cry, the congressional delegation from Massachusetts set about defending this class of men and securing to them this federal dispensation.

Benjamin Goodhue, amidst the debate over the bounty, articulated what would become in future years the sole justification for the renewal and continuation of the bounty. Quite simply, Goodhue observed, the cod fishery “contributes to the national defence,” by “furnish[ing] a copious nursery of hardy seamen, and offers a never-failing source of protection to the commerce of the United States” that would be necessary in the case of a future war with any European maritime power. In the event of any hostilities fishermen would resort to privateering
to protect American interests. Fisher Ames would expand upon Goodhue’s remarks by detailing how the demands of the cod fisheries made excellent seamen. They were, Ames remarked, “expert and hardy seamen,” whose labor in the cold, unforgiving climes of the North Atlantic were made “as hardy as the bears on the islands of ice.” But it was not only their physical attributes and unrivaled seamanship that made these men deserving of the bounty. The nature of their work seemed to inspire nationalist fervor. Ames declared that memory of the “exploits” of the fishermen “would find every American heart…glowing with the recollection of them.” It was not only their service upon the seas that ingratiated these men to the nation. Ames implored his audience to fondly recall the fishermen who mustered into armed service at places like Bunker Hill and Trenton. As Ames would have, it the fishermen were the midwives of American independence and would remain its constant protector.

Despite an appeal to a nationalist ideal, the fisherman-as-fighter image failed to convince everyone in Congress. Critics of the bill offered farmers and frontiersmen as perhaps more worthy of federal support since they, too, could be raised to serve the nation in both war and peace. John Page of Virginia would lead the opposition with the hopes of undermining the bounty’s appeal to national security. Page observed “that Congress may with as much propriety give bounties to our hunters in the Western country, to raise up a nursery of soldiers as barrier against the Indians, and to promote the fur trade,” as to “raise a nursery of seamen for the defence against enemies who may invade our Eastern frontiers.” Page went so far as to question the efficacy of fishing at all and whether or not the piscine pursuit was of advantage to the nation

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154 Ibid, 369–70. The naval-nursery argument was not confined to the rhetoric of representative from the Bay State both Robert Barnwell of South Carolina and Hugh Williamson of North Carolina both vocally called attention to the relationship between fishing and fighting, *Annals*, 375, 378–380.
at all. “It is not clear to me,” Page remarked, “that those fishermen would not be more profitable to the United States, if they were cultivating the lands which now lie waste, and raising families, which would be of ten times more value than their fisheries.” The draw of the land and of hearth and home was, in Page’s estimation, a superior pursuit: “A nursery of virtuous families, which will produce soldiers, sailors, husbandmen, and statesmen, must be preferable to a mere nursery of sailors, who generally live single, and often perish at sea.”

Proponents and critics alike employed images of their constituents, whether farmers or fishermen, but always as hardy, patriotic, and virtuous citizens, in the service of their agendas. Ultimately the fishermen would win the day, securing the fishing bounty for decades to come, but this episode would also establish this image—albeit a contested one—of fishermen in American political rhetoric.

In time the correspondence of fishing and fighting would become an article of faith for the industry’s supporters, employed whenever opponents sought to decry the fishing business as of a purely local concern or the beneficiary of unconstitutional favoritism. A more popular discourse on fishermen would take hold as newspapers editors and readers echoed many of the themes expounded by Ames, and other politicians who cast fishermen as integral to the nation’s interests. The Balance and Columbia Repository of Hudson, New York, offered an image of fishermen that resonated with the industrious and patriotic fisherman lionized in Congress and elsewhere. “Every hardy son of Neptune, who handles the harpoon, or the cod-line,” demanded federal largess because in times of war they may “be transmuted into privateersmen, and their vessels into privateers,” as had been the case in the nation’s war for independence. “The fisheries are,” this editorialist concluded, “to the United States in general, a defense, or a bulwark against the invasions of foreign nations. They are, as it were, the great Magazine of American

155 Ibid, 393.
Seamen.” The naval-nursery argument was a meme in the early republic, used not only to counter the possible arguments of critics but mentioned, sometimes off hand, whenever the fisheries issue came to the fore.

But the pervasiveness of this line of thinking did not necessarily mean total acceptance. In counter to the hardy, patriotic fishermen in the service of the national community, critics, like John Page in Congress, offered idealized farmers as more deserving and more useful members of the body politic. Editorialists would echo Page’s veneration of agriculture, declaring, as a writer for The Independent Chronicle and Universal Advertiser of Boston would, that “everything springs from the earth, as everything returns to it; and the farmer is of course the great moving principle, on whose virtue and activity all our fiscal operations depend.” It is the “plough, the harrow and the hoe,” and not the cod line and harpoon, “that are the…productive instruments of national wealth.” The editorial concluded that the fishery “is an operation of the second order,” reasoning that “without the farmer, the fishermen would perish for want of bread.”

This pro-agriculture argument came from the fishermen’s own backyard, perhaps demonstrating the extent to which local affinity did not necessarily prefigure the tone or orientation of the ongoing debate about fishermen in the national polity. Farmers would even interject themselves into this context and claim that they were as, if not more, worthy of federal support than mere fishermen. In 1809 hemp growers and manufacturers in Kentucky petitioned Congress, claiming to have a greater entitlement to federal support than fishermen in the East. While the federal government “granted bounties to encourage the industry of an isolated part of the Union—a species industry,

156 The Balance and Columbia Repository (Hudson, NY), Nov. 18, 1801. Fisheries were frequently referred to as the “nursery of the nation’s seamen.” See United States Oracle (Portsmouth, NH), May 28, 1803; The National Intelligencer (Washington, D.C.), Nov. 13, 1805; Salem (MA) Gazette, July 15, 1808.

157 “For the Chronicle,” The Independent Chronicle and Universal Advertiser, March 5, 1801, p. 2.
too, in which but a small portion of the citizens could participate—the fisheries,” the inhabitants of Kentucky placed their produce as among the most important in the nation by remarking that hemp was “an article perhaps as much wanted as any other, both by the Government, and by private citizens, engaged in every pursuit in life.” As Kentuckians labored under unfair circumstances and foreign competition threatened to destroy the native industry—a situation not dissimilar to that faced by fishermen in the immediate aftermath of independence—federal support remained in the East as westerners were left to fend for themselves. “No public moneys are expended here,” the petitioners bemoaned, “but all at Washington, and on the sea board, in salaries, buildings fortifications, upon the army, and on the navy, for the protection of commerce in which, from her local insular situation, she [Kentucky] cannot participate.”

In the early republic fishermen were very much a part of American statecraft, if only as symbols that were used in an ongoing debate about what role such laborers should play in the national polity. While exposing some of the fissures that eventually rent the union, the image of the fisherman would prove to galvanize unity as the association of fishing and fighting had much purchase in the politics of the day. But the political power of fishermen was not merely confined to rhetoric. Fishermen were political agents in their own right whose actions were most consequential in the aftermath of the War of 1812 and would occasion a significant shift in Anglo-American relations.

158 “Protection to Manufactures,” 7 June 1809, American State Papers: Finance Vol. 2: 367–368. It may be worth noting that these Kentuckians did not dispute the idea of the federal government granting bounties to support industries that were deemed important to the national welfare, they merely desired federal largess under the assumption hemp growing was integral to the nation’s welfare.
THE WAR OF 1812 AND ITS AFTERMATH

As the United States and Great Britain renewed hostilities in the summer of 1812 they did so, primarily, because of maritime related grievances.\textsuperscript{159} The war was, in some regard, the culmination of the Jeffersonians’ failed attempt to correct British policy though economic and commercial coercion, with Jefferson’s Embargo of 1807 being the most obvious, and disastrous, example. Impressment of American seamen and the unlawful search of American vessels, merely added to the list of oceanic outrages that seemed to call American independence into question and ultimately pushed the Madison administration to obtain a declaration of war in June 1812. While some Americans no doubt cast covetous eyes on Canadian territory and sought a way to curb Britain’s meddling with Native Americans in the West, the proximate cause was Britain’s unwillingness to repeal the commercially restrictive Order in Council.\textsuperscript{160} South Carolina representative John C. Calhoun made a direct link between this commercial policy and independence, “If we submit to the pretensions of England…the independence of this nation is lost.”\textsuperscript{161}

\begin{footnotesize}
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\item Some work positions a desire to annex Britain’s North American Provinces as the primary motivation for war, though this interpretation has proven less persuasive, even if the continental theater and invasion of Canada were important episodes during the war, see Nicole Eustace, \textit{1812: War and the Passions of Patriotism} (Philadelphia: University of Pennsylvania Press, 2012); J. C. A. Stagg, \textit{The War of 1812: Conflict for a Continent} (New York: Cambridge University Press, 2012); Nugent, \textit{Habits of Empire}; Jon Latimer, \textit{1812: War with America} (Cambridge, Mass.: Harvard University Press, 2007); and Julius W. Pratt, \textit{Expansionists of 1812} (New York: Macmillan Company, 1949).
\item \textit{Annals of Congress}, 12\textsuperscript{th} Cong., 1\textsuperscript{st} sess., 1399.
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voluntarily repealed the offensive Order in Council almost simultaneously with Madison’s declaration of war, but refused to renounce impressment. Even though the agreement reached at Ghent would cease hostilities, it would take a far more comprehensive treaty to truly occasion a shift in Anglo-American relations.\footnote{162}

The decade leading up to the declaration of war in the summer of 1812 witnessed a series of actions that served to aggrieve New Englanders and alienate the region from the Jeffersonian consensus that seemed to have taken hold throughout much of the nation. Most prominently, Massachusetts, a state intimately tied to the maritime world, took the lead in denouncing the ruinous Embargo of 1807.\footnote{163} Motivated by a Republican belief that commercial policy could bring about favorable international relations, the Embargo of 1807 obviously brought misfortune to the maritime sector that was a key part of the New England economy, but proved insufficient to convince Great Britain to repeal the Order in Council that so restricted American trade.\footnote{164} In the years preceding the war some commentators made an explicit connection between the offensive British policy and the fisheries. As an editorialist in the Plattsburg American Monitor, noted, “We believe [the British Order in Council] is intended as a net for the American fisheries,” with Britain’s goal being “An assumption of our national sovereignty, for the purpose


\footnote{163}{Newspapers were replete with New Englanders bemoaning the state of trade under the embargo and petitions and memorial from the region poured into Congress denouncing the restriction. Also see Paul A. Varg, \textit{New England and Foreign Relations, 1789–1850} (Hanover, N.H.: University Press of New England, 1983), 50–60.}

\footnote{164}{Drew R. McCoy places the embargo in the larger context of Jeffersonian political economy, calling it “an experiment in commercial coercion,” and that it “did not represent a significant departure from their [Jeffersonian] traditional conception of a republican political economy.” \textit{The Elusive Republic}, 209–233.}
of regulating our commerce and controlling our resources.”\textsuperscript{165} Along with the ongoing impressment of Americans into the Royal Navy, the commercial warfare that preceded the actual outbreak of hostilities demonstrates that much of the motivation for war in 1812 came from maritime concerns.

The course of the war would reflect its maritime origins. The pithy phrase “Free trade and sailors’ rights,” became a convenient shorthand for the war’s justification as the conflict’s maritime causes were kept top of mind for many Americans.\textsuperscript{166} Given the close connection between the outbreak of war and the maritime world, it was no surprise that, with the exception of Andrew Jackson’s victory at New Orleans, the most poignant moments of the conflict, those that helped stoke a smoldering nationalism, came from naval engagements. James Lawrence’s famous dying command aboard the USS \textit{Chesapeake}—“Don’t give up the ship!”—became a rallying cry, soon emblazoned on a banner that flew on Oliver Hazard Perry’s flagship during his decisive victory over the British fleet at Lake Erie.\textsuperscript{167} But despite these pivotal moments, by the end of the war years a Federalist resurgence—a movement that brought New England to at least flirt with secession—demonstrated the degree of disdain felt for the Jefferson and Madison administrations meddling with the region’s political economy. As the nation approached peace and the prospect of a postwar return to more placid international relations, New Englanders

\textsuperscript{165} \textit{Plattsburg American Monitor}, August 4, 1810, p. 3. Connection between British Order and the fisheries also evident in \textit{Philadelphia Weekly Aurora}, July 17, 1810, p. 43.

\textsuperscript{166} For more on the phrase “free trade and sailors rights” in the War of 1812, see Gilje, \textit{Free Trade and Sailors Rights in the War of 1812}.

\textsuperscript{167} Despite the precedent set by the American Revolutionary War and the ensuing decades of political rhetoric that tied American fishermen to military service, little in the secondary literature explicitly connects the fishing communities of New England to service in the War of 1812. Fishermen undoubtedly mustered into service in both the army and navy during the war years, yet more research needs to be done.
especially were ready to return to their normal economic occupations—not the least of which was fishing.

In the process of negotiating the peace, however, the fisheries issue would take a backseat. As the American delegation settled into the Belgian city of Ghent to meet their British counterparts, the future of the fisheries did not seem top of mind. The five man delegation—John Quincy Adams, Henry Clay, Albert Gallatin, James A. Bayard, and Jonathan Russell—included two New Englanders, suggesting the region’s iconic industry would not be sacrificed for other interests during the course of negotiations. Yet diplomatic instructions emanating from Washington elided the fisheries issue almost entirely. This omission was, in all likelihood, not the result of a vindictive Jeffersonian administration looking to punish a Federalist-dominated region. In fact, the omission of any directive regarding the fisheries was perhaps the result of the Madison administration’s confidence that the fisheries issue, because of its ties to the peace treaty of 1783, was immune to the vagaries of diplomacy.

In the early days of 1814, Secretary of State James Monroe issued instructions to the American delegation in which he outlined the items which should garner their attention on account of “the vast amount of blood and treasure, which have been expended in their support.” Unsurprisingly, impressment and blockades topped the list. As Monroe remarked of the former, “This degrading practice must cease, our flag must protect the crew, of the United States, cannot consider themselves an independent Nation.” The only possible reference to the fisheries came as Monroe discussed the future of Great Britain’s hold on its North American colonies. The Madison administration advocated for the cession of the Canadian provinces to the United States under the assumption that North American peace would prove impossible to obtain so long as the continent hosted the ambitions of both empires. Monroe observed that “the danger of an early
renewal of the war….will perhaps never be removed while Great Britain retains in her hands” a claim to the colonies of North America. If Great Britain were to cede the North American Provinces to the United States, presumably an unquestioned right to the North Atlantic fisheries would likewise be ceded. With only an implicit reference to the fisheries in this set of instructions, the meeting at Ghent seemed poised to elide the fisheries issue entirely.168

Later, the Madison administration would double down on its support for the inclusion of the blockade and impressment issues in any peace treaty, yet it again failed to explicitly mention the fisheries. In another missive to the American peace delegation the secretary of state declared that in “making peace it is better for both nations that the controversy respecting blockade should be arranged by treaty, as well as that respecting impressment. The omission to arrange it may be productive of injury. Without a precise definition of blockade…might possibly hazard the future good understanding between the two countries.” With an explicit desire to put the blockade and impressment questions on a strong statutory basis, it becomes all the more curious why the fisheries issue failed to draw the attention of the nation’s top diplomats.169 Perhaps the Madison administration simply did not want to expend the political capital on including the fisheries issue in the negotiations, or perhaps, as American diplomats would argue after the war, access to the fisheries was a privilege that could not be revoked or altered solely on account of war. Either apathy or confidence defined the American stance on the fisheries issue as the treaty negotiations drew near. American and British diplomats certainly considered the questions surrounding

168 James Monroe to John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell, January 28, 1814, Diplomatic Instructions of the Department of State, 1801–1906 (National Archives Microfilm Publication, M77, roll 1), Records of the Department of State, Record Group 59, National Archives, College Park, Md.

169 James Monroe to Envoys Extraordinary and Ministers Plenipotentiary, June 23, 1813, Ibid.
American access to the fisheries. Yet Anglo-American diplomats left this issue and many others unresolved.

Negotiations between the American and British delegations began in Ghent in earnest during the summer of 1814. For four months the Anglo-American diplomats wrangled with the many thorny questions that had compelled the nations to resume hostilities two summers before. Great Britain refused to renounce the practice of impressment and status quo ante became the guiding principle in creating the postwar order. In all, the Treaty of Ghent did little besides ending formal hostilities. By punting on key questions, not the least of which was the fisheries, a more comprehensive settlement would be necessary to truly change the trajectory of Anglo-American relations.

The British delegation did broach the fisheries issue briefly by demanding that the United States cede something of like value for the postbellum resumption of American fishing in North Atlantic waters. For the British, the recent hostilities served to abrogate any previous agreement that existed between the two states, including the 1783 Treaty of Paris that granted the United States the liberty to take fish in those waters. But as the instructions coming from Washington suggested, the American commissioners were unprepared and not authorized by the Madison administration to cut any deal on the fisheries question. Although Great Britain voiced its desire and intention to drive American schooners from the fisheries, the Americans hoped the final agreement would be silent on the question. Despite this official stance, dissention grew within the American ranks as John Quincy Adams, the New Englander, and Henry Clay, the westerner, seemed more intent to serve the interests of their respective regions over the needs of the nation.\(^{170}\)

Western interests were implicated in the treaty negotiations as Britain suggested confirming the right to navigate the Mississippi as an equitable tradeoff for reaffirming the American liberty to fish in North Atlantic waters. As was the case at Paris in 1783, the fisheries and Mississippi question were intertwined. In Ghent, Britain hoped to use navigation of the Mississippi to achieve the more desirable goal of limiting American access to the fisheries. If the American delegation were to deny the continuation of the British right to navigate the Mississippi, the Americans would, for the sake of consistency, also, at least implicitly admit that the war had revoked their claim to the fisheries. Amid Britain’s diplomatic wrangling, Adams and Clay came to loggerheads. Clay, ever the western Anglophobe, strenuously objected to allowing British traffic on the key western waterway. His objection became even more pointed when such an allowance was made in the interest of the eastern cod fisheries. Adams likewise dug in his heels, hoping to assume his father’s mantle as champion of the fishermen. This spat between Adams and Clay demonstrated the degree to which the political axis in the early republic did not divide North and South. Instead the major fissure was that between the East and the West.\(^{171}\)

Ultimately, however, the fisheries-Mississippi question proved too difficult to settle. Adams and Clay refused to reconcile and Great Britain was unwilling to push the question to its extreme. The final decision made at Ghent was no decision at all, as the treaty was silent on both of these issues. Like with impressment, the Treaty of Ghent was wholly unsatisfying on the fisheries issue. Washington insisted that the recent war did nothing to alter the liberty won at

\(^{171}\) Ibid., 123–127. Also see Bickham, 243. David C. Hendrickson suggests that Albert Gallatin supported pressing the fisheries issue at Ghent as a way to reassure New Yorkers that the Madison administration took their interests into consideration and forestall talk of secession gaining ground among some Federalists in the region, *Union, Nation, or Empire: The American Debate over International Relations, 1789–1941* (Lawrence: University Press of Kansas, 2009), 63.
Paris in 1783; London insisted that the recent hostilities abrogated all previous agreements, making the American liberty void.\textsuperscript{172} With the treaty’s silence on the question, the incompatible views of Washington and London assured that the fisheries would become a postwar problem. But for the time being the prospects of peace allowed Anglo-American statesmen to avoid considering those potential problems. Instead, it was the fishermen who had to contend with the diplomats’ oversights.

With the conclusion of the War of 1812 American fishermen were eager to once again take up their hand lines and proceed to the fisheries of the North Atlantic. Not only had the recent hostilities with Great Britain forced American skippers to abandon the most lucrative waters in the region, but this interruption was merely the most recent set back fishermen faced dating back to Jefferson’s Embargo of 1807. But with a mood of pacification descending upon Anglo-American relations, the fishermen of Gloucester, Salem, Marblehead and the other prominent cod fishing ports along the New England coast were quite reasonable in assuming the 1815 season would, at last, see New Englanders descending upon those estranged waters. The coming seasons would, however, bring more hardships than even the hard-worn veterans of the fisheries were used to. Fishermen sailed head-long into the rough seas and grueling labor that was the standard fare of fishing expeditions but now faced the intrusion of the British navy that touched off a diplomatic crisis. Contesting American claims to fish in these waters, which for many Americans was contesting claims to independence itself, the British navy began enforcing a strict interpretation of American fishing liberties that would, eventually, bring diplomats to the bargaining table. But for the time being fishermen would force the issue so that the negation of any American right or liberty would not go unnoticed by the powerbrokers of Washington and

\textsuperscript{172} Ibid. Also see, Innis, \textit{The Cod Fisheries}, 224.
London. The events upon which this narrative is built, the War of 1812, the Treaty of Ghent, and the Convention of 1818, are commonplace to any cursory understanding of early American foreign relations. But when Joseph Wildes aboard the schooner *Raven* or Thomas Decker, master of the *Isabella*, replace James Monroe and John Quincy Adams as the narrative’s principle actors, a once familiar narrative is refracted, revealing the extent to which the formerly anonymous influenced the international processes to which they may initially appear only tangential.

It should come as no surprise that these ordinary sailors were able to influence the proceedings of a diplomatic process that is so often left confined to the world of Anglo-American elites. For centuries sailors and seagoing men, some of the most disenfranchised and powerless individuals, were important actors in some of the most significant changes that resonated across the Atlantic world. The ability of seamen to influence the economic, social, and political forces that seem to most often act upon, not in response to, their actions was perhaps cresting during the years of the early republic. With an unprofessional diplomatic corps, America’s most common standard bearer beyond its shores was the humble jack tar. While the penetration of American ships into the exotic waters of the Pacific and Indian Oceans brought about a host of political, cultural, and economic transformations to both the United States and the world beyond, American sailors influenced the political environment far closer to home. But

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175 The penetration of American sailors in the Pacific and the attendant political and cultural ramifications see Rouleau *With Sails Whitening Every Sea*; Morrison, *True Yankees*; David Igler, *The Great Ocean*; and John R.
<table>
<thead>
<tr>
<th>Year</th>
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*Table 1: Quantity and Value of Dried Exported Cod, 1800–1850*

as fishermen embarked on the fishing season of 1815 with the hopes that the troubles of the past seven years were, at long last, behind them, they did so without understanding how their actions would, in three years’ time, precipitate a shift in Anglo-American relations.

When word reached American shores that peace between the United States and Great Britain had been reached at Ghent, the nation was in a jubilant mood. The country was still aglow with pride after Colonel Andrew Jackson’s daring victory over the British on the plains of Chalmette had saved New Orleans from the British advance and possible destruction. With the Tennessean’s victory the United States was able to inaugurate an era of good feelings with the mistaken notion that it had, in fact, won the War of 1812 and in the process confirmed its independence. Hoping to reap the rewards of that successful referendum on independence, green hands from the cities and farms of New England descended upon the fishing ports of Massachusetts as the winter receded and preparations could be made for the fishing season ahead. These young men sought employment upon one of the many vessels that would, for the first time in nearly seven years, cruise the waters of the Grand Banks, the Banks of Newfoundland, the Bay of Fundy, and other waters that had teemed with fish and ships before the most recent outbreak of hostilities. With a full complement of men, salt, line and all the apparatus of fishing, American vessels made way for the rich waters to the north.

From Barnstable, Massachusetts, an unnamed ship made ready and launched from the Cape Cod port sometime during the waning days of April. The schooner headed north. Hugging
the rocky coast of New England, the American schooner was, perhaps, headed towards the Bay of Fundy and the banks of Nova Scotia to fill its hull with the lusty cod that would soon enough bring wealth back to a region ravaged by nearly a decade of commercial warfare that nearly hewed New England from the rest of the union. Probably towards the end of May the anonymous vessel returned south to unload the salted fish carcasses before embarking on the season’s second fare. Returning to the waters of the British provinces, the schooner most likely took a more easterly approach towards Nova Scotia and through the Gulf of St. Lawrence, hoping that the

Figure 3: The Barnstable schooner would have been a sea-worthy ship outfitted for the hand-line fisheries. Before the advent of long-lining near the midcentury cod fishery pursued their prey by tending single-hook lines over the gunwales of their vessels, George Brown Goode, “The Bank Hand-Line Cod Fishery: Old style Grand Bank cod schooner; crew at rail hand-line fishing,” The Fisheries and Fishery Industry of the United States Section 5: History and Methods of the Fisheries (Washington, D.C.: Government Printing Office, 1887), Plate 23.
ice-choked Strait of Belle Isle was cleared and would allow passage to the Labrador fisheries. The final destination, like much of this schooner’s voyage, is pure speculation, but the ship was unable to finish its fare. It was not strong gales or poor catches that made an abrupt end to the expedition, but instead the Barnstable schooner was ordered off the fishing grounds by a ship of His Majesty’s Navy and returned to Massachusetts with little to show for the crew’s efforts.

On June 19, 1815, as the schooner from Barnstable approached the southern coast of Nova Scotia a British cruiser, the sloop of war HMS Jaseur, under the command of Captain N. Lock, ordered the fishing boat not to come within sixty miles of the coast. Captain Lock offered no explanation as to why the Jaseur instructed the boat from Barnstable to vacate the waters around Nova Scotia, but the American skipper had little choice but to comply with the naval officer’s demands. The fishing schooner was most likely a typical fishing vessel of the time with thirty to thirty-five tons burthen and a crew of only five or six, including the master. By contrast the British war ship was nearly ten times its size and equipped with a full complement of eighteen guns. Unwilling to risk seizure, or perhaps worse, the fishing vessel returned to its home port and reported the incident to the collector of the port of Barnstable. Soon knowledge of this event and the heavy-handed nature of British actions would occupy the diplomats of both nations.

A month after the Jaseur chased the American schooner from the coast of Nova Scotia, Secretary of State James Monroe informed the British charge de affaires in Washington of the indignation the United States felt at such treatment. Monroe, referring to the incident as an “extraordinary measure,” claimed that it “has excited no small degree of surprise” and was

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“incompatible with the rights of the United States.” The secretary of state implored the British minister to “interpose to prevent the progress of an evil which will be so extensively and deeply felt by the citizens of the United States.” Although the British charge would assure the Madison administration that such an incident was not condoned by his government and steps had been taken to prevent a similar incident from occurring, this confrontation off the coast of Nova Scotia would become a political flash point as the United States and Great Britain harbored contrary notions about the rights of American fishermen. Although Anglo-American relations seemed to have stabilized with the Treaty of Ghent and the renewal of friendly relations, this instance shows not only how quickly the relationship could turn sour, but how these two nations had a fundamental misunderstanding of each other.\(^{177}\)

The 1815 fishing season continued with little incident but diplomats on both sides of the Atlantic set to work defending the broadest possible interpretations of existing international conventions in their favor. The contrary positions staked out by the Barnstable schooner and the \textit{Jaseur} mapped onto the respective positions staked out by Anglo-American diplomats. At the heart of the matter was a question of where and when American fishermen had a right to fish. Although Lord Bathurst, the British colonial secretary, assured John Quincy Adams, then the American minister to the Court of St. James, that the British government disavowed the actions of Captain Lock, the British position would crystallize around the contention that the War of 1812 had abrogated all previous agreements between the two countries, including the revolutionary settlement. Since the Treaty of Ghent failed to make mention of the fisheries, the

\(^{177}\) Ibid., 348.
American liberty previously enjoyed was thus nullified. Americans in both Washington and London would refute this British claim fearing the consequences of their fishermen banned from those waters. These statesmen would craft a series of arguments that made an explicit connection between that maritime environment and the independence Americans had so recently thought was affirmed by their second war with Great Britain.

In a letter to John Quincy Adams, Monroe outlined the implications of the emerging transatlantic conflict over the fisheries. The stakes, at least as Monroe would have them, were high. In direct contradiction of the British claim, the “right of the fisheries,” as Monroe did not even relent slightly and admit it as a liberty, “required no new stipulation to support it, it was sufficiently secured by the treaty of 1783.” By basing the American claims to the fisheries on the Treaty of Paris, the treaty that ended the American Revolution and granted the nation independence, Monroe continued that tradition of making a direct correlation between the fisheries and political independence. He even went so far as to make that connection explicit, proclaiming, “every right appertaining to the fisheries…constitute[es] a vital part of our political existence, and rest[s] on the same solid foundation as our independence itself.” The fisheries, like independence, were an unquestioned and foundational aspect of American statecraft.

With the stakes as high as independence itself American diplomats did not hesitate to mount a strong defense of their interpretation of American fishing rights. This misunderstanding over whether or not the fishery stipulations of the Treaty of Paris were still in effect created the opportunity for Anglo-American diplomats to discuss some of the most basic underpinnings of

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178 Later John Quincy Adams would blame Henry Clay’s refusal to accept any restrictions on American navigation of the Mississippi as the reason the Treaty of Ghent failed to address the fisheries at all. Clay, the westerner, was loath to see any advantage given to eastern interest at the expense of his home region.

the transatlantic relationship. John Quincy Adams, befitting his diplomatic posting in London, offered the most substantive American defense of its fishing rights. Central to Britain’s claim that American fishermen were now barred from plying British North American waters was the assertion that the recent hostilities had abrogated all other previous agreements between the two nations, most prominently the Treaty of Paris. Adams, countering this diplomatic convention, relented that ordinarily war would nullify previous treaties of peace, but the treaty of 1783 “was not simply a treaty of peace.” Instead “it was a treaty of partition between parts of one nation,” who agreed “thenceforth to be separated into distinct sovereignties.” The peace settlement, then, constituted the basis of American independence, of which fishing rights was among the most important elements. This made such a right not a concession or grant that could be nullified by war. In Adams’s understanding of the Treaty of Paris, independence and the fisheries were synonymous. Control of this environment, then, served as a way of defining national independence and explained why Americans, politicians and diplomats at least, bristled at British aggression, interpreting it as a negation of liberty. As Adams made clear, “the sovereignty and independence of the United States,” which in his mind corresponded to fishing rights, “were not considered or understood as grants from His Majesty” and thus conditional in nature.

Adams also appealed to the British colonial secretary by arguing that barring American fishermen from those valuable waters would be disastrous to American fishermen and British manufacturing alike. For the sake of humanity, Adams implored, “these fisheries afforded the means of subsistence to multitudes of people who were destitute of any other.” This economic

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180 “Extract of a letter from Mr. Adams to Mr. Monroe, stating the substance of a conversation with Lord Bathurst, September 19, 1815,” *ASP:*FR 4:351.

downturn would have serious repercussions not only for the New Englanders left in want by a
dying industry, but would destroy a market for British goods, leaving Great Britain’s
manufacturers grasping for new markets to absorbed excess production. But it was not only
the humanity of the families that relied upon the cod fisheries for their subsistence and income
that Adams brought to light. Adams also insisted that Britain’s decision to bar American ships
from the fisheries was a transgression of the mores of nations and was an attack on all
Americans. “The fisheries,” Adams declared, “were usually considered by civilized nations as
under a sort of special sanction. It was a common practice to have them uninterrupted even in
times of war…to interdict a fishery…far from being a usual act in the peaceable relations
between nations, was an indication of animosity, transcending even the ordinary course of
hostility in war.”

Although Adams made appeals to international law and human conscience, Britain’s
restrictions on American access to the fisheries was, perhaps, most untenable because it was
unnatural. Like his father at Paris, John Quincy Adams based the American claim to continued
access to the fishery in the notion that any treaty must comport with the dictates of nature. At
Paris the elder Adams declared Americans should have rights in North Atlantic waters simply
because nature had placed their fisheries nearer to American shores than those of Britain or
France. Again in defense of American access, in the early days of 1816 Quincy Adams
articulated his belief that international law and natural law must be harmonized, observing that
“it was necessary, for the enjoyment of this fishery, to exercise it in conformity to the habits of
the species of game of which it consisted.” The migratory patterns of fish made any British

182 Ibid., 351–53.
183 Ibid., 351.
restiction contrary to the demands of nature. Adams observed that “the places frequented by the
fish were those to which the fishermen were obliged to resort, and these occasionally brought
them to the borders of the British territorial jurisdiction.” Although Adams, like his father, spoke
with a stunning degree of confidence about the ecology of the North Atlantic, the murky water
largely remained immune to human understanding in the 1810s. Adams’s assertion that
American fishermen had no choice but to trespass into British territorial jurisdiction was as much
a political statement as an ecological one. While the specific locations American fishermen plied
their craft in 1815 remain unknown, it is perfectly reasonable to assume the younger Adams
mobilized ecological rhetoric for political ends and in the process harmonized perceived (or
perhaps more appropriately imagined) environmental realities with political necessity. Adams
advocated understanding the fishery as a kind of maritime commons, the very nature of which
was antithetical to the kinds of restrictions and boundaries Great Britain sought to impose. In
fact, Adams went so far as to suggest that ownership of land and ownership of adjacent waters
were unrelated, remarking that “the property of a fishery is not necessarily in the proprietor of
the soil,” and thus “the right to the soil may be exclusive, while the fishery may be free, or held
in common.” The fisheries were common to all and therefore not something Great Britain could
grant or dispose of as only it saw fit.

Despite the arguments Adams offered, they fell on deaf ears. The British Colonial
Secretary, Lord Bathurst, made clear to the American plenipotentiary that despite Adams’s
insistence that the terms of the Treaty of Paris were still in effect, even in light of the recent

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184 For scientific and vernacular understandings of the north Atlantic environment during this period see Bolster, The
Mortal Sea, 88–102.

hostilities, such was “a position of...[a] novel nature [that] Great Britain cannot accede.” The aftermath of the *Jaseur* incident would see no material change in the tenor of transatlantic politics as each side retreated into intractable camps, refusing to bridge the divide and thus unable to give American fishermen any clear indication of whether venturing to British waters would bring stores of fish or capture and ruin.

**FISHERMEN AND ATLANTIC POLITICS**

The fishing season of 1815 revealed the extent to which neither fisherman nor diplomat understood the international arrangement that influenced so heavily the on-the-water operations of the fishing industry. Certainly fishermen and American diplomats had different reasons for objecting to Britain’s new interpretation, and negation, of American fishing rights. Fishermen no doubt protested and appealed to federal authorities out of a very material concern for the tenability of their livelihood. While the diplomatic elite in Washington seemed more concerned with saving face on the international stage and maintaining a certain political economy at home, both of these groups had a vested interest, at least at this historical moment, in clarifying the rules. The necessity of doing so—of coming to an Anglo-American understanding of how the nations would interact—was created by the actions of fishermen in the pursuit of their vocation. The actual work of American and British diplomats addressing these kinds of questions that had the potential to destabilize the relationship would, however, wait until the Convention of 1818. In the meantime, the actions of American fishermen would make the status quo untenable and hasten policymakers to the bargaining tables.

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186 "Lord Bathurst to Mr. Adams, October 30, 1815,” *ASP:FR* 4:354.
With the confrontation between the unnamed Barnstable schooner and the HMS *Jaseur* still fresh in the minds of American fishermen, captains, and ship owners, the 1816 fishing season was remarkably quiet. The year 1815 was marked with a certain degree of optimism as Americans would return to their fishing haunts in the hopes of recreating those golden, prewar years. Such optimism, however, would vanish the next, as fear of capture, imprisonment, the loss of capital, or perhaps even of life, forced Yankee skippers to keep their ships in port. Even the prospect of two poor seasons occasioned by the confiscation and spoiling of fish, or just an incomplete fare, could spell ruin for the hands on deck if not the ship owners back home. Although the recent war had officially concluded, violence continued in the North Atlantic. Though directed at ordinary fishermen—not the United States Navy—this violence did raise questions about what hostilities with Great Britain in fact accomplished. The year 1816 passed without much incident as the few schooners that did attempt to complete their fares made sure to avoid the harbors, ports, and coasts of Britain’s dominion. Such inaction, however, did not comport with an industry needing to find firmer footing and a workforce needing wages.¹⁸⁷

The spring and summer of 1817, however, would witness the seizure of American fishing vessels by the British Navy on an unprecedented scale. With diplomats still at odds over what conventions would determine American access to the fishing grounds, the cod fishermen of the New England coast would risk capture to fill their holds with valuable flesh and perhaps even force a break in the stalemate that characterized fisheries diplomacy. By the end of the season dozens of ships had been captured by British sloops and brought to Halifax for transgressing

Britain’s interpretation of maritime law. Many of these ships were detained for weeks if not months without formal charges from the Vice Admiralty Court as these hulks were left to rot in the harbor—their provisions consumed, their rigging and tackle destroyed, and their valuable fish left to spoil. The crews, meanwhile, searched in vain for redress, but were most often sent back to Boston aboard whatever merchant ship was willing to take on the destitute men. But perhaps most troubling was that, for these men, another poor season meant they returned home to an impoverished family with a precarious existence.

As these fishing schooners were detained at Halifax, Digby, and other ports in the British dominion and the crews returned to their home berths, these men were deposed, perhaps hoping that their testimony might help, if not to make redress, then to inform the local customs collector, the Treasury Department, the secretary of state, and perhaps even the president of their hardships at British hands. The testimonies of the fishermen seized during the summer of 1817 reveal a class of vulnerable men. Notably absent is the kind of bombastic and inflated rhetoric that characterized the chauvinistic nationalism of seagoing Americans towards midcentury. Yet their vulnerability did not equate to powerlessness. Instead, the seemingly straightforward words of these seagoing men suggested individuals who sought the mantle of victim. They were victims of British aggression and tempestuous weather who, despite good intentions and lawful actions, faced financial ruin and bodily harm. Bringing their plight and the abrogation of American rights and liberties to the attention of federal officials, fishermen offered a constant reminder of how Britain conducted itself contrary to the pride and interests of the United States, something that

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188 Dane Morrison recognizes a generational divide in the rhetoric employed by seagoing Americans in the Early Republic versus those who went abroad during the antebellum period. The earlier generation exhibited a more dispassionate, and perhaps even, at times, more tolerant, understanding of foreign peoples. While the antebellum generation, by contrast, displayed the arrogant racism of a more confident and established nation. See True Yankees.
could be rectified through formal diplomatic channels. By returning to the fishing grounds and facing British seizure the cod fishermen made this irritant an unavoidable problem in Anglo-American relations.

The testimony of Samuel Love was fairly typical. Hailing from Boothbay in the district of Maine, Love was a fisherman aboard the schooner Isabella, whose master and owner were also of Boothbay. When brought before Daniel Rose, the justice of the peace for the county of Lincoln, Love recounted the Isabella’s voyage and the circumstances that led to the ship’s detention by the Royal Navy. The Isabella left port on the fourth day of May, heading for the fishing banks off the southern and eastern coast of Nova Scotia. By May 8, the schooner had arrived at Cape Negro Bank, eight leagues (nearly twenty-eight miles) from the Nova Scotian shore. After three days on the banks the Isabella was forced to take shelter in the adjacent harbor of Ragged Island on account of stormy weather. There, the ship’s master, Thomas Decker, paid an anchorage fee to John Lock, an officer of the customs, for the privilege to use the bays and inlets of Nova Scotia when seeking refuge from rough seas. The Isabella would continue to fish the Nova Scotian banks until the fifth day of June, when the British sloop of war, HMS Dee, boarded the Boothbay schooner and took possession of the boat for violating Britain’s maritime rights. Samuel Chambers, commander of the Dee, ordered the Isabella to Halifax with her crew until July 20, when they were released and allowed to return to Boothbay, arriving on July 29. No charges were formally made against Love, his crewmates, or the master and owner of the ship, but Love did note that the lengthy detention period had resulted in a loss of sixty quintals of fish, seven hogsheads of salt, along with equipment, gear, stores and other provisions on board. Love was left with little recourse apart from appealing to Rose and his “protest against the proceedings of the said British armed ship, her master and crew, and against the proceedings of
the British court of vice admiralty in Nova Scotia—and against all losses sustained, or to be sustained by said proceedings.”

The themes established in Love’s testimony were remarkably consistent with other fishermen who gave similar stories. One such commonality that emerged was the habit for those testifying to specify how far they were from British shores when actively catching fish. William McRowan of the schooner Superb, for instance, was careful to note that from the eighth of May to the fourth day of June of the 1817 fishing season, he and his crewmates fished the Cape Negro Bank but consistently maintained a distance of “seven to eight leagues from the land” when landing fish. Sylvester Pierce and John M. Reed testified that their boat, the Exchange, never came nearer than eight leagues to the Nova Scotian coast while pursuing fish. Abdon Keen even noted that his command, the General Jackson, “caught about half a fare of fish, at the distance of thirty six leagues from any land in Nova Scotia,” and then proceeded to catch the remainder of his fare “about twelve leagues from land.”

Even though the specifics of each story varied, sometimes quite significantly with regard to where and how far from the coast these American schooners fished, the insistence on the part of these fishermen that they confined their labor to areas many miles from British shores may hint at how they sought to use international conventions to their benefit. While Great Britain claimed the Treaty of Paris was nullified, and essentially no international agreement was in place to regulate American access to the fishing grounds, this did not necessarily mean Britain had the right to set arbitrary limitations on the rights of foreign nationals on the fishing grounds. Two

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189 Testimony of Samuel Love, September 8, 1817, Cutts and Derby.

190 Testimonies of William McRowan, Sylvester Pierce, and John M. Reed, September 8, 1817 and Abdon Keen, July 17, 1817, Cutts and Derby.
summers previous, the commander of the HMS *Jaseur* instructed Americans not to proceed
within sixty miles, a little less than twenty leagues, of the coast and now Americans were being
detained for fishing anywhere from seven to thirty-six leagues from land. This capacious claim
of maritime sovereignty on the part of Great Britain was contrary to an emerging international
norm in which states had a territorial claim to a mere league, three miles, from their shores. Thus
by offering specific distances they were fishing from the British dominion these fishermen
documented the fact that they had become the victims of Britain’s arbitrary use of power.

But they were not the victims of the British Navy alone. The inclement weather that was
a frequent feature of the North Atlantic fisheries also forced fishermen to run afoul of British
authorities. American fishermen were most often apprehended for the violation of British
maritime rights as they were forced off the off-shore fishing grounds by stormy weather, seeking
shelter in the various bays, coves, and inlets of the Canadian coast. The right of fishermen to
resort to safe harbors in rough seas was a common aspect of international agreements even if a
given fishermen did not have the right to fish the adjacent waters. Even more, most of these
mariners reported that they were forced to pay an anchorage fee to the local collector of customs
for the right to approach the shore when under duress. John Rand aboard the schooner *Rambler*,
described this turn of events as the schooner “went into Ragged Island harbor, where one John
Lock demanded and received light money, at the rate of six pence Novascotia currency per ton,
and informed the master that he might enter and use the harbor on the coast during the season.”
Later, “on account of bad weather,” the boat approached the harbor and was “taken possession of
by the officers and crew of the boats of the British ship of war *Dee*.” Samuel Grant and his
crewmates of the *Pandora* had a similar experience, remarking that “it being stormy weather we
put into the harbor of Port Mills,” but were “captured and detained,” by the British sloop *Dee*. 
Sylvester Pierce and John Reed likewise testified that their master had paid the necessary anchorage fee and were told “they had liberty to put into harbor, set their nets and fish on the coasts during the fishing season,” but only faced capture when resorting to safe waters amidst the “boisterous” weather.191

A final feature found across the many testimonies offered by captured fishermen was an account of the losses occasioned by British detainment. The loss of fares, fish, equipment, and ships put a very real price tag on the costs of British action for American diplomats. While these confrontations rarely resulted in the total loss of ships, fishermen very often had to forfeit the remainder of fares and lost hundreds of pounds of valuable fish through spoilage as they were forced to wait in port for weeks before being allowed to return to their homes. Captain William Trefethen of the Nancy reported losing ninety quintals of fish since his schooner was forced to “lay in…port in hot weather so long.” Daniel Grant testified that his ship, the John of Arundel, was captured on June 5, “for our infringement of the Maritime rights of Great Britain,” but was not brought to trial until August 29 and was subsequently forced to pay $107.55 to compensate for the costs of the prosecution. But perhaps most galling was “that during the time of my detention…my vessel as considerably damaged, one of her sails being nearly ruined, and some of the running rigging was entirely lost, and some cut in pieces for which I could obtain no satisfaction.” The testimonies of George Vennard and John Trefethen likewise put a dollar amount on their losses at British hands. Most of the 180 quintals of codfish they had on board at the time of their capture spoiled, save for the fish they were allowed to consume to supply “the bare necessities of life” after being “reduced to great distress” during their five week detainment.

191 Testimonies of Samuel Grant, September 4, 1817, and John Rand, Sylvester Piece, and John M. Reed, September 8, 1817, Cutts and Derby.
But their schooner, the *Strong* of Portsmouth, New Hampshire, was, upon her arrival at Digby, “immediately dismantled, one of her masts taken out, and her rudder unhung and carried away.” Venneard and Trefthen estimated their losses and damages as no less than $1,000. The loss of fish and damage to ships was indeed costly, if not ruinous, for fishermen who returned not with swelling stores of fat codfish, but instead brought back destitution and misfortune for their families and communities. But with each subsequent capture, and the prospect of yet another starving family and distressed city, the status quo became more and more untenable to the point where the action of fishermen could no longer be met with the inaction of diplomats.

The testimony offered by the unlucky fishermen who were found in violation of Britain’s interpretation of American maritime right demonstrated how these men sought to use whatever limited operating space they had to appeal to, or perhaps even influence, the world of formal politics. But these interviews were not the only means available for fishermen to capture Washington’s attention. A series of letters written on behalf of, or even at times by, fishermen made its way to representatives in Congress, cabinet members, and even the president, in the hope that fishermen and their patrons could communicate the worthiness of their cause and shape the course of diplomacy.

The most potent weapon fishermen and their supporters had at their disposal when appealing to political elites was the oft made connection between fishermen and national security. The maritime caucus in the United States parroted this line of argument in the hopes of rallying Congress and the president behind the fishing industry’s interests. After the alarm of the summer of 1817 had subsided and American fishermen were finally allowed to return to their

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192 Testimonies of George Vennard, and John Trefethen, September 5, 1817, William Trefethen, September 10, 1817, and Daniel Grant, September 18, 1817, Cutts and Derby.
home ports a group of ship owners, masters, and even ordinary deck hands addressed a memorial to the President of the United States, James Monroe. Hailing from New Hampshire this group included some men, including George Vennard, who had been detained by the British the previous season. This group sought to offer “a short statement of our losses and suffering occasioned by the misconduct of the Officers of a Foreign Government,” as they pursued their lawful engagement upon the banks fisheries and in the Bay of Fundy. The fishermen noted the illegality of British actions, and focused on the losses they sustained as the process dragged on for weeks. There was “no restitution of the property, which had been lost or pillaged during the detention,” as they returned to their vessels they reported that “we found our fish ruined—our salt wasted—our provisions consumed—our fishing tackle destroyed—our crews dispersed through the country, some of them begging their bread—our vessels wanting repairs—and the Fishing Season entirely lost.” In all, the New Hampshire men estimated their losses at no less than $10,000, declaring that “we have suffered, and we conceived ourselves entitled to reparation, either from the justice of Great Britain, or from the generosity of our country.” To prove their worthiness to the largess of their nation, these fishermen employed the same language of nationhood that politicians frequently used when discussing the fishing industry.193

To legitimate their entitlement to federal support, and “prove our claims to the favors of our country,” the New Hampshire fishermen portrayed themselves as a sympathetic class of patriotic men. Noting how fishing is “laborious and perilous,” and how such employment “separates men from their families during the larger portion of the year,” the industry naturally produced “a race of hardy and intrepid seamen.” But these men did not labor for mere hearth,

193 Subscribers from the District of New Hampshire to the President of the United States, December 23, 1817, Cutts and Derby.
home, and region. In fact “during the long struggle which this nation has made for the preservation of her neutral rights…the Fishermen of New England were among the first to suffer, and the last to complain.” Being the victims of the Jeffersonian’s failed experiment in commercial warfare, having lost their traditional markets and subsistence, and engaging in the “naval combat of their country,” the fishermen hoped only to return to their former occupations with the coming of peace. Yet instead “they were disappointed,” and “have been interrupted in their lawful employments—have been captured—and plundered.”

Fishermen attempting to elicit sympathy for their plight as the ebbs and flows of international relations threatened to undermine their financial solvency was a common part of their effort to lobby Washington. When assessing the state of the fishermen who returned to Boston after their detainment in the British dominion during the summer of 1817 Henry Deerborn, the Collector for the Port of Boston, remarked on their destitution to President Monroe. With their labors lost as a result of British action, Deerborn mused that when fishermen return to their homes and their families, “instead of carrying joy and comfort with uncommonly fine fares of Fish,” they will “have only a melancholy tale to relate of their suffering losses, while abject poverty sits enthroned in every dwelling of these hardy sons of the ocean.”

The dictates of both nation and humanity compelled sympathy for this group of men and by appealing to both of these impulses fishermen and their supporters were able to keep this series of British captures in the political consciousness long enough for diplomats to take action. The

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194 Ibid.

195 Henry A.S. Deerborn to James Monroe, June 30, 1817, Cutts and Derby. For similar comment on how captures would bring ruin to these men and their families see Daniel Rose to John Quincy Adams, September 10, 1817, Ibid.
shape of that diplomatic action, compelled by fishermen, would likewise be determined, in part, by those maritime laborers.

Like the diplomats themselves, fishermen were unsure about what international agreements regulated their industry as the United States and Great Britain emerged from hostilities. Amidst the confusion of the fishing season of 1817, a justice of the peace in Massachusetts queried the Secretary of State, John Quincy Adams, for a clarification on the rights and liberties of American fishermen, since a violation of any agreement, even if from ignorance, portended potential ruin. “It is a matter of the utmost importance to us, on this coast,” the Massachusetts magistrate declared, “to know, definitely where we can fish and where we cannot,” in order to avoid the “distressing and vexatious” detentions that marked the previous fishing season. Adams was unable to deliver a clear answer as to where Americans could and could not fish since he and his transatlantic counterpart had reached an impasse regarding that question. But within this fluid context, fishermen and the industry’s supporters hoped to establish a new series of regulations that might be even more advantageous to Americans than what was agreed to in 1783. American and British diplomats, seeing the potential for future conflict in the actions of American fishermen, would finally meet in 1818 to address not only the fisheries issue, but a host of other problems that were at the core of Anglo-American relations.

LONDON, 1818

As the fishing season of 1817 showed, the state of fishery diplomacy in the North Atlantic had the potential to be a significant irritant in Anglo-American relations. But this was not the only outstanding problem that bedeviled transatlantic ties. The territorial boundary

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196 Daniel Rose to JQA, September 10, 1817, Ibid.
between the United States and the British dominion in North America was notoriously unstable. Americans had shown an inclination to invade their northern neighbors and as long as the line between the two was so ill defined it was not unreasonable to think Americans would continue to covet, if not attempt to claim, those lands. Furthermore, the claims of both nations to the Oregon territory certainly had the potential to be a flash point if only because of the shortsighted actions of rowdy backwoodsmen or unscrupulous merchants. Also, Americans, particularly slave-owning Americans, still smarted with indignation as no restitution was given for the human property that was taken away or otherwise lost during the most recent outbreak of armed hostilities. The host of problems that Great Britain and the United States confronted in 1818 were in some regard the legacy of the War of 1812. While the Treaty of Ghent had served to restore peaceful relations, the agreement was simply ineffective in addressing the myriad concerns, mostly maritime in nature, that had produced a declaration of war in the summer of 1812. In fact that agreement, as the fisheries issue and questions over enslaved property demonstrated, perhaps created more problems than it solved. It was only with a new round of negotiation that these irritants were addressed—a round of negotiations made all the more urgent by the situation in the North Atlantic fisheries.

Unlike at Ghent, the fisheries would play the central role in the diplomatic wrangling in the immediate postbellum years. The fishing season of 1815 exposed the United States and Great Britain’s conflicting understanding of the former’s right to fish the North Atlantic. When British ships removed American fishermen from those waters that summer it became obvious that, at some point, American diplomats would need to turn their attention to putting the fisheries issue on firmer statutory grounds. As Secretary of State James Monroe remarked in November 1815, “The Fisheries form another case of great importance to the United States,” one that would be
brought before the British government. Later that winter, Monroe would reiterate to John Quincy Adams the importance of the fisheries and the centrality of this resource in Anglo-American relations as a satisfactory settlement of the question was “in the interest of both nations.”\(^\text{197}\) In the ensuing years the situation on the water served to remind American statesmen that a diplomatic fix was necessary.

In the aftermath of the fishing season of 1817, which saw dozens of American schooners captured and detained by the British navy, American policymakers once again identified the need for an Anglo-American convention to put to rest lingering questions pertaining to the American access to the fishing grounds. In a missive to the American minister in London, Richard Rush, Secretary of State John Quincy Adams informed Rush of the desire by the British government to settle the issue by “some conventional arrangement.” Although British leaders disavowed the actions of the British navy during the summer of 1815 when “sundry fishing vessels of the United States were arrested and interrupted in the pursuit of their occupation…and warned against fishing within twenty leagues of the coast,” the British government still intended “to exclude the American fishermen…from drying and curing fish on the shores, and from fishing within one marine league of the coasts of the British provinces.” Yet the heart of the disagreement lay in Britain continued insistence that, as Adams informed Rush, the American “fishing privilege was forfeited by our Declaration of War” in 1812.\(^\text{198}\) Within a year Anglo-American statesmen would finally take up this issue, among others, and in the process put transatlantic relations on a more sure footing.

\(^{197}\) James Monroe to John Quincy Adams, November 20, 1815, and February 27, 1816, Diplomatic Instructions of the Department of State, 1801–1906 (National Archives Microfilm Publication, M77, roll 3), Records of the Department of State, Record Group 59, National Archives, College Park, Md.

\(^{198}\) John Quincy Adams to Richard Rush, November 6, 1817, Ibid.
From August to October 1818, Albert Gallatin and Richard Rush negotiated a new treaty that sought to adjudicate the fisheries issue as well as other irritants that continued to bedevil transatlantic ties. In the process Anglo-American statesmen created an agreement far more effective than the Treaty of Ghent for ensuring future stability of transatlantic relations. The Convention of 1818 provided for establishing the 49th parallel as the boundary between the United States and the British dominion west of the Great Lakes, while allowing for the joint occupation of the Oregon territory. Furthermore the Convention provided for a process to indemnify the owners of human property for their losses during the recent war. This agreement proved to be remarkably successful, being largely un-amended until the Webster-Ashburton Treaty of 1842. But it was with regard to the fisheries that the Convention had its greatest impact. The norms established in the treaty’s first article would determine the official, diplomatic tenor of the fisheries issue for decades to come.

Before the negotiations even began, John Quincy Adams made clear that the fisheries were a priority. For those fishermen already subjected to British capture Adams instructed Rush to provide counsel and legal aid in the hopes of showing Great Britain that “not a particle of these rights will be finally yielded by the United States without a struggle, which will cost Great Britain more than the worth of the prize.” Adams instructed the envoys to press the British on the fisheries issue. After claiming that “all those captures [of the previous fishing seasons] have been illegal,” Adams cut to the very heart of the British position. While Great Britain insisted the recent war nullified any statutory basis for the United States’ claim to the fisheries, Adams declared that “we claim the rights in question not as acquired by the Treaty of 1783, but as

having always before enjoyed them, and as only recognized as belonging to us by that Treaty; and therefore never to be divested from us but by our own consent.”

Furthermore, Adams informed Rush and Gallatin that the administration desired that the right of American fishermen to catch, cure, and dry fish along a significant portion of the Newfoundland shore and the entirety of the Labrador coast be recognized as a permanent right, not a mere liberty that could be abrogated in the event of war. Two summers previous, Monroe, in his position as secretary of state, and John Quincy Adams, in his role as the American minister to Great Britain, discussed the possibility of American fishermen acquiring the right to fish these northernmost waters. In preparing for what would turn out to be the Rush-Bagot Treaty of 1817, which stipulated the United States and Great Britain would demilitarize the Great Lakes, Monroe stated that British minister Charles Bagot had been authorized by his government to reach a deal on the fisheries off the Labrador and Newfoundland coasts, something that certainly comported with American desires at the time. Ultimately this arrangement came to nothing as the ensuing treaty bearing Bagot’s name made no reference to the fisheries. But the exchange between Monroe and Adams demonstrated that Anglo-American policymakers were aware of the potential problems bound up in the fisheries issue years before they adequately addressed it.²⁰¹ By 1818, Adams and the Monroe administration clearly saw the costs of indefinite liberties and wanted the question settled permanently.

But why did Adams make such an insistence upon portions of the Newfoundland and Labrador coasts? After all, the previous fishing seasons had seen most American fishing

²⁰⁰ John Quincy Adams to Richard Rush and Albert Gallatin, Acting as Special Envoys, July 28, 1818, Diplomatic Instructions of the Department of State, 1801–1906 (National Archives Microfilm Publication, M77, roll 3), Records of the Department of State, Record Group 59, National Archives, College Park, Md.

²⁰¹ James Monroe to John Quincy Adams, July 8, 1816, and August 13, 1816, Ibid.
schooners captured near the shores of Nova Scotia as well as the nearby fishing banks and the Bay of Fundy. Perhaps Adams was using the opportunity of this fluid situation to expand, strengthen, and make permanent American rights that may not have been directly implicated in the confrontations of the previous summers. But Adams and his cohort of diplomats were not alone in their desire to make what were once liberties into rights. Two years before Rush and Gallatin set about their diplomatic work, appeals form fishermen made their way to Jeremiah Nelson, the congressional representative for the district centered upon Newburyport. These men acquainted with the cod fishing industry noted the many benefits of the fisheries off the southern and western coasts of Newfoundland, as these areas provided not only waters teaming with fish but were also advantageous to drying and curing fish as well. That same summer as Secretary Monroe and Minister Adams discussed the potential of including the Labrador and Newfoundland fisheries in what would become the Rush-Bagot Treaty, the secretary of state confirmed that his knowledge of those fisheries was not based on mere hearsay and conjecture. Instead, noting the necessity “to seek detailed information of the value” of those fishing waters, Monroe sought the information “from those possessing it at Marblehead and elsewhere.”

By the summer of 1818 as Rush and Gallatin set about crafting a new agreement to regulate access to the fisheries, the State Department had directly consulted those engaged in the fishing industry for information that would guide diplomacy.

The extent to which the desires of cod fishermen fed into Adams’s thinking is arguable, yet there is no question that direct ties existed between the fishing wharves of Massachusetts and

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202 See To the Hon. Jeremiah Nelson, December 20, 1816 and January 14, 1817, as well as To General Arnold Welles, January 24, 1818 all in Cutts and Derby.

203 James Monroe to John Quincy Adams, August 13, 1816.
the State Department. Successive secretaries of state consulted with industry insiders so as to be able to craft policy that was sympathetic to the fishing interests of the nation. Certainly by 1818 a kind of consensus emerged in which diplomats and fishermen alike desired the affirmation of the American right to fish in the waters adjacent to the Newfoundland and Labrador shores. Fishermen likewise served as a constant reminder of Britain’s heavy-handed actions, showing the need for diplomatic solution was necessary. Fisherman and statesman saw the opportunity to use the situation to succeed where the Treaty of Paris had failed. In the end, Americans achieved their aims.

The first article of the Convention of 1818 granted American fishermen, “in common with the Subjects of His Britannic Majesty,” “for ever…the Liberty” to take fish upon the southern, western, and northern coasts of Newfoundland as well as “Northwardly indefinitely” along the Labrador coast from the Strait of Belle Isle. Americans would also enjoy the right to cure and dry fish along the uninhabited portions of the above mentioned coasts. While upon first glance this language differed little from what was found in the Treaty of Paris, “for ever” became the operative phrase as what was once a mutable liberty now became a permanent right—as permanent, in fact, as American independence. This phrasing became the most contentious aspect of the entire negotiation. In their debrief to Adams after the treaty was signed, Rush and Gallatin remarked that “the most difficult part of the negotiation related to the permanence of the right.” The ministers remarked that it was “impracticable” to “obtain the insertion in the body of the convention of a provision declaring expressly that that right should not be abrogated by war.” The Americans hoped the phrase “for ever”—which, the British “strenuously resisted”—would

prevent the abrogation of that right in the future. Yet the British continued to claim the principle that hostilities served to invalidate previous treaty agreements. The actions of both fishermen and diplomats had aligned, at last, to create a permanent shift in Anglo-American relations. An occasion such as the Convention of 1818 to settle outstanding irritants and reconsider some foundational aspects of the transatlantic relationship was created by fishermen on the ground and capitalized upon by diplomats at the bargaining table.

The United States affirmed its fishing rights with the Convention of 1818. But with the give and take nature of diplomacy, the nation had to relent elsewhere. With a permanent claim to the Newfoundland and Labrador fisheries, the United States did however “renounce for ever any Liberty hereto fore enjoyed or claimed…to take, dry, or cure Fish on, or within three marine Miles of any of the Coasts, Bays, Creeks, or Harbours of His Britannic Majesty’s Dominions in America,” apart from Newfoundland and Labrador. While at the time this was seen as a minor concession, since American ships could still resort to these shores in rough seas and to replenish provisions, the succeeding decades would see this clause become the center of transatlantic fishery diplomacy as Americans would consistently violate this three-mile zone in the pursuit of their catch, and in the process bring American and British diplomats to the bargaining table once again.

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206 Ibid.
In 1824 a British warship detained two American fishing schooners in the Bay of Fundy. This kind of capture was not especially noteworthy. While the possible losses of property and of a fishing season were potentially disastrous for smaller-scale fishermen, capture was, at times, the cost of doing business. British and American diplomats thought this irritant had been remedied by the Convention of 1818. Article 1 of the convention, however, seemed to create more problems by declaring waters within one league—three miles—of the Canadian shore to be off limits to all American fishermen. While diplomats thought such clarity would bring peace to the waters, this act merely created the conditions for more clashes as careless fishermen or overzealous naval officers could bring about a confrontation over real or imagined violations of the three-mile line.

The capture of American schooners in 1824 was indicative of this new problem. But unlike other instances of American ships being seized by British cruisers, this crew of fishermen resorted to arms, fighting back against their would-be captors and retaking their ship. Yet this kind of violence is hard to explain in solely political terms. Although just a decade earlier the United States and Great Britain had yet again come to blows, by the 1820s some of the most significant problems in the relationship had been addressed. Despite the insecurities engendered by the pervasive Anglophobia of the day, the English-speaking nations had little to feud about. The violence exhibited on the fisheries was not born just of national insecurities but was a manifestation of tension felt by fishermen as they sensed the sea’s declining fecundity.

Across the nineteenth century knowledge about the fisheries became the purview of authoritative, empirical scientists. But this consolidation of expertise was a contested process; in the second quarter of the century, ordinary fishermen vied with naturalists for intellectual
authority. The men of science expressed a kind of naiveté in their assertions that humans could not possibly influence, or degrade, a natural system as vast as the world’s oceans. But the experiences of fishermen themselves suggested otherwise. As historian W. Jeffrey Bolster notes, “creeping concerns about overfishing became palpable” during this period.207 While technological innovation would allow humans to pull more and more biomass from the ocean, fishermen had a sense that the process required more men and more labor for fewer fish. Uneasy about the future of their livelihoods, fishermen resorted to the kind of violence witnessed in 1824 in response to a growing sense of scarcity. The tension over this maritime resource ensured that a major issue in Anglo-American relations would remain unstable.

Taking a larger view of Anglo-American relations in the immediate aftermath of the Convention of 1818 reveals a relationship marked by ambiguity. The American envoy in London, Richard Rush, was ready to inaugurate a new era in Anglo-American relations. “Unlike those who have gone before me,” Rush declared, “I am here at the season when the absence of all angry discussions between the two nations, as well as of all occurrence of a nature to irritate, might well have left soon.” The reason for the epochal shift in Anglo-American relations was the example the American system of governance presented. “Is not,” Rush queried, “the American Republic, with the more commanding and durable destinies which it is no longer a question are secured to it, likely to become an example still more persuasive” to British subjects who shared with American citizens a similar origin, a common tongue, and the same “congenial habits”? Employing a meteorological metaphor that would have resonated with fishermen on the North Atlantic, Rush observed that, unlike the current moment, his predecessor “took the post when the storm was over, but perhaps before all the billows could have come down,” while “all who

preceded him were at it whilst the elements of strife were in constant motion.”\textsuperscript{208} But perhaps the squall had not passed entirely.

Lurking beneath those cultural factors that seemed destined to foster transatlantic cooperation lay, in Rush’s estimation, the jealousies and vindictiveness of a people harboring “a settled dislike to the United States.” The American envoy had a rosy vision of the American future, though not of Anglo-American relations. He noted that “we have outstripped her in freedom,” and surpassed the international prestige of France, “destined permanently to take the place of that nation in the English odium.” It was in fact the United States’ and Great Britain’s similarities that would drive them apart, as Rush remarked that “the odium will grow as our…numbers and power augment the success of our rivalry…which became inflamed to the highest pitch by the circumstances of our common origin and language.”\textsuperscript{209} Rush’s ambiguous statements in the early years of the 1820s suggested that diplomats were not sure of how to assess the state of Anglo-American relations. Events in 1824 would, however, show that hostility remained between the two English-speaking peoples.

THE RUBY AND REINDEER AFFAIR

The fishing season of 1824 was, in a word, tense. Generating government reports, diplomatic exchanges, and newspaper coverage across the nation, the capture of American fishing vessels by the British Navy proved that the Convention of 1818 did little practically to stem the rising tide of Anglo-American fisheries disputes. While dozens of American fishing

\textsuperscript{208} Richard Rush to John Quincy Adams, January 28, 1820 and November 17, 1821, Despatches from US Minister to Great Britain, 1791–1906 (National Archive Microfilm Publication M30, roll 20, 22); Records of the Department of State, Record Group 59; National Archive Northeast Region, Waltham, Mass.

\textsuperscript{209} Rush to Adams, November 17, 1821, Ibid.
schooners were apprehended in or near British Provincial waters during the spring and summer of that year, it was the captures of the schooners *Ruby* and *Reindeer* that touched off a minor diplomatic incident and exposed the shortcomings of diplomacy.

The schooners *Ruby* and *Reindeer* had more in common than the ignominious distinction of being the subjects of British maritime aggression when they were captured in the summer of 1824 for alleged violations of the Convention of 1818. Robert Small, master of the *Reindeer*, and Elisha Small, master of the *Ruby*, were in fact brothers, and the Small family name punctuated the crew lists of both ships. These kinds of familial connections were certainly not uncommon in the New England fishing industry of the early nineteenth century. Standing in contrast to the polyglot, multinational crews of the merchant and whaling ships of the day, cod-fishing crews were remarkably homogenous; connections made through family and community manifested themselves in the workings of the industry. The close connections between hands, masters, and the owners of fishing vessels were in part the result of the peculiar relationships evident in the ordering of these ships. While certainly the master lived up to such a name, the clear distinction between management and labor was not as evident. The federal cod-fishing bounty, while amended numerous times over its decades-long life, was justified, in part, on the grounds that it would raise a body of seamen familiar with the way of the ship and ready to serve the nation in times of armed crisis. Accordingly the bounty law stipulated that at least part of this dispensation be awarded to the laborers, usually based on their portion of the total catch. Thus even the most ordinary cod fisherman was not merely a wage worker but instead was invested in the success of
any given ship. Owners and masters would understandably look to crew their ships with men whom they intimately trusted.210

With fishing ships and crews tied to place in a way that many maritime laborers were not, it is unsurprising that the *Ruby* and *Reindeer* both made berth at the same port, Lubec, Maine. Situated along the coast in the extreme eastern region of the state—in fact the easternmost point in the continental United States—Lubec had easy access to the fishing grounds in the Gulf of Maine and the Bay of Fundy while being an uneasy neighbor with Britain’s North American colonies. Considering the boundary between Maine and the British colonies was left unsettled until the Webster-Ashburton Treaty of 1842, Lubec was indeed a frontier town in the 1820s, occupying a potentially unstable geopolitical position. Despite ease of access to fishing grounds across the North Atlantic, and a geography that favored maritime enterprise, during the first quarter of the nineteenth century Maine was impoverished, at least compared to the great fishing ports along the Massachusetts coast north of Boston. For much of this period Maine simply lacked a sizeable enough population or industrial basis to support the kind of growth that the cod fishing industry that would experience as midcentury approached. For the time being, however, ports like Lubec were underpopulated and undercapitalized, leaving those people more vulnerable to economic and political whims. In the sole monographic study of the fishing industry of this region, historian Wayne M. O’Leary concludes that the Maine fisherman was

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poor while laboring on the margins of the fisheries economy, but there is no question that he was tied to, if not dependent on, the cod fisheries and its continued access.²¹¹

When the brothers Small headed out of Lubec in the summer of 1824 it would have been no surprise that they made a course for the Bay of Fundy. With fishing grounds so near their home port, Robert and Elisha Small would have been in no need of the larger, well-built ships that were used when voyaging to the fishing grounds on the Grand Banks, the Gulf of St. Lawrence, or along the coast of Labrador. In all likelihood the *Ruby* and *Reindeer* were smaller, possibly previously used ships, bought on the cheap as demanded by the constraints of this capital-strapped region. O’Leary observes that such a second-hand ship “was one way for the

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small, marginal operator to enter the field”—words that most likely described Robert and Elisha Small.212

Robert Small left the port of Lubec on July 22, 1824, in the schooner *Reindeer* with the hope of a successful cod fishing voyage to the Bay of Fundy. His crew mates included family and trusted community members who, like their master, probably spent the remainder of the year engaged in other economic activity like farming, however difficult in the thin Maine soil, or lumbering in the vast Maine forests. Early-nineteenth-century Mainers required this kind of economic diversity to support their still-precarious existence. On July 25, “finding our water very bad,” Robert Small directed the schooner to an uninhabited island near Grand Manan, no more than fifteen miles from Lubec at the convergence of the Gulf of Maine and the Bay of Fundy, but indisputably British. While the Convention of 1818 forbade American fishermen from taking fish within three marine miles of the coasts of the British provinces, the treaty did allow fishermen to go ashore at uninhabited places in order to take water and wood. But as Small made sure to note, “while on our voyage, we had caught no fish from six to eighteen miles from the shore….nor did we go into a harbor for any other purpose than to procure wood and water.” Despite this lawful action the *Reindeer* was apprehended by the HMS *Dotrel*—which, despite being a sloop, and thus a relatively small warship, dwarfed the tiny schooner in size and firepower—when the fishing ship was becalmed less than two miles from the shore. Men from the *Dotrel* boarded the *Reindeer* for being in violation of the treaty, while, in Small’s words, “menacing myself and crew with violence; threatening our lives.” The men from the *Reindeer* were put on board another captured American fishing ship, the schooner *Friend*, to sail to St.

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212 Ibid., 26.
Andrew’s, New Brunswick, for questioning, while the Reindeer was to be towed elsewhere, most likely to be condemned.\textsuperscript{213}

Robert’s brother, Elisha Small, faced similar hardships. Aboard the schooner Ruby, Elisha left port on July 7, 1824 and on July 24 stopped near Grand Menan to replenish the ship’s wood and water. Weak winds likewise stranded the Ruby in British waters despite the fact that Elisha Small claimed to have “not caught fish, or attempted to catch one, within five miles from the shore, nor had we been into any other harbor, until the one above named.” Even if Robert and Elisha had in fact violated the treaty during any part of their voyage, they exhibited a familiarity with diplomacy that would have garnered sympathy in Washington. The crew of the Doterel, however, exercised no sympathy for the fishermen, instead, bringing “on board nine men, armed with guns, cutlasses, dirks, and pistols,” to take command of the ship while the crew of the Ruby were relegated to yet another captured American schooner, the Diligence.\textsuperscript{214} Both Robert and Elisha Small made these statements before the justice of the peace of Washington County, home of Lubec, in the hopes that state or federal officials might seek to redress this grievance. They were certainly attuned to audience as the vulnerable fishermen portrayed themselves as the victims of arbitrary British power.

Other affidavits told a similar story. Elias Ficket, master of the schooner Diligence of Harrington, Maine, declared that while visiting Grand Menan for wood and water his ship was apprehended by the Doterel, in the process, “interrupting us in our lawful employment and destroying our fishery.” Ficket likewise mentions the shabby treatment at the hands of British
sailors as he noted being “badly used by the barge’s officers—threatening to shoot us,” given their orders “to capture all Americans they met with right or wrong—that there was no treaty—and that Americans should not fish in British waters.” Harding Clark, Ephraim Clark, and William H. N. Brown, all of the schooner Hero of Dennysville, Maine, reported that in the lawful pursuit of the fisheries their capture by the Dotrel was “but an act of piracy committed on the high seas without a pretense of authority.” The crew offered their solemn “protest against the winds, seas, tides, armed boats, pirates, the wanton and flagrant abuse of power and whatsoever else that caused the seizure and dentition of [the Hero].” Finally Charles Tabbut, Thomas Wright, Benjamin Reynolds, and Josiah W. Perry, of the schooner William of Addison, Maine, reported that upon being boarded a British officer was enraged, inveighing that “the American fishermen had been damned saucy to the inhabitants of Grand Manan.”

The American fishing ships captured by the HMS Dotrel during the summer of 1824 had much in common. Apart from the specifics of their ordeals, they all hailed from Maine, most likely sharing the marginality all Mainers experienced during the first quarter of the nineteenth century. This economic vulnerability made their capture all the more dire—the loss of their ships, equipment, and fishing season; the costs of returning home after their detention; and ultimately pursuing legal action for the return of their property all proved difficult. They were, however, not without recourse. By appealing to officials at different levels of governance they hoped in some way that the American state would address their grievances. The statements they

gave to local justices of the peace had the potential to make their way to Washington, and the
fishermen did all they could to make themselves seem innocent and sympathetic. But those
involved in the fishing industry themselves also appealed directly to policymakers in
Washington.

Concerned citizens of Washington County, Maine, made sure those in Washington, D.C.,
were aware that the rights of Americans were being abridged by British action. As Robert and
Elisha Small gave their statements to the Washington County justice of the peace, “merchants
and ship owners residing at Eastport in the county of Washington and state of Maine” drafted a
memorial to send to Secretary of State John Quincy Adams. This group of prominent Mainers
informed Adams of and sought redress for “the many acts of violence and injustice which have
been committed by his Britannic Majesty…in violation of the subsisting treaty between the two
governments.” They had, in their own words, “invested a larger amount of property in vessels
than they have heretofore done for the purpose of carrying on the business of fishing.” While
under “the encouraging and beneficial laws of their country,” which is to say the cod fishing
bounty, the fishermen’s “labors would have been crowned with success,” had the season been
free of “interruption from a foreign power.” But this latest series of British captures prevented
the fine fishermen of Maine from “enjoy[ing] the fruits of their toll.” Like the fishermen who
endured these acts of violence first hand, the memorialists demonstrated their understanding of
diplomacy and international politics, while portraying their plight as sympathetic and their cause
worthy.\footnote{\textit{Memorial of Aaron Hayden of Kilby, Maine, and others, July 27\textsuperscript{th}, 1824},” Ibid., 10–11.}

The memorial to the State Department furthered the narrative of fishermen as hapless
victims of British aggression. As relayed to Washington, these prominent men of Maine claimed
that despite “fishing agreeable to the treaty,” these fishermen were “insulted and abused” by British naval officers who, after their capture, “turned them on shore in a foreign country, entirely destitute, and without the means of returning to their homes.” Yet this was perhaps only the beginning of their hardship since the risk to life and property might dissuade fishermen from pursuing their trade in the future—“they dare not again attempt to avail themselves of the rights and privileges secured to them by treaty and which are well defined and well understood by every fisherman.” And perhaps most egregiously officers of the British Navy “said, repeatedly, that they would take American fishermen wherever they were found, and without regard to the treaty,” or even American independence for that matter.219

In a rhetorical move that went beyond the seemingly more parochial claims of the fishermen themselves, the memorialists from Maine tied these incidents to American nationalism. While of course the harassment of American fishing schooners entailed “great injury to private interest,” more importantly, taken as a whole, British aggression constituted an “infringement of public rights,” that was suggestive of the United States’ inferior position in a British Atlantic world. In an era when many Americans seethed with indignation at real or perceived slights to the abstract notion of American honor, portraying these incidents as a larger question of American—not just fishing—rights and British restrictions made for good politics. The memorial concluded by beseeching the federal government to “protect us in our rights and pursuits and that our fishermen may not be molested, nor our shores invaded with impunity by the subjects of any foreign power.”220

219 Ibid.

220 Ibid.
With the federal government perhaps moving too slowly for the concerned citizens of Washington County, the self-styled “inhabitants of the county of Washington…interested in the fisheries in the Bay of Fundy,” penned another appeal to Adams in August 1824. This memorial mirrored the earlier one in its portrayal of an innocent and helpless group of American fishermen harassed by a tyrannical British Navy, going so far as to single out the commander of the HMS *Doterel* for his “piratical conduct” in the capture of the American vessels. The later group of memorialists likewise made the connection between this series of captures and national honor as these incidents were “indignities cast upon the American flag…[and] insults offered the citizens of the United States.” But this group of citizens also introduced a new strain of argumentation that took environmental factors into account.  

The August memorial made the predictable nod to the fishermen’s innocence, noting that they have not “as we firmly believe, in any instance, given just cause for complaint.” This compliance with treaty stipulations was not necessarily the result of a careful understanding of the treaty’s specifics on behalf of the fishermen. Instead, the memorialists claimed, fishermen would never have been found to be in violation of the treaty, because they simply had no reason to do so. “American fishermen,” the memorial stated, “have no occasion nor inducement to violate the provisions of the aforesaid convention.” These Maine fishermen would not have fished within the three-mile zone declared off limits by the Convention of 1818 because their piscine prey—cod—did not inhabit those waters. While these inshore waters would have been frequented by migratory mackerel, in 1824 the mackerel industry in the United States was still in

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its infancy and Mainers were largely dedicated to the cod fisheries. Perhaps this group of memorialists claimed a more intimate knowledge of the on-the-water workings of the fishing industry as they identified themselves as mere “inhabitants” of the county interested in the fisheries, while the earlier group of memorialists were “merchants and ship owners,” and thus further removed from the toil of the industry. Such speculation aside, by the end of the summer of 1824 residents of Washington County, Maine, be they deck hands, ship masters, owners, fish merchants, or just concerned citizens, used various strategies in appealing to federal policymakers to redress this set of grievances. The response from American and British authorities, however, did little to settle the issue.

Among the papers addressed to the State Department during the fall of 1824 was a note from Henry Addington, the British charge d’affaires in Washington. Addington addressed the disturbances on the fisheries in his missive to Adams. But Addington’s telling, unsurprisingly, differed significantly from what the Mainers contended. The British minister declared that the capture of American vessels was entirely lawful as the fishermen were in the “commission of a direct infraction of the treaties…having, in fact, been found pursuing their occupation without the boundaries assigned to them by the terms of the convention of 1818.” But here is where stories really diverged. Americans were loath to accept the capture of the Ruby and Reindeer as Addington claimed “an attack was made…[on the Dotrel] by two schooners and an open boat under American colors full of armed men with muskets and fixed bayonets, amounting to about one hundred.” Under the direction of a Mr. Howard of Eastport, Maine, purportedly a captain in

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222 Ibid. The fishermen’s claims to avoiding the inshore waters may have been a willful obfuscation on their part as the 1820s came in the midst of the first mackerel boom in the United States. Yet as Bolster notes these fishermen would have risked losing their bounties had they pursued other fish during their voyages, and thus had a powerful inducement to avoid the inshore waters as they claimed. See Bolster, The Mortal Sea, 104–107, 134.
the U.S. militia, the armed band of Americans retook the fishing ships as the British officer “thought it most prudent to surrender to such superior force.” Perhaps the Small brothers were not the helpless, sympathetic victims they made themselves out to be.223

Addington went on to mull over what this episode of violence meant to the larger workings of Anglo-American relations. Demanding the American government punish the perpetrators of this maritime raid, Addington commented that “if individuals are permitted to expound the stipulations of treaties for themselves with arms in their hands, the preservation of harmony and good understanding between nations can no longer be hoped for.” While the indignant bluster of Mr. Addington was not the edict of the empire, the potential existed for this incident to devolve into an acute crisis. It was, after all, less than a decade since Anglo-American statesmen had, and they thought adequately, addressed the fisheries issues, the events of the summer of 1824 showed that the conditions for discord were still in place, if not written in to the terms of the treaty. The ball seemed to be in the American court.224

Henry Addington’s source for information about the affair was British Rear Admiral W. T. Lake, stationed at Halifax. In early September the naval officer informed the diplomat of his correspondence with the captain and master of the *Doterel* regarding the capture and subsequent liberation of the *Ruby* and *Reindeer*.225 John Jones was the master of the *Doterel* and the man charged with actually boarding the captured vessels and sailing them to British ports. He thus witnessed the American assault first hand. Before even apprehending the renegade American

223 “Mr. Addington, British Charge D’Affaires in Washington, to Mr. Adams, October 5, 1824,” “Message of the President,” 26–27.

224 Ibid.

225 “Rear Admiral W. T. Lake to Mr. Addington, Halifax, September 9th, 1824,” Ibid., 28–29. Addington quoted directly from Lake’s letter in his note to Adams when describing the American assault and his estimate of one hundred men included in the American force.
schooners, Jones, cruising the waters in the Doterel’s boat “for the protection of our fisheries,” had received information that suggested the crews of the Ruby and Reindeer acted in a less than neighborly manner. Upon the schooners’ arrival at Grand Manan to replenish their wood and water “they fired their muskets and told the inhabitants they were armed, and would not allow any man of war’s boats to board them.” Arriving on the scene Jones found the two schooners “lashed alongside each other” with all hands, numbering about thirty, assembled on deck “with their fire-arms and fish spears,” and was only able to board after threatening to fire on the American vessels.226

Jones noted that neither ship was in need of wood or water and that the weather was “fine.” Making note of these conditions suggests that, at least in Jones’s mind, the Ruby and Reindeer had no excuse for being so near the British provincial coast and therefore must have been in violation of the treaty’s terms. After putting the crews aboard two other captured American vessels, the Diligence and Friend, “with provision for a passage” to their homes in Lubec, Jones made sail for St. Andrews, New Brunswick, with the Ruby and Reindeer in tow. Before reaching the destination however, Jones noticed “two schooners and an open boat, full of armed men, muskets, and fixed bayonets, hoisting American colors.” After the impromptu American flotilla fired on the convoy consisting of the Doterel’s yawl and the two captured American schooners, Jones, “with great reluctance,” ultimately thought it “prudent to surrender to superior force.” Upon surrendering the American ships, Jones counted about a hundred men, consisting of the Ruby’s and Reindeer’s crew and “the rest having the appearance of militia men.”227

Quite contrary to Robert and Elisha Small’s claims that they and their crews were

227 Ibid.
menaced by violent British sailors, Jones’s account of the incident made the British the victims of an armed band of American marauders.

It would be hard to believe that Addington’s note was the first Adams was hearing of this incident. As early as August 5 newspapers in Boston informed its readers of the incident. The Commercial Gazette noted that upon the captures of the Ruby and Reindeer the crews of other schooners “were immediately furnished with arms and ammunition, went out and recaptured those vessels without difficulty.” “It seems,” the short report suggested, “to be their [Britain’s] determination, to destroy our fishing in the Bay of Fundy.” The fisheries dispute was, without question, revived. The Boston paper concluded, asking “would it not be well for our Government to look to it?” 228 This would in fact be the government’s response as Adams consented to Addington’s suggestion that an investigation be made into the incident and enlisted the district attorney for Maine to depose the Americans involved in the fracas.

The testimonies the Small brothers provided Ether Shepley, the Maine district attorney, in November, painted a different picture than the statements they gave the Washington County justice of the peace in July. For starters, the Smalls at least admitted there was some kind of confrontation after their schooners were apprehended. Robert Small of the Reindeer reported a familiar story of coming in for water and being left stranded in British waters on account of uncooperative winds. He likewise testified that John Jones menaced his crew, firing on the Reindeer before coming aboard “in a great rage,” threatening “to carve us up like a turkey, or a piece of beef,” with his crew “brandishing their cutlasses about our heads.” Robert remained on his ship while his crew was ordered to board the recently captured Friend—just as the crew of

the *Ruby* boarded the *Diligence*—in order to return to Lubec. This, however, was where Robert Small’s story diverged from his earlier remarks. While the *Reindeer* made its way under British supervision to the port of St. Andrews, Robert Small noticed “two other vessels hove down upon us; one the schooner *Madison*, came down upon the *Reindeer*, there being about twenty men on her deck, with muskets, but not bayonets upon them.” Jones prepared to fire on the *Madison* but Robert intervened, telling the British sailor “if you fire into that vessel every man of you will be shot,” for “they are my neighbors; they want this vessel, and they will have her.” Unwilling to counter the American raiders, Jones returned the ship to Robert’s command. Although he relented, unlike in his July statement, that Americans retook the ship through force, Robert Small still admitted no wrong doing. The *Reindeer* had only come into British waters to resupply themselves, fished at five to six miles from land, and claimed that there was not “a gun fired at all, till after Mr. Jones [had relinquished the *Reindeer*]…and then only as an expression of joy.”

Elisha Small, master of the *Ruby*, corroborated his brother’s account, elaborating on some purposeful omissions in his July testimony while admitting to no wrong doing. Elisha did, however, bring to light a detail that resonated with other American accounts of the incident. When Jones boarded the *Ruby*, Elisha Small defended the ship’s action as consistent with the Convention of 1818. Jones responded, according to Elisha, saying “he did not care a damn for the treaty, every vessel he caught within three miles of the land he would make a prize of.”

Fishermen of the schooner *Galleon* claimed Jones said “what is the use of talking about the

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229 “Robert Small, master of Reindeer, sworn before Ether Shepley, November 5, 1824,” “Message of the President,” 34–35.
treaty—damn the treaty—I did not come here to learn my lesson—I learnt it before I came.”

And Charles Tabbut, master of the schooner William, claimed Jones “damned the treaty, and them that made it.” Whether Jones remarked on the Convention of 1818 at all is not entirely relevant. Instead the American fishermen’s invocation of the treaty is suggestive of the degree to which fishermen were self-consciously engaging with the course of American diplomacy.

The series of depositions gathered in November 1824 elaborated on the circumstances that brought the American raiders into conflict with the British Navy. As American, and later British, deponents would confirm, the crews, with the exception of the masters, of the Ruby and Reindeer were returned to their home port of Lubec with the Diligence and Friend serving as cartel ships. Upon his arrival, Ruby deckhand Benjamin Small, no doubt of relations with Robert and Elisha, immediately set to work on a plan to liberate his kinsmen. “I went to Elisha D. Green of Eastport,” Small stated, “and told him I wanted ten muskets, it having been agreed between the Ruby’s crew and the Diligence crew that we would retake the Ruby, he and another gentleman obtained for us seven muskets, and the two clerks in Green’s store, one named Howard, and the other Fields, said they would go with us.” In all, the band would consist of twelve men, seven muskets, two pistols, and two bayonets—a far cry from the one hundred armed men of Jones’s earlier claim. Benjamin W. Coggins, master of the schooner Friend, likewise commented on the response of Maine’s seaside community to the capture of the Ruby and Reindeer. Coggins enrolled his brother, master of the schooner Madison, in the raid. After he

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233 “Statement of Benjamin Small, Hand, of the Schooner Ruby, November 6, 1824,” Ibid., 49.
“called round,” Coggins rallied seven men, along with “two rifles, and two muskets, and two pistols, and powder, and ball.” While successful in liberating the two ships, this paltry group bore little resemblance to the large, well-armed, unruly crowd the British supposedly observed. Responding to Jones’s claims that the Americans were headed by a militia captain by the name of Mr. Howard, Coggins remarked that “Mr. Howard is a lad, seventeen or eighteen years old” that had never served as a captain in any militia, but, Coggins caustically added, “I have heard that he was captain of a company of boys in Eastport, who trained with wooden guns and swords.”

For the Americans involved, the “attack” on the British may well have been a lark. Their small numbers and the significant British overstatement seem to suggest the British took the Americans a little more seriously than they took themselves. But this kind of community action suggests something even more important.

This episode resonates with two important themes. First, the mobilization of those within this fishing community in response to Britain’s restrictive policy enforcement demonstrates the centrality of maritime labor in the community. But second, and more importantly, this incident demonstrates the degree to which ordinary maritime laborers were vital parts of the creation and implementation of American foreign policy. Without these men testing the limits of American international rights, the privileges afforded to Americans by the Convention of 1818 remained an abstraction. Furthermore, the decision these fishermen made in the pursuance of their labor created policy that Washington had to then account for. In the nineteenth century, the nation’s foreign policy was not the domain of the elite alone, but part of everyday life for these men.

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Unsurprisingly, British officials disputed the American stories collected during the course of the investigation during the fall of 1824. Writing to Secretary Adams in the early months of 1825, Addington put blame for the incident squarely on the shoulders of the American fishermen. Enclosing testimonies gathered from British sailors of the *Doterel*, Addington declared that the American “complaints have no just ground of accusation, against the officers of the *Doterel* nor are entitled to reparation for the loss they have sustained.” Rather the American fishermen put themselves in such a position as a result of the “willful irregularity of their own conduct.” While American fishermen may at one time have resorted to the inshore waters of Britain’s North American Provinces without fear of capture or harassment, that state of being was not a recognition of a right, but instead was a “laxity which appears to have prevailed…in guarding those coasts from the intrusions of foreign fishermen.” Now, the British diplomat informed Adams, the British would replace that laxity with “vigilance” in pursuing treaty infractions.235

The testimonies offered by British sailors largely corroborated John Jones’s initial account. Even before the confrontation, the crews of the *Ruby* and *Reindeer* seemed like rabblerousers. A Mr. Touzeau, midshipman aboard the *Doterel*, reported that “upon their anchoring, one of them fired three muskets, and said they were armed and manned, and would oppose our boarding them.” After taking control of the *Ruby* and *Reindeer*, for reasons Touzeau failed to explicitly mention, the midshipman “observed two schooners coming down toward us full of armed men and wearing American colors.” Among this group, Touzeau counted “forty-five

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235 “Mr. Addington to Mr. Adams, February 19th, 1825,” in *House Documents*, 18th Cong., 2nd Sess., “Message from the President of the United States Transmitting a Further Report from the Secretary of State on the Subject of the Capture and Detention of American Fishermen, the Last Season in the Bay of Fundy,” (Serial: 118, Washington, D.C.), 7–8.
men,” less than half of the one hundred Jones reported, armed with “pistols, swords, and muskets, and fixed bayonets.” After the American raiding party successfully retook the ships, their ringleader, the aforementioned Mr. Howard, ordered his men “not to use violence against any of my men, as he had got possession of the vessel, and which was all they wanted,” before “fir[ing] off all their muskets and pistols” in celebration. Sailors Thomas Richardson and James Lloyd supported Touzeau’s story.236

In discussing the complete extent of testimonies taken relative to the Ruby and Reindeer affair, Dotterel captain Richard Hoare commented to his superior, Rear Admiral Lake, that there was ample “proof of the propriety of detaining those vessels.” Without logs or journals from the American vessels it was simply the word of the fishermen against those of the British sailors, with Hoare observing that “it is not to be supposed that the [fishermen] will acknowledge to have violated the treaty existing between the two Governments.” The testimonies and reports furnished by the British Navy, in Hoare’s view, presented “a consistency throughout…that will bear the stamp of truth.” After all, “why should they detain these vessels if they had not violated the laws”?237 Hoare’s final observation may have betrayed his naiveté.

The evidence produced by British sailors uniformly point to the repeated, if not always intentional, violation of the Convention of 1818 by American fishermen plying their trade within three miles of British coasts.238 American fishermen, conversely, uniformly denied such

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236 “Evidence of Mr. Touzeau, Midshipman, and the Crew of the Yawl Boat belonging to H. M. Sloop Dotterel, Relative to the Detention of the American Fishing Schooners ‘Reindeer and Ruby,’” Ibid., 26–27.


238 In the captures of the schooner Hero and Pilgrim, British seamen William Payne and Thomas Cassady reported that the Americans claimed ignorance, not realizing they were in violation of the treaty. While the Americans may have been living the dictum that it is easier to ask for forgiveness than permission, it is likely that they were unaware of their location given the rudimentary instrumentation and knowledge possessed by these fishermen. “Evidence of the Crew of the Dotterel’s Tender, Relative to the Detention of the American Fishing Schooners Hero and Pilgrim,” Ibid., 21–22.
allegations, claiming compliance with the law and attributing British aggression to geopolitical imperatives independent of treaty statutes. The force that created the conditions that allowed for these kinds of clashes, however, operated more clandestinely, concerning not so much what happened upon the sea, but within it.

The greater “vigilance” the British Navy displayed in enforcing the terms of the Convention of 1818 and the armed response on the part of American fishermen during the summer of 1824 were both manifestations of perceived environmental constraints. In writing his superiors Captain Hoare noted that a kind of unease and apprehension had descended upon the
residents of Grand Manan Island. The islanders resented the American presence, not because American schooners showed up to the island guns-blazing as the *Ruby* and *Reindeer* allegedly did, but because they represented greater competition for what was a dwindling resource. Hoare reported that the fishermen of Grand Manan complained of American fishermen cutting their nets and taking “treble the quantity of fish this year [1824] to that of any proceeding year…ascrib[ing] it entirely to the American fishermen having been kept without the distance prescribed by treaty form the shore.” The people of Grand Manan also complained that American fishing practices further degraded the fisheries. Hoare commented that American fishermen were “bringing in the fish offal with them, and throwing it overboard on the inner banks, by which they drive the fish off those banks.” By fouling the fishing commons, American fishermen exacerbated the tension caused by the combination of fears over greater degradation and competition. Mr. Touzeau likewise commented on this practice. In his testimony concerning the detention of the schooner *Rebecca*, the British sailor noted that while “at anchor near Gull Cove,” the crew was spotted “cleaning fish and heaving the gurry overboard.”

Sensing dwindling returns from an ecosystem strained by the current techno-industrial regime, American fishermen, the residents of Grand Manan Island, and the British Navy all had to adapt. The friction evident on the fisheries during the summer of 1824 was a symptom of larger shifts both within and without the fisheries.

The close of the first quarter of the nineteenth century saw a fishing industry struggling against its constraints. Lacking the empirical evidence that validated an emerging scientific

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239 “Hoar to Lake” As Vickers mentions cod fishermen had split and salted fish on board, leaving it to be dried in shore-side fish yards since the eighteenth century. It would not have been inconceivable for these fishermen to dispose of their waste in this manner. See Vickers, *Farmers and Fishermen*, 175.

240 “Evidence of Mr. Touzeau, Midshipman, and the Crew of the Yawl Boat Belonging to H. M. Sloop *Dotterel*, Relative to the Detention of the American Schooner *Rebecca*,” Ibid., 8–9.
discourse, ordinary fishermen of the 1820s nonetheless sensed changes in the sea—a fear described as palpable during this period. Although the fisheries of the 1820s would look remarkably bountiful to today’s observers, North Atlantic fisheries had for decades been a degraded landscape that was the periodic, though not sustained, subject of calls for restraint. “By 1800,” Bolster observers, “the northwest Atlantic was beginning to resemble European seas,” which is to say degraded, if not quite yet destroyed.\(^{241}\) While the baseline would eventually shift and observers would take the spoiled environ as the new norm, fishermen, at least those in 1824, may have been spurred to such drastic action knowing their toils produced decreasing marginal returns. At the time an infant mackerel industrial was experiencing its own revolution as the mackerel jig and bait mill inaugurated its own fish slaughter.\(^{242}\) In the coming decades the cod fisheries would undergo their own dramatic shift in technology—a so-called revolution—that would obscure evidence of declining catches. The single-hook hand lines that defined gadoid fishing for centuries eventually gave way to long line fishing. Lines studded with hundreds of hooks more ruthlessly exploited the maritime environment. But the observers and participants of the \textit{Ruby} and \textit{Reindeer} Affair had no idea that such a revolution was coming and instead faced the limitations of their soon-to-be-outdated gear, exacerbated by their marginal position on the edge of New England and the edge, at least for the moment, of the industry. Among the factors that motivated the men of Washington County, Maine, to band together during the summer of 1824 and violently oppose British restrictions no doubt included nationalism, Anglophobia, and a resource ideology that favored local exploitation over external restrictions.\(^{243}\) But coursing

\(^{241}\) Bolster, \textit{The Mortal Sea}, 87.

\(^{242}\) For more on the mackerel jig see Bolster, \textit{The Mortal Sea}, 88–92, 102–109.

\(^{243}\) Bryan J. Payne outlines the importance of what he calls “a complex system of locally defined codes of conduct” in the inshore bait fisheries of Atlantic Canada, and the resulting friction occasioned by the imposition of outside mandates. See Payne, \textit{Fishing a Borderless Sea}, xvi–xvii, xxiv.
through these accounts was a defensiveness spawned by fears of overfishing and the loss of a livelihood.

The *Ruby* and *Reindeer* Affair was not so much settled as faded from consciousness. The Convention of 1818 would remain in place until the 1850s as the agreement that officially governing American access to these fisheries. The presidential contest of 1824 no doubt demanded the attention of the American political community as charges of intrigue and corruption could easily drown out talk of fishing rights and restrictions. The coming decades would certainly see more American schooners captured by the British Navy for real or alleged infractions but a revolution in practice and the acceptance of a shifted baseline sapped some, if not all, urgency and fear within the cod-fishing industry, even as the shortcomings of the Convention of 1818 manifested themselves in more obvious and pressing ways.

**ANGLO-AMERICAN RELATIONS AND A MOVE TOWARD DÉTENTE**

The imbroglio surrounding the fishing season of 1824 came at a pivotal moment in the history of American foreign relations. Less than a year earlier President James Monroe, showing the strategic influence of Secretary of State John Quincy Adams, articulated what would become known as his eponymous doctrine. “The American continents,” Monroe’s message read, “by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.”244 These words seemed to be a stern warning to the nations of Europe that the Western Hemisphere would no longer

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submit to their imperial domination. It was a startlingly assertive declaration of American foreign policy that, at least implicitly, claimed the entirety of the Americas as a sphere for U.S. influence alone. The Monroe Doctrine, as this policy statement would come to be known in the 1840s as the impulses of manifest destiny pushed the nation’s western boundary even further west, would go on to have many lives and it would influence, if not justify, a proactive American foreign policy for more than a century. In the process the doctrine became a key event in the history of American foreign relations and the standard fare of textbooks and American history surveys as a symbol of the growing power and assertive nature of the developing United States. This declaration was an example, among many, of the United States shaking off the yoke of European colonialism. Yet, when stripped of its subsequent history, in the 1820s this policy statement said as much about the United States’ relationship with Great Britain as it did about the nation’s relationship with its own hemisphere.

Perhaps the foreign policy problem that had the potential to cause the most problems for the United States during the 1820s were the ongoing Spanish American wars of independence. Beginning in the first decade of the century, peoples across the Spanish empire in the Americas had grown restless with European colonialism, declared their independence, and commenced a decades long struggle to validate that declaration. The series of wars would eventually give rise to a number of new nations in the Western Hemisphere, but, in the meantime, the conflicts presented a diplomatic challenge to the United States, and the rest of Europe for that matter. Statesmen like Henry Clay, the Kentucky representative, off-and-on speaker of the house, future secretary of state, and perennial presidential candidate advocated for the immediate and full

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245 For the United States’ response to Latin American independence movements see Lewis, *The American Union and the Problem of Neighborhood* and more recently Fitz, *Our Sister Republics*. 
recognition of these emerging nations, while current Secretary of State John Quincy Adams counseled restraint and nonintervention, lest the United States become entangled in European affairs. The American answer would be in the form of the Monroe Doctrine. Part of the 1823 state of the union message, Monroe’s comments were directed at the Holy Alliance, the loose affiliation of reactionary European monarchies consisting of Austria, Russia, and Prussia, who had previously reserved the right to quell any revolution that could threaten their own security. While the declaration of the Holy Alliance was aimed at European movements alone, in this case Greek resistance to Ottoman rule, the Monroe administration feared reactionary intervention in the affairs of Spanish America that could upset American strategic and economic security. Russian activity along the northwestern coast of North America certainly did not assuage American fears. The final policy statement was an odd mix of anticolonialism and imperialism, nonintervention and proactive foreign policy. But one thing was clear, the United States unequivocally opposed European meddling in what it considered its hemisphere-wide sphere of influence.  

But how was the United States able to offer such a bold policy statement and expect the dictates of a second-rate, republican nation to be taken seriously in the courts of Europe? In a word: Britain. British policy makers were as apprehensive about the potential of the Holy Alliance intervening in the Western Hemisphere as their transatlantic counterparts where. Before Monroe and his cabinet had settled upon the historic doctrine, British Foreign Secretary George Canning had offered to issue a joint statement in warning the European monar chies of intervention. Britain was, of course, motivated by its own economic interest of accessing the emerging markets of Latin America, but there was, nonetheless, a convergence of American and

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British aims. Ultimately, under Adams’s influence, the Monroe administration rebuffed the British offer and issued a unilateral declaration, but this episode came during what historian Jay Sexton calls “a warming of relations” as the two nations steadily retreated from conditions that previously brought them to arms.\textsuperscript{247} In more modern parlance, the United States was an international security free rider. If any European power did attempt to intervene in the western hemisphere the British would employ their military and naval might in opposition, leaving the United States free to articulate bold policy with little intention, or even ability, to enforce it. Scholars would be hard pressed to find keener diplomacy.

While the \textit{Ruby} and \textit{Reindeer} Affair, if not the fisheries issue generally, would give the impression that Anglo-American relations were fraught with problems to the point of being irreconcilable, putting this event alongside the Monroe Doctrine demonstrates just how difficult it is to characterize this relationship for much of the nineteenth century. It proves easy to define the relationship when it was at its most fractious—think the War of 1812—or, conversely, at its most cooperative—think Reagan and Thatcher—but the times in between, like the 1820s or maybe even the vast majority of the nineteenth century, defy simple definition. Sexton provides the best way through this quandary. The transatlantic relationship was most productive when premised on the convergence of Anglo-American interest, which did not, as the Monroe Doctrine illustrated, necessarily require cooperation. As Sexton concludes, “British power served as midwife to the rising American empire” through financial and commercial integration.\textsuperscript{248} Despite Anglophobia and pointed rhetoric, the United States and Great Britain could work together, yet such required an alignment of interests. That alignment happened in the case of the Monroe

\textsuperscript{247} Ibid., 50.

\textsuperscript{248} Ibid., 245.
Doctrine, and the string of treaties that eased tension after the War of 1812 and would crescendo in the 1840s even as the nations seemed to near war over the Oregon boundary. The fisheries issue, despite being addressed in the Convention of 1818, was perhaps the one arena in which Anglo-American interests remained furthest estranged and thus sheds much-needed light on the recesses of the relationship. But there were rare instances on the fisheries in which interests converged and the United States exploited British power for its own ends.

Despite being the main actors in the drama, the United States, Great Britain, and its colonial subjects were not alone. For centuries French fishermen had resorted to the waters of the Northwest Atlantic. By the nineteenth century, however, French ships, while free to fish the open waters of the banks as they pleased, were limited by treaty stipulations to a relatively confined inshore fishery between Cape Ray and Point Riche along the western coast of Newfoundland. The presence of French ships was vexatious to the British and Americans alike. During the fishing season of 1820 and 1821 Americans reported that “several fishing vessels of the United States on the coast and within the strictest territorial jurisdiction of the Island of Newfoundland were ordered away by the commanders of French armed vessels upon the pain of seizure and confiscation.” American diplomats, including Adams and Rush, disputed the French right to remove American fishermen from any waters in the region and protested their claim to have an exclusive right to fish along those coasts of Newfoundland. But apart from disputing the French claim American policy makers did little. Instead they were content to let Great Britain, with its superior resources, handle the problem and uphold American right.

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249 John Quincy Adams to Richard Rush, June 27, 1823, Diplomatic Instructions of the Department of State, 1801–1906, (National Archives Microfilm Publication M77, roll 4) Records of the Department of State, Record Group 59, Diplomatic Instructions of the Department of State, M77, National Archives, College Park, Md.
Great Britain would no doubt have looked favorably on the opportunity to restrain, or perhaps even remove, French competitors from the region. Furthermore, the alleged confrontation between the French navy and American fishermen occurred in waters off Newfoundland, well within Britain’s jurisdiction. In this case both American and British interests aligned, and American diplomats recognized it. Reflecting on the situation years later in a message to Adams, Rush noted that France ordering American schooners off Newfoundland fishing grounds put the onus on Great Britain to intervene. Rush outlined the three responsibilities that fell to Great Britain. First, the British had “to make good the title of the United States to take fish on the coast in question, as stipulated by the convention of 1818.” Second, if Great Britain could not do so, it must “give the United States an equivalent for the loss of so valuable a right.” And finally, Great Britain must “vindicate her own sovereignty over the island already impaired and further threatened by the conduct of the French cruisers towards the fishing vessels of the United States.” 250 Two years later Secretary of State Henry Clay remarked that “if France should again manifest an intention, and attempt, to molest our Fishermen, we shall except from Great Britain an effectual maintenance of their rights.” 251 Essentially at the same time as American fishermen were brought to near blows with the British Navy, American diplomats expected their British counterparts to reaffirm the rights of and defend similar fishermen. While the simultaneity of these events suggests a kind of cognitive dissonance, it is illustrative of the complex nature of Anglo-American relations and how American goals, even in the fisheries question, still depended on British power.


251 Henry Clay to Albert Gallatin, June 19, 1826, Diplomatic Instructions of the Department of State, 1801–1906, (National Archives Microfilm Publication M77, roll 5) Records of the Department of State, Record Group 59, National Archives, College Park, Md.
Despite the animosity that did, and would continue to, typify the fisheries questions, the 1820s seemed to inaugurate a period of détente in Anglo-American relations. As Secretary of State Martin Van Buren noted in 1829, “There certainly never was a time better calculated for the improvement of the relations between the two countries than the present.” Earlier that decade Great Britain would allow the expansion of trade between the United States and the British West Indies, finally allowing direct shipment of fish. The détente may even have bloomed into a modest rapprochement at midcentury as a result of the Webster-Ashburton Treaty of 1842, the settlement of the Oregon Question, and, ultimately, the Marcy-Elgin Treaty of 1854. The fisheries question was in line with much of American diplomacy. While much friction attended Anglo-American relations, at times the goals of the two nations aligned and they were able to act in tandem, yet as the Monroe Doctrine demonstrated, the convergence of goals did not always depend on cooperation. But the fisheries question stands out in the broader diplomatic history of the United States: it remained an irritant while other problems were assuaged amid the growing financial and commercial integration of the two states. The view from Washington, however, did not always look the same as the view from the forecastle.

**Consuls and Captures**

Early American foreign relations were conducted with little professionalism by a large cast of characters. While the president, the secretary of state, and State Department officials in ministerial posts across the globe—though primarily concentrated in Europe and the emerging national capitols of Latin American—were officially charged with the conduct of the nation’s diplomacy, people on the ground, or in most cases, water, created and executed a kind of ad hoc

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252 Martin Van Buren to Louis McLane, December 26, 1829, Ibid., roll 73.
foreign policy that could at times directly clash with dictates from Washington. Maritime laborers were the largest class of Americans to leave the nation’s shores and were the nation’s primary contact with foreign peoples and places. But given the commercial imperative of so much of the nation’s foreign relations, the consular service played an important, though only recently appreciated, role in facilitating American intercourse with the world beyond. With federal sanction and postings in ports and entrepôts across the globe, American consuls were uniquely situated to observe, and when necessary intervene in, the relationships between American individuals and enterprises, and those of other nations.

American consuls during the first few decades of the nineteenth century were disorganized and received little from Washington in the way of training or salary. They were, from the beginning, charged with facilitating trade and commercial opportunities and unlike the diplomatic core were not culled from elite, politically connected families. Instead they came from the merchant class and were well attuned to the commercial needs of the nation and themselves. They were, however, not always versed in the actual operations of their position. Appointed as the American consul to Halifax in 1833, John Morrow queried Secretary of State Louis McLane about his posting in 1834, wondering whether American consuls abroad were to be held to the same standards as foreign consuls to the United States were. Morrow remarked, “having been the first Counsel appointed in the British North American Colonies, and without a knowledge of the consideration, in which Counsels of other countries in the United States are held,” the American in Halifax requested to be informed of “the privileges, immunities, and

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advantages…which are granted to Counsels residing in the United States.” Later that decade the American consul to Pictou, Nova Scotia, James Primrose, requested information about his powers in dealing with a rash of fishing schooner seizures. Primrose requested “to be fully informed what my powers are over seamen of the U. States in this port,” hoping such information would “enable me to put forth every proper effort, to arrest the progress of an evil of so much magnitude.” American consuls were sent to the field with little direction apart from a commercial imperative.

Naturally the maritime world became the central concern of consular agents as ships and sailors were the conduits of trade. The latter would, however, become a constant source of friction as consuls groused to their superiors in Washington that rowdy sailors seemed too often to make the kind of trouble with locals that bedeviled smooth commercial relations. In the exotic ports of the Pacific lone consuls often found themselves attempting to minimize the fall-out as the racist impulses of American sailors ensured their contact with islanders was limited to fighting and fornicating. Such interactions made for poor diplomacy. Closer to home consuls were less concerned with restraining the impulses of maritime laborers as the commercial goals of fishermen and the state seemed to better align in the North Atlantic than the Far East. In the maritime Provinces, American consuls were not entirely consumed by confrontations and rambunctious seamen. One of John Morrow’s first tasks upon his appointment to Halifax was to secure remuneration from provincial authorities for Joseph Gorham, master of the schooner

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255 John Morrow to Louis McLane, April 7, 1834, Despatches from U.S. consuls in Halifax, Nova Scotia, Canada, 1833–1906, (National Archives Microfilm Publication T469, roll 1), Records of the Department of State, Record Group 59, National Archives, College Park, Md.

256 James Primrose to John Forsyth, March 11, 1839, Despatches from U.S. Consuls in Pictou, Nova Scotia, Canada (National Archives Microfilm Publication T479, roll 1), National Archives, College Park, Md.

Golconda of Harwich, Massachusetts, who aided the St. Joseph of St. Johns, Newfoundland. Captain Gorham had “broke a blood vessel…and has become convalescent,” in performing “a sacred duty,” by rescuing the crew of the Canadian ship that was in danger of sinking. Morrow successfully sought recompense for the provisions consumed by the crew of the St. Joseph after Captain Gorham was moved by the “principle of humanity to save the lives of so many human beings who were in danger of perishing.”258 This kind of cooperation was, however, not the norm.

Given its prominent position in the maritime Provinces, many of the complaints emanating from the fisheries were directed through the consul at Halifax. Morrow reported to Washington in the early months of 1837 that the provincial legislature had passed an act that would entail stricter enforcement of Britain’s rights on the fisheries in accordance with the Convention of 1818—he “anticipate[d] much trouble from its operation.”259 The late 1830s and early 1840s would witness a spike in the number of captures for real or imagined violations of the three mile proscription of the 1818 treaty. The response of American fishermen would be largely the same—appealing to American authorities to defend their rights. The British would, however, develop and articulate a somewhat novel reading of the convention in an effort to bar American fishermen from even more waters, leaving those fisheries free for the exploitation of provincials alone. But fishermen from both sides would grow aggravated with the convention as it grew increasingly out of touch with the reality of the situation.

258 John Morrow to Edward Livingston, May 15, 1833; John Morrow to Louis McLane, October 22, 1833 and April 29, 1834, Despatches from U.S. Counsels in Halifax, roll 1.

259 John Morrow to John Forsyth, February 28, 1837, Despatches from U.S. Counsels in Halifax, roll 2.
The most spectacular of these captures came during the fishing season of 1841. On October 4 of that year Francis Bennett, master of the schooner Mars, was deposed in Halifax for alleged infractions. Unlike the Ruby, Reindeer, and other schooners captured a decade and a half earlier, the Mars made berth at Gloucester, one of the great cod fishing ports of Massachusetts. If Lubec stood on the periphery of the fishing industry, Gloucester was its center. Befitting this position, the Mars was most likely a more capital-intensive enterprise, with a much larger geographic footprint. Leaving its home port on September 5, the Mars sailed through the Gut of Canso—the narrow strait separating Cape Breton Island from the mainland of Nova Scotia—headed toward the fishing grounds of the Gulf of St. Lawrence, or possibly even through the strait of Belle Isle to the Labrador Sea. But the voyage was cut short as on September 22, while “almost seven marine miles from any land” the Mars was “saluted by a shot” from a vessel “carrying American Colours and no other flying.” Yet the ship festooned in American colors “proved to be the British Government cutter, although she wore the National colours of the United States of America.” British sailors “all armed with pistols” boarded the American schooner, leaving the American crew “at the mercy of the invaders.” The Mars was towed to Guysborough and the crew “put onshore…and there set adrift.” In his defense, Bennett claimed that the Mars had only engaged in fishing one day of the journey, doing so on September 19 while “four marine miles from the land.” In many ways this was typical of fishermen depositions. Yet details of this capture raised questions about the place of the United States on the high seas. This capture was unique in that deponents claimed British ships used the American flag as a kind of cover to lull the American schooner into a feeling of security, making capture all the easier. Whether this story was true or embellished, the impression remained that the United States could not police the use of its flag in the maritime world. Coming at the same time
as illicit slave traders flew the American flag to avoid inspection by the British Navy, this
episode suggests American sovereignty on the ocean was a fiction and perhaps even questioned
national legitimacy.\textsuperscript{260}

Yet alongside this bizarre episode was a series of more mundane captures that when
taken together suggested a shift in British policy. The consuls in both Halifax and Pictou
remarked that deposed American skippers indicated that British officials had introduced a change
in practice. First, officials in Nova Scotia began charging American ships for passage through the
Gut of Canso, if not outright barring American fishermen from using that waterway. The
American consul in Pictou, James Primrose, remarked that allowing this restriction set a poor
precedent as “the Provincial Government may at any time impose such restrictions on its
navigation as would amount to a prohibition of its use as a commodious access to the fishing
grounds in the Gulf of Saint Lawrence.”\textsuperscript{261} Second, British officials sought to bar all American
fishermen from the Bay of Fundy by claiming the three-mile zone off limits to Americans
extended from an imaginary line drawn from either of the bay’s headlands. The so called
“headland doctrine” was confirmed by the home government, as instructions to the governor of
Nova Scotia indicated that “the proscribed distance of three miles is to be measured from the
headland or other points of land next to the sea of the coasts; or of the entrance of the Bay, and
not from the indention of such Bays or indents of the coast.” A report of the Commercial Society
of Halifax noted that such an interpretation served the “double purpose of protecting the rights of
our own fishermen and the provincial revenue.” “If the opinion lately given by the highest legal

\textsuperscript{260} T. B. Livingston to Daniel Webster, October 16, 1841, Despatches from U.S. Counsels in Halifax, roll 4. In this
same report the consul included the deposition of Samuel L. Fear, master of the schooner Egret of Gloucester. The
Egret was captured in a manner similar to the Mars yet did not mention the use of American colors by the British
ship.

\textsuperscript{261} James Primrose to John Forsyth, November 1, 1839, Despatches from U.S. Consuls in Pictou, roll 1.
authorities in the mother country be followed,” the report continued, “the value of the British Fisheries may at a future day be greatly enhanced.”

An American fisherman would later mock the logic of the headland doctrine. Following the capture of the schooner *Argus* during the summer of 1844, master William Doughty appealed directly to Washington in a missive to Secretary of State John C. Calhoun. Crafting a familiar story of helpless fishermen in an unfair world, Doughty did note that even though his ship was captured fifteen miles from land, “if the British construction of the Treaty is right, then no American can fish in the Bay of Fundy, even if he is fifty miles from any shore.” The fishermen would go on to sardonically suggest that, in keeping with the spirit of British policy, America might “draw a line from Cape Florida to Cape Cod and say that means three ‘Marine miles from our shores’ between these capes.”

For the American fishermen, the emerging status quo was untenable. The Convention of 1818 seemed to be creating more problems, and American consuls did not fail to notice the shortcomings. While the deceptively clear language of the convention supposedly laid out the rights of American fishermen, it was the harbinger of more and greater friction. From Halifax the American consul noted that Britain’s instance on a stricter defense of their fisheries would be costly for both the United States and Great Britain. Following the capture of five fishing schooner during the fall of 1841 the consul reported that “unless something more definite than the Convention [of 1818]…shall be carried into effect, these seizures must…be a source of great annoyance both to the Government of the United States as well as that of Great Britain.”

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262 T. B. Livingston to Daniel Webster, March 17, 1843, Despatches from U.S. Counsels in Halifax, roll 5.

263 William Doughty, Master of Schooner *Argus* to John C. Calhoun, August 26, 1844, Despatches from U.S. Counsels in Halifax, roll 5.

264 T. B. Livingston to Daniel Webster, December 1, 1841, Despatches from U.S Counsels in Halifax, roll 4.
Pictou, consul James Primrose called the “almost indiscriminate seizure of American fishing
craft,” a “great evil.”

But American critiques of the convention and its shortcomings were not confined to
ruminating on larger political consequences. The treaty of 1818 was obnoxious because it did not
comport with nature. One Yankee skipper, Isaac Smith, master of the schooner *Pioneer of
Sullivan, Maine*, remarked that the three-mile limit was absurd given the nature of the
environment of the open sea. Following his capture during the 1841 season, despite not being
within British waters, the commander of the British vessel “endeavored to ascertain the distance
by sailing his vessel towards the shore, calculating the distance by comparing the rate of her
sailing as ascertained by her log, with the time spent in running the distance between the place of
seizure and shore, but,” the testimony went on, “deponent saith that he commenced to run at least
half a mile within the spot where deponent’s schooner had been at anchor, nor did he proceed
nearer the shore than a quarter of a mile, and the wind at the time was so variable.” This
convoluted deposition suggests the problems of measuring distance across the homogenous,
undifferentiated sea. Smith concluded by observing “that it is impossible…[to] have measured
the distance with any certainty.” The rigidity of the three-mile rule made little sense in a fluid
world.

Changes in the structure of the fishing industry and the ecology of the region also
demonstrated the shortcomings of the Convention of 1818. By the 1840s the treaty was simply
out of date. In 1818 cod was almost exclusively the fish of commercial importance, as had been

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265 James Primrose to John Forsyth, November 25, 1840, Despatches from U.S. Counsels in Pictou, roll 1.

266 U.S. Consular Agent at Yarmouth, Nova Scotia to T.B. Livingston, Consul at Halifax, May 8, 1841, Despatches
from U.S. Counsels in Halifax, roll 4.
the case for centuries. As mid-century approached mackerel grew increasingly important and the fish’s habits and ecology demanded transgressing the artificially imposed three-mile limit. In an 1844 dispatch to Secretary of State Abel Upshur from T. B. Livingston, consul at Halifax, the consul noted that mackerel catches had been “unusually large,” on account of the fact that “the Fish ran in shore and thus become an easy prey to the fishermen.” This habit was, however, problematic given the current geopolitical situation. Livingston “regretted that some better understanding in regard to the Fisheries could not be entered into between the United States and Great Britain, as the present Treaty prevents American Fishermen from taking or curing fish within three marine miles.” The consul continued, noting, “It is a well known fact that in order to take ‘Mackerel’ our fishermen must encroach within these limits, and generally escape seizure from out sailing the British cruisers.”267

This sentiment was reflected in James Primrose’s observations from Pictou. Primrose did note that Britain’s greater vigilance on the fisheries “has had its origin in the disappointed feelings of Nova Scotia fishermen, on seeing themselves so far outstripped, in the successful pursuit of so valuable a branch of commerce, by the superior perseverance and skill of their enterprising neighbors.” But also owing to that vigilance was the blatant violation of the treaty by American fishermen, as “a tempting shoal of fish is sometime, either from ignorance or the excitement of the moment, followed across the prescribed limit.” While fishermen did in fact invade British waters, despite what their testimonies may have suggested, they were lured there by the prospect of hearty catches in demonstration of the convention’s faults.268 The world the Convention of 1818 was made for was, in fact, no longer the world these diplomats and

267 T. B. Livingston to Abel Upshur, January 12, 1844, Despatches from U.S. Counsels in Halifax, roll 5.

268 James Primrose to John Forsyth, March 11, 1839, Despatches from U.S. Counsels in Pictou, roll 1.
fishermen lived in. In time mackerel catching in British waters would prime the pump of a significant Anglo-American confrontation, but for now it gave fishermen grounds on which to dispute both the convention and Britain’s stricter enforcement of its provisions. American fishermen were, however, not alone in their growing uneasiness with the treaty.

The perspectives of the fishermen and merchants of the British provinces were, understandably, not often found in the diplomatic and consular correspondence of the United States. Glimpses, though, do exist among these records. These fragments suggest that provincial subjects likewise chafed under the current fisheries regime as they groused about both American and French competition in the region. Like their American counterparts, provincial fishermen and merchants appealed to authorities while emphasizing their innocence and victimhood. In an odd irony both American and provincial fishermen, competitors on the water, used similar tactics in the hope of, surprisingly, achieving similar aims.

A memorial of George Handley, a merchant from Halifax with interest in a number of fishing vessels, illustrated the kinds of complaints provincials addressed to British authorities. While Handley and his crews had made all the necessary arrangements for a successful fishing voyage, “from the interference of foreigners fishing on the British coasts,” Handley and his like have “been subjected to heavy loss and to disappointment painful and unexpected as result from circumstances against which a British subject should not be called upon to guard.” The grim reality of the situation for Handley was that “it is impossible for British subjects under such circumstances to prosecute their business…unless some protection is afforded…the British fisheries must be abandoned.” The fisheries issue would emerge as an important element in British intra-imperial politics as provincial residents, like Handley, obviously had a far greater interest in the fisheries than other British subjects, a designation he likewise claimed. For
Handley and those in his employ the problem was too great a competition from French and American fishermen. The French had, for centuries, claimed right to fish along the western coast of Newfoundland. Yet as Peter McPhee, part owner with Handley of the brigantine *Dove* of Halifax, claimed the French had upset their lawful fishing. During June 1836 the *Dove*, while seining for herring in St. George’s Bay were engaged by “about forty Frenchmen, armed with guns,” and forced to stop fishing. The French captain, a Mr. Baullett, claimed “that British subjects had no right to take Fish in that Bay, or on the coast,” and that he alone possessed a grant from the French government to fish those waters. This story was corroborated by a number of the British crewmen and the *Dove* was forced to return home with but a fraction of the fish it hoped to take. Handley and his men admitted no wrongdoing, yet later a merchant from St. George’s Bay, John Misservy, claimed residents of the coast appealed to the French captain to arrest the crew of the *Dove*, not because they were British, but because of how they went about their fishing. Misservy noted that seining was “contrary to the custom of the fishing in this harbor, at so early a period, as by so doing the Herrings are driven out from the harbor, to the manifest loss and disadvantage of every fisherman here residing, and the major part of whom are *British* subject.” In all the crew of the *Dove* brought that misfortune upon themselves “by *willfully* and *maliciously* preserving, contrary to the custom of this Bay, in injuring the fishery.”

As would become a standard part of fishery politics, how fish were caught mattered as much as when and where.269

While the above incident did not directly implicate American fishermen or the Convention of 1818 it was indicative of how restive provincials were becoming about the state of

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their fisheries. A report emanating from Nova Scotia’s assembly house directly attacked the Convention of 1818, regretting Great Britain ever gave American fishermen the right to fish those waters. The report appeared in the *Novascotian Colonial Herald* and was authored by James B. Uniacke, later the first premier of Nova Scotia. Uniacke did not mince words as he described the current state of the fisheries as “a melancholy picture of the evil consequences flowing from…the flagrant violation of the subsisting treaties” between the United States and Great Britain. The Nova Scotian traced this evil to the Treaty of Paris, the source from “which flowed a torrent of misfortune to the inhabitants of this Province.” Insisting that the fisheries were the “inherent right” of the provincials and “unquestionably belonged to Britain,” Uniacke continued his attack, invecting that under the 1818 treaty “the inhabitants of this Colony have been a second time stripped of their natural rights.” In all, the “fatal Treaty,” deprived provincial subjects “their most valuable Birthright, The Fisheries.” Uniacke’s critique was not solely based on abstract notions of rights, but was, in part, an environmental critique. The United States posed a threat to the fishing commons as “the mode of taking fish by the Americans, particularly Mackerel, has a tendency to impair, and will ultimately destroy the fishery.” Mackerel jigging was “a system destructive to the Fishery, by wounding more fish than are taken,” ultimately driving the fish “an immense distance from land, and beyond the reach of the Net or Shore fishermen.” Uniacke concluded with the observation that “the present situation of the fisheries of Nova Scotia is appalling.” While the fishery was once “close to inexhaustible source of wealth,” now “the whole is paralyzed by the interference of other Nations, and the people must

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abandon the net and shore fishery,” or “follow the example of their rivals, and adopt a mischievous and ultimately destructive system.”

Fishermen and those interested in this maritime resource were, from both the United States and the British provinces dissatisfied with the Convention of 1818. Both sides felt the treaty stipulations worked to their disadvantage. While for someone like Uniacke the fisheries issue and complaints about the 1818 treaty may have just been a way to address larger problems in the province’s relationship with Great Britain, the situation on the water seemed like it was heading toward a more dire confrontation. Diplomats in Washington and London, however, were soon to inaugurate a minor, if overstated, flowering of Anglo-American relations that merely allowed tension on the fisheries to fester.

In 1842 as American consuls funneled the complaints of fishermen to Washington, diplomats, particularly Secretary of State Daniel Webster, focused attention on larger strategic terms as they reconsidered the nature of Anglo-American relations. Friction on the fisheries was not the only issue that threatened the peaceful and productive intercourse of the transatlantic nations. Instead questions of the United States’ northern border, crimes subject to extradition, and ongoing attempts to end the transatlantic slave trade, captured the attention of Anglo-American policymakers as the two nations again resorted to treaty making to remedy international irritants. The resulting agreement, the Webster-Ashburton Treaty, has been hailed as an important part of a kind of mid-century rapprochement between the two English speaking nations. Along with the settlement of the Oregon Question and the conclusion of the U.S-Mexican War, the Webster-Ashburton Treaty was, as some historians would have it, part of

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Great Britain finally recognizing the United States as an emerging world power and a competent peer. Seeing the decade of the 1840s, beginning with the Webster-Ashburton Treaty, as a significant turning point in Anglo-American relations, however, overlooks the degree to which the fisheries issue remained unresolved and a potential stumbling block in Anglo-American relations.

The Webster-Ashburton Treaty of 1842 was negotiated in Washington by Secretary of State Daniel Webster and British diplomat, Lord Ashburton, scion of the prominent Baring banking family. Although the treaty did include provisions that finally required the United States to actively participate in international efforts to end the transatlantic slave trade by committing a certain number of vessels to the African coast, much of the treaty concerned North American issues. Most prominently, the treaty settled the northeastern boundary between Maine and New Brunswick, a question that dated to the Revolutionary era. Strangely, even though many of the events and issues that precipitated the treaty negotiations concerned friction along the American-Canadian frontier—including the Caroline Affair and the resulting trial of Alexander McLeod, and the Aroostook War—the course of negotiations and the ultimate treaty itself remained silent on as old a North American question as there was: the fisheries.272

272 Historian Sam W. Haynes is ultimately ambivalent about the success of the Webster-Ashburton Treaty. While the treaty seemed to mark “an historic moment in U.S.-British relations…another emblem of the fraternal feeling that existed between two Anglophone nations,” and “Webster could claim a number of significant achievements,” Americans in the Northeast, the far West, and Democrats of all regions felt the agreement to be “a total capitulation to British interest.” The treaty failed to assuage American uneasiness at the seeming ubiquity of the British presence in North America. In his wide-ranging history of American foreign relations George C. Herring has only positive words for the 1842 deal. Herring concludes that the treaty “solved several burning issues” at a time “both sides sought to ease tensions.” And in a counter to Haynes’ contentions, Herring concludes that the treaty “confirmed U.S. acceptance of the sharing of North America with British Canadians,” and in an assertion that smacks of teleology, claimed the agreement “set the two nations on a course toward eventual rapprochement.” In all Haynes’ ambivalence may be more tenable as the treaty was successful at addressing some issues but proved that for the time being the fisheries question was too hot for the diplomats to handle. Haynes, *Unfinished Revolution*, 221–222; Herring, *From Colony to Superpower*, 186–187.
Such an oversight has been shared by historians of the treaty. In what is still the standard account of the treaty and its negotiation historian Howard Jones makes no reference to the fisheries question while concluding that the agreement potentially forestalled a third Anglo-American war by fixing a relationship that neared total breakdown. As Jones would have it, the Webster-Ashburton Treaty affirmed, for Americans, that they had at last earned British approval.\textsuperscript{273} The ongoing fisheries question would, however, seem to upset those conclusions as Britain’s heavy handed tactics suggested the United States was still the junior partner. The treaty’s elision of the fisheries issue may, actually, have been symptomatic of a desire among diplomats for this kind of détente. The fisheries question was simply too fraught to address. Exposing the uneasy peace—at least as those in Washington would have seen it—that the fisheries experienced under the Convention of 1818 to greater scrutiny would have brought to light its shortcomings and the necessity of a full scale revision. In a rare case of choosing political expediency over this maritime resource, fishermen and fish took a back seat to other geopolitical goals. The American government opted to kick the fisheries can further down the road in favor of a de-escalation of what policymakers feared was a more immediate threat. The personalities of these diplomats in particular, Webster and Ashburton, were central to the conclusion of this agreement as both men, for personal, cultural, and financial reasons, favored conciliation to confrontation, finesse to friction.\textsuperscript{274} In time the fisheries issue would return to the

\textsuperscript{273} See Jones, \textit{To The Webster-Ashburton Treaty}, especially xi–xviii.

\textsuperscript{274} Jay Sexton concludes that both Webster and Ashburton, and the respective groups of policymakers they represented, recognized that an agreement was necessary to continue the financial integration of the two countries, remarking that, “Webster’s racial, diplomatic, and economic views thus all converged and led to one conclusion: maintaining Anglo-American peace was essential to the nation’s development and prosperity.” “The Barings’ connection with the Anglo-American diplomacy of 1842,” Sexton continues, “exemplified the nexus between finance and foreign relations that led statesmen on both sides of the Atlantic to avoid war at all costs.” And in a clear statement of the economic forces that tilted towards conciliation, Sexton remarks, “Both diplomats recognized that a failure to resolve the diplomatic controversy would have costs far greater than anything to be gained from the territory and issues in dispute. A breakdown in the talks would result in a complete suspension of British investment
top of the Anglo-American political agenda as Britain’s embrace of free trade in 1846 would change the calculus of the relationship, but for now Americans overlooked protests from the fisheries in favor of an unstable peace on the water and settling other concerns. In the face of diplomatic stasis, however, the fishing went on.

“OUR LIVING IS TRULY THAT OF FISHERMEN”

After slow growth during the 1830s, and the mackerel industry even bottoming out following the Panic of 1837, the 1840s would witness both cod and mackerel fishermen experience rising catches as they committed more men and ships to the endeavor, even if catch efficiencies dropped, indicating an ecosystem straining to accommodate the loss of more and more biomass. But in the face of bigger loads of fish coming in, such fretting failed to stop processes already in motion. Those schooners that left their New England berths during this decade to extract wealth from the seas, were all largely motivated by similar desires, and used similar tactics in pursuing their goals. No vessel was more extraordinary than any other. Yet one schooner did leave what is perhaps a unique trace on the historical record, offering a singular perspective on the American fisheries at midcentury.

In the summer of 1847 the schooner Mary C. Ames left Newburyport, Massachusetts, headed for a the cod fishing grounds of Newfoundland and Labrador. She carried the usual assortment of men who made fishing voyages. They most likely ranged in age from their teens to their forties; some were lifelong mariners, while others worked shipboard seasonally as they spent the rest of the year as agricultural laborers; and they all probably had some connection to

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in the United States, a reduction in transatlantic trade, and a possible run on banks because of the fear of war.” Sexton, *Debtor Diplomacy*, 32–37.
Newburyport, if not a familial connection to each other. But among this group was someone unique: a diarist. Including the perspectives of maritime laborers is certainly not a novel twist on writing maritime history; including the remarks of an unnamed diarist aboard a fishing schooner during the mid-nineteenth century, however, might be. The nature of the labor accounts for this discrepancy. During the nineteenth century a whaling voyage, for instance, took men away from their homes for years, leaving them much idle time to write—some even learning to do so on such voyages—carve scrimshaw, and in other ways create physical artifacts of their time at sea. Cod fishing, however, was quite different. Typical voyages lasted mere months, if not weeks, making this kind of record keep difficult given the short duration of time at sea and the intensity of labor. Although this diary, by its very uniqueness, offers an idiosyncratic perspective on the cod fishing industry of nineteenth-century America, it offers a wealth of information.

The schooner that departed Newburyport in June 1847 was different from the schooners captured in the Bay of Fundy more than two decades earlier—she was bigger, newer, and made for much longer voyages. The Mary C. Ames was built in 1845 in Newburyport by James L. Townsend and William Currier. She carried 108 tons, much larger and more sea worthy than the Maine schooners that made quick jaunts to the Bay of Fundy. Instead, the Mary C. Ames sailed many times farther, for the Newfoundland fishing grounds, or even through the Strait of Belle

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275 Vickers notes that through the nineteenth century more men devoted their entire careers to maritime service, making the kind of mixed economy of fishermen an increasingly rare occurrence, Farmers and Fishermen, 278–282.

276 Mary C. Ames of Newburyport, Mass., (schooner), Log 961, Journal, June 1–August 30, 1847. G. W. Blunt Library, Mystic Seaport, Mystic, Conn.

277 For more on the use and importance of sailor-written accounts in maritime history and historiography see Bloom, The View from the Masthead. The work of both Brian Rouleau and Dane A. Morrison rely on this corpus of sailor accounts, see Rouleau, With Sails Whitening Every Sea and Morrison, True Yankees.
Isle for the Labrador Sea. She took a complement of approximately a dozen sailors, which, in 1847, would have included our unnamed diarist.\footnote{278} Little is known of the diary keeper as the diary was left unsigned. What we do know, however, is that the diarist made the voyage in order to improve his health. While it seems counterintuitive that anyone would believe in the palliative effects of maritime labor, notoriously dangerous work that it was (and still is), the diary is littered with references to his health, wellbeing, and his meditations on death. From his arrival in Newburyport the diarist commented on the salubrity of the maritime environment, noting that “I should think it must be quite healthy here in consequence of the purity of the atmosphere. The buildings are not so crowded together here, as they are in many places.”\footnote{279} Just as good health was his goal, death and his own mortality were never far from his mind. Upon seeing a cemetery in Newburyport the diarist remarked that there “all lie entombed together, locked in the embrace of death! O! Proud man! What are all the boastings in thy vain-glorious strength! Thou will soon be as a thing of naught; as the dust which is scattered upon the strange winds.” Later during the voyage “a brother sailor and fishermen” had died from an unspecified malady, leaving the diarist to wax poetic on mortality. “Alas!” he intoned, “For the vanity of human existence: Death is upon us in the midst of Life.” Yet the diarist felt “melancholy was begotten in my bosom,” when he considered the deceased fisherman was left so far from home and the comfort of kin, and instead died “in the hand of strangers.”\footnote{280} These musing on life and death made invocations of the divine a theme


\footnote{279}{Mary C. Ames \textit{Journal}, 1.}

\footnote{280}{Ibid., 2, 21–24.}
running through his writing, he clearly was moved by a sense of religiosity, yet his most
rhapsodic passages were reserved for describing the divine creation of the environments that
surrounded him.

With an eye for the Romantic and sublimity of the environment the diarist aboard the
*Mary C. Ames* was awestruck by the aesthetic experience of the maritime world. The diarist
needed no more proof of divine creation, remarking how the churning of an ocean squall stirred
“up most intense feelings of beauty and sublimity, and awakens a reverence for Him who rules
the storm which are never experienced amid the dull monotony of land.” The northern reaches of
the voyage brought the diarist into direct contact with entirely foreign environments for him. The
aurora borealis, the diarist remarked, “was most brilliantly shining, and threw halo of light over
the whole scene making it grand beyond the conception of him who never witnessed it.” Along
the coasts of Newfoundland and Labrador, significantly further north than his native
Massachusetts, the diarist was taken aback by the unusual times of sunrise and sunset. In
response to a three o’clock sunrise, the diarist wrote, “the wildness of the scenery, the great
change in day and night, and the deep almost speaking solitude of the place all conspire to induce
such a feeling of romance into my mind, that I can hardly believe it all a reality.”

Of more immediate concern for the diarist and his health, however, was seasickness.
Days long gaps pepper the diary as the writer was left “unable to write…because of seasickness.”
He described restless nights “spent in walking the deck stopping occasionally to vomit over the
side of the vessel.” And at one point declared himself “ready to die of sea-sickness.”
Taken
with his declaration on June 8 that he began “to feel quite easy on ship board,” and that he

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281 Ibid., 9, 10.

282 Ibid., 3–4, 10.
“highly enjoy[ed] the change from the hustle of land, to the quietness of the ocean,” his adjustments to shipboard life suggests that the diarist was neither a seasoned fishermen nor a sailor of any kind—a true greenhorn, in fact. But the observations of a non-professional—someone less familiar with the operations and politics of the industry—still has much to offer on both the mundane and the extraordinary aspects of a fishing voyage.

Much of the unnamed diarist’s attention was, unsurprisingly, devoted to the labor of fishing and the routines of shipboard life. Despite his early observation that “unremitting labor has a debasing influence on the mind,” the diarist labored shoulder-to-shoulder with his fellow crewmates in their arduous task. Fishing was of course the primary occupation, but was neither steady nor predictable. At times the diarist complained of having spent “nearly twenty hours…since I arose from my couch of boards,” on account of the constant demands of fishing. On June 21 he commented that “all hands [were] out fishing,” yet only two days later there were “not many fish this morning.” Later that same week, on June 25, the diarist reported that “no fish [were] caught today,” and two days later he noted “we went after fish but found no Cod.” Yet that very same day he reported dressing more than 1,400 fish that had previously been brought in. The actual act of fishing was not the only kind of labor necessary aboard these ships as the fish caught were gutted on board, ready to be air dried and salted on shore before being packed in barrels for shipment. The diarist commented on learning how to dress the fish, noting on June 19 that “we have caught some fish today, contrary to our expectations and I have a trail at dressing not so as I had anticipated—guess I can ‘go it’ after a little practice.” A few days later he reported dressing “3 or 4 hundred” fish, a numbered he considered “not many,” but describe the labor as having “g[a]ve me some trouble, my hands are sore and feel rather disagreeable.” By July 6, the diarist reported having “dressed about 1,000 fish and today am at work quite
steadily,” with another 1,300 cod on deck after having spent the previous couple days recovering from a cut on his finger severe enough to require stitches. Yet despite the dangers and tedium of dressing the fish, it was a welcome job to the back-breaking labor of rowing.

“Heading fish,” the anonymous diarist declared, “is not so bad as rowing boat.” These fishing expeditions used smaller, human-powered boats, variously called dories or tag boats, for reasons including going to shore in order to resupply the ship with wood and water. But they were used for fishing as well. As fishermen sensed the changes in the sea during the middle decades of the nineteenth century, they adapted their technology to the situation in order to pull more life from the oceans. Over the course of the next decade these fishermen would employ longlines but for the time being they continued to use single-hook hand lines, yet did so from smaller tag boats, away from the main schooner, to expanded the ship’s fishing footprint. The diarist described this mode of fishing. These tag boats were also used for catching bait. Using a kind of vertical hanging net—seine, in fishing parlance—fishermen were sent out in these rowboats to gather the kind of forage fish that would bait the hooks that brought in the valuable cod. Gathering bait required miles of rowing at a time, leaving the diarist to remark, “I think I shall either be killed or cured this summer. Plenty of work on hand, more coming.”

Storms and squalls created work, too. On June 9, for instance, as the Mary C. Ames passed Halifax, the diarist noted that while at one time the sea was “a beautiful emblem of peace and calmness of mind,” inclement weather now made the oceans act “as if it were a thing possessed of life, and filled with passion, the rough waves are angrily chasing each other, fanning as they go, like ten thousand wars steeds pursuing after each other in the confusion of

283 Ibid., 2, 12, 15–20.
284 Ibid., 16, 24–25.
battle.” The ship “would reel to an angle of 41 degrees” allowing water “into the forecastle and wet[ting] all our berths.” This kind of weather would have forced all hands on deck to steady the ship until the storm passed, then left the crew to literally pick up the pieces. Such storms could necessitate dozens of hours of uninterrupted labor. But even in the best of conditions life aboard a fishing schooner afforded few comforts. On June 17, when the ice-choked Strait of Belle Isle finally allowed clear passage, the diarist commented that “the weather is very cold this morning…clothes wet and the wind is blowing upon us, no fire to be got at.” In all, “not the most pleasant circumstances imaginable surely,” he concluded. The food, a tedious menu limited to codfish, potatoes, and coffee, likewise offered like respite. Back-breaking labor, dangerous weather, and meager creature comforts left the diarist with only one conclusion, that “our living is truly that of fishermen.” The diarist did, however, seem to take comfort in the company of his fellow fishermen, remarking on the sagacity and good nature of his crewmates. “Social endearment,” he remarked, “are the brightest and purest of man’s privileges, they are the Oasis in the desert of cane and turmoil of life, they enliven, refresh, and renew man’s wearied powers.”

He did not find such charm in all of the ship’s crew, reserving his ire for a Mr. Sylvester, whom our diarist remarked was “universally disliked and has not as I have discerned one redeeming quality about him.” The life of North Atlantic fishermen was indeed a rough one, but poor food and rough weather were not the only agents of the fishermen’s difficulties.

Sailing from Newburyport to Newfoundland obviously took the Mary C. Ames near, and in some cases through, British waters. The diarist and his crewmates had no choice but to face the political arrangements and diplomatic dealings that, to a significant extent, determined how fishermen interacted with this maritime resource and environment. Some passages did reflect an

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appreciation for the political context that shaped the experience. The body of maritime laborers that composed ordinary fishing crews was to a certain extent multinational. Differing conditions on either side of the U.S./Canadian divide encouraged the portability of labor.\textsuperscript{286} But fishing crews were a far cry from the polyglot, multiethnic, multicultural groups that could be found aboard ostensibly American ships in the Pacific. The \textit{Mary C. Ames} and the diarist aboard were undoubtedly, in provenance, privilege, and outlook, American. Affirming those patriotic ties, the diarist commented on the revelry that the crew met the anniversary of American independence. “The ‘glorious fourth,’” the diarist declared, “has come and gone with its many hallowed recollections. To us it seemed a jovial day although in a foreign land. Pleasant emotions aimed as we think of home and its happy inmates never before were we away from out native land on our birthday of freedom.” This last statement may have been a bit of an overstatement as, for seasoned fishermen, the Fourth of July annually came during the middle of fishing season. But that point aside, the diarist seemed to closely identify with a sense of American nationalism.\textsuperscript{287}

Like his American brethren, the diarist held prejudiced views of the subjects of British America. The diarist did not view British Canadians as competitors in the fishing industry, so his comment that “the inhabitants are not much above brutes, pitiable objects surely,” was not borne of competition or jealousy. His comments smack of a feeling of superiority as he elsewhere noted that other residents rely on wild game, not fishing or agriculture, implicitly suggesting a lesser existence. The only other residents of the area the \textit{Mary C. Ames} came across were “some Indian squaws” who were “dressed in true Indian style” of which the diarist called “quite an

\textsuperscript{286} For the portability of labor in the nineteenth century fishing industry see Payne, \textit{Fishing a Borderless Sea}, xv–xvi.

\textsuperscript{287} \textit{Mary C. Ames} Journal, 19–20.
Fishermen would have no doubt felt themselves superior to these first nation peoples as American mariners of all stripes carried with them American-bred stereotypes of native peoples across the globe. But clearly the diarist’s most cutting words were saved for the Anglo inhabitants of the maritime provinces. This sentiment resonated with more popular thought of the day. Amid the pointed fishery dispute with Great Britain during the summer of 1852, Massachusetts Congressman Zeno Scudder had choice words for his northern neighbors. Demonstrating a certain disdain, Scudder remarked, in a statement that was born of economic competition in a way the diarist’s was not, that Canadian fishermen could be hired for far less than their American counterparts because the Canadian’s “manner of living and educating their children…is far below that of the fishermen of the States.” Insults were easy to hurl in the us-versus-them game of national rivalries. But as the diarist realized, the American fishermen’s greatest rival was Great Britain, the nation most responsible for the geographic restrictions the fishing industry labored under.

The diarist could not help but notice the asymmetries of resource access the Convention of 1818 created. Early on in the voyage he observed that not all waters were created equal. The diary-keeper-turned-fisherman noted that the waters off Cape Sable, the southernmost point of Nova Scotia, were rich in fish. “Fish appear to be very plenty, but” the diarist lamented, “American vessels are not allowed to fish there,” as a result of the restrictions imposed by the Convention of 1818. Although this particular observer was neither a seasoned fisherman nor a

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288 Ibid., 15–17.

289 See Rouleau, “Maritime Destiny as Manifest Destiny.”

290 Congressional Globe, 32 Cong., 1 sess., app., 923.

291 Mary C. Ames Journal, 4.
life-long resident upon the waves, there is no question that maritime laborers were well aware and knowledgeable of the diplomatic and political contexts that shaped, and at times circumscribed, their lives and economic opportunities. Though removed from the formal channels of diplomacy, these ordinary workers were still very much so part of it, at times complying with its dictates, while at other times resisting.\textsuperscript{292}

The story of the \textit{Ruby} and \textit{Reindeer} was not the only instance of fishermen actively resisting the enforcement of treaty stipulations that ran counter to their interests. Robert Bayley, captain and owner of the \textit{Mary C. Ames}, related to the ship’s diary keeper a story indicative of how American fishermen attempted to undercut British efforts to enforce the restrictions of the 1818 treaty. The story, as the diarist recorded it, described how “an American vessel…found fishing in waters forbidden by the treaty…was seized by an English man-of-war.” The captain of that unnamed vessel—the story was short on those kinds of details—did not intend to meekly submit to his British captors and “prior to the seizure [he] sent below seven or eight of his hands and put them in some hogsheads.” As was customary in these sort of captures the English captain left a small number of his sailors aboard the fishing schooner to sail the renegade ship back to a British port. Yet in the course of doing so “the bottled up Americans came on deck in due time and with the assistance of their comrades being now the superior number ordered the English

\textsuperscript{292} The existing historiography portrays mid-nineteenth century fishermen as largely external, if not indifferent, to the diplomatic world. A study of cod populations on the Nova Scotian Shelf by Bolster, Karen E. Alexander, and William B. Leavenworth remarks that while “diplomatic negotiations and international disputes over the fisheries were ongoing, nineteenth-century New England fishermen…paid little attention to political boundaries, even within the three-mile limit of territorial authority at sea then operative.” Furthermore Payne, while recognizing the importance of high-level diplomacy, ultimately concludes that they were more invested in and aware of “community codes of conduct.” Fishermen no doubt were motivated by their own economic interest even if that required violating the dictates of international agreements, but taken as a whole their testimonies show that they were keenly aware of the international agreements that regulated their industry and sought to directly influence the lines of formal diplomacy to redress their grievances. Fishermen were diplomatic actors even if their fishing patterns represented the constraints of economics and ecology. Bolster, Alexander, and Leavenworth, “The Historical Abundance of Cod on the Nova Scotian Shelf,” 92. Payne, \textit{Fishing a Borderless Sea}, xvi.
crew to give the ship.” The American fishermen had retaken their vessel and gave those British sailors “their choice between being thrown overboard, going to the states, or going on shore in a boat,” of which they chose the latter. In all, the diarist reflected on this episode as “illustrative of the ingenuity of Yankee sailors.”

It was no surprise that the diarist, and presumably his fellow fishermen, was captivated by the drama of their clandestine brethren and countrymen springing forward at a key moment to retake their ship in what was a microcosm of so much of early American foreign relations. These fishermen lived up to the most idealized versions of themselves—bold, patriotic, resourceful. But was this story true?

The multitude of stories found in congressional reports, speeches, newspapers, and diplomatic and consular correspondence that described the capture of American fishing vessels shared a similar structure and tone. This story related to the diarist, however, bears little resemblance to those other stories, suggesting it was either an entirely exceptional case (unlikely) or was perhaps a fabrication that circulated as fact. Fishermen resisting their captors, while odd, was certainly not exceptional among these tales. What set this telling apart had more to do with audience. The stories fishermen told that were intended for federal officials or a wider public emphasized that they had done nothing wrong, even giving their exact location from the shore in an attempt to build sympathy and support for their entirely lawful enterprises. This awareness demonstrated savvy political minds among these maritime laborers. The story recorded in the diary, however, made no such pretension, freely admitting that this particular ship had indeed violated treaty stipulations and was subject to lawful capture. This story, told by and for fishermen, perhaps did more to reinforce their own self-understanding, one that resonated with the popular rhetoric surrounding this class of maritime laborers. Whether this particular story

293 Mary C. Ames Journal, 5–6.
was based on actual events or not may be irrelevant, as the fact that it was told in this context suggests these fishermen bought in to, and perhaps even shaped, popular perceptions of their service. But in any event this episode did relate how fishermen understood and engaged with the political and diplomatic contexts that surrounded their vocation, showing they were not passive subjects acted on by elite policymakers.

At the close of the 1840s the Anglo-American relationship was remarkably placid. The previous couple decades witnessed the residual ardor and unanswered questions of America’s second war for independence largely melt away as a series of resolutions occasioned a short-lived, if still important, transatlantic détente. Anglophobia, always a powerful, if at times limiting, political tool, had to some degree subsided as stable borders and a newly taken continental empire suggested the United States had shed at least some of its early-national insecurities and become Great Britain’s peer. The view from Washington was optimistic; the view from the fisheries, however, was not.

For American fishermen the Convention of 1818, a treaty intended to bring order to the fisheries, was a failure. The agreement was unable to accommodate the ecological or industrial changes that governed how and where fishermen plied their craft. In fact, the treaty only created conditions for more captures and more confrontations that could, yet never did, interrupt the ameliorative trajectory of American diplomacy with Great Britain. As the 1820s, 1830s, and 1840s saw fishermen pursuing new species, primarily mackerel, with new technologies, primarily the mackerel jig, and as a result ran afoul of the restrictive Convention of 1818, little changed diplomatically. In 1820, as in 1850, the 1818 treaty governed fishery access and waters within three miles of British provincial coasts remained off limits to American fishermen. The incongruity between how the fisheries were governed and how they operated aroused protest
from the fishermen, but the dissonance was not enough to spur policymakers given political developments elsewhere. Perspective mattered mightily during these decades.

Fishermen did what they could in this climate, appealing to the federal government when necessary and outright resisting the British Navy when able. Fishermen were unequivocally political actors who used whatever methods they could to claim a stake in the acts of diplomacy. But they alone seemed unable to force a change; an outside shift was needed. Such a shift came in 1846 as Great Britain repealed the Corn Laws, embraced free trade, and waged an international campaign to bring nations, including the United States, into the free trade fold. The British would ultimately use the fisheries to exert pressure on the United States to achieve this political aim. Both looking from Washington and looking from the forecastle, observers would witness immense changes over the next couple decades.
At midcentury Anglo-American relations seemed to be entering a new phase. The Caroline and MacLeod Affairs, as well as the Aroostook War seemed to be settled by the Webster-Ashburton Treaty of 1842. In some cases this single agreement assuaged disputes that had simmered since independence. The saber-rattling of the Oregon Question was silenced in 1848. And America’s convincing victory in the U.S.-Mexican War seemed to announce to the world, Britain first and foremost, that the former colonials had become full-fledged imperialists. The 1840s was a period of immense change in the tenor of Anglo-American relations. Yet the Fisheries Dispute of 1852 reveals the extent to which, despite a continental empire and stable borders, the United States remained a second-rate nation in Britain’s Atlantic world. British warships arrived upon the fishing grounds in an effort to strong-arm the United States into accepting a trade agreement that American leaders had shown little interest in. While the 1840s seemed to portend a fundamental shift in transatlantic relations, the fisheries issues demonstrated the degree to which the United States remained the inferior partner.294

Domestically the fisheries issues became embroiled in the sectional politics that often defines histories of the 1850s. Because of its close association with territorial expansion and federal bounties, the antebellum fishing industry became a locus for questions about the relationship between the federal government and individual sections of the Union to be debated. While for much of the antebellum period the fisheries questions remained, surprisingly enough, immune to the sectional wrangling between free and slave state, by the end of the 1850s this

294 For the midcentury Anglo-American rapprochement see Allen, Great Britain and the United States; Campbell, From Revolution to Rapprochement; Carroll, A Good and Wise Measure; Jones and Rakestraw, Prologue to Manifest Destiny; Jones, To the Webster-Ashburton Treaty; Rakestraw, For Honor or Destiny; Kenneth R. Stevens, Border Diplomacy.
sectional fracture was mapped onto debates that seemed to center on the fisheries. In the process debates, over annexing Canada and the federal cod fishing bounty became debates about the meaning and nature of Union itself. In the end it should come as no surprise that questions of Union were inherent in the fisheries issues since the relationship between the fisheries and American nationalism ran deep.

**Changes in the Sea**

The summer of 1852 witnessed the most pointed nineteenth-century diplomatic exchange between the United States and Great Britain over the North Atlantic fisheries. British officials dispatched warships to the contested region with orders to bar American fishermen from the fishing grounds. Secretary of State Daniel Webster, speaking from his home in Marshfield, Massachusetts, offered an unequivocal vow that the federal government would stand with the nation’s fishermen. “Be assured,” Webster intoned to a crowd that welcomed him home, “the interest will not be neglected by this administration, under any circumstances,” and, in words that no doubt resonated with the inhabitants of a seaside town, “the fishermen shall be protected in all their right of property, and in all their rights of occupation…hook and line, and bob and sinker.” As Webster noted, the hardy sons of Neptune who exploited the piscine wealth of the North Atlantic were “the very nurseries of our navy,” and thus an essential component of American statecraft. Webster’s claim for America’s uninterrupted access of these waters was one based in custom, fallaciously claiming that “the pursuits of our citizens…had been carried on more than thirty years without interruption or molestation…in the same waters and on the same coast.”

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Webster appealed to the Convention of 1818, but he overlooked shifts in imperial politics that, by 1852, made the fisheries a coercive element in Britain’s drive to incorporate the United States in the emerging international system of free trade. By invoking a thirty year period “without interruption or molestation,” Webster decontextualized the American fishing industry from the vagaries of Anglo-American relations, but also hinted at an unnatural gulf between the political situation on the sea and the ecological changes in the sea. The middle decades of the nineteenth century were marked by flux. Changes in transatlantic politics, as well as changes in the Atlantic itself, made possible the confrontation that erupted in the summer of 1852. Neither politics nor environments were static.

Environmental change was a necessary part of this diplomatic dispute. Owing to centuries of climatic change and fishery pressures, the middle decades of the nineteenth century witnessed significant shifts in how, where, and what kinds of fish Americans pursued in the north Atlantic. These changes were as important as Britain’s ostensibly diplomatic goals in how this conflict unfolded. The political and the environmental, then, aligned in such a way to offer insights on the fundamental nature of Anglo-American relations. The state of Anglo-American relations marks the diplomatic correspondence of these two nations. But the state of the environment is also inscribed upon such official discourse. The confluence of these two, intertwined archives, that of humans and that of nature, demonstrate the degree to which diplomacy, if not the entirety of the American and British states, were at the sufferance of nature.²⁹⁶

Understanding how the fisheries issue came to a head in the summer of 1852 requires an environmental perspective on nineteenth-century Anglo-American relations. The so-called

²⁹⁶ For a discussion of the “human archive and natural archive” see Parker, *Global Crisis*, xvi–xvii.
postcolonial readings of early American history posit that American identity formed in the
liminal space between the pride of independence and revulsion of continued reliance on British
cultural mores. This existing work, however, privileges political and cultural perspectives when
the environment, and this maritime resource, served as an arena for both national self-definition
and acute anxiety born of a sense of inferiority.297

The fisheries issue laid bare fundamental aspects of the Anglo-American relationship that
otherwise remained obscured. While the environment may seem to be an issue far from the
minds of diplomats, especially in an era anterior to the age of environmentalism, the Fisheries
Dispute of 1852 provides an excellent example of how foreign relations is rendered
incomprehensible without acknowledging the environmental context as well.298 This episode
argues for the efficacy of the concept of “deep contingency,” as articulated by historian Edward
L. Ayers in his study of Civil War causation. But this diplomatic dispute suggests the myopia of
understanding contingency as a product of human society alone. Instead the convergence of
trends in the summer of 1852 makes an eloquent case for including the environment in “the
dense and intricate connections in which lives and events are embedded.”299 Diplomatic change
and environmental change constantly interacted, the intercourse of human enterprises was
predicated upon the nonhuman world. Politics and the environment conspired in the summer of

297 For “postcolonial” readings of the antebellum United States see Yokota, Unbecoming British and Haynes,
Unfinished Revolution.

298 For diplomatic environmental history see Dorsey, Dawn of Conservation Diplomacy; Dorsey, Whales and
Nation; Thomas Robertson. Diplomatic-environmental histories remain a small, but quickly growing, subfield, with
Dorsey even calling the environment “the great untapped vein of American diplomatic history.” “International
2003), 33.

299 Edward L. Ayers, In the Presence of Mine Enemies: War in the Heart of America, 1859–1863 (New York: W. W.
norton, 2003), xix. Also see Ayers, What Caused the Civil War?: Reflections on the South and Southern History
1852 to pit the United States and Great Britain against each other in an intense, albeit brief, conflict that was millennia in the making.

Two important, at least from the human perspective, elements of the ecology of the North Atlantic are the Atlantic cod (Gadus morhua) and Atlantic mackerel (Scomber scombrus). The conditions created by the climate, geology, and chemistry of the North Atlantic made it a welcoming home for these fish. Cod and its gadoid relatives are largely non-migratory, preferring to stay in the region’s relatively cool waters year round to feed upon capelin and small crustaceans. While those cod that live at the extreme northern and southern reaches of their geographic range regularly follow favorable ocean temperatures as the seasons dictate. All cod, however, make a vertical migration over the course of their lives as the juvenile fish spawn in open surface waters before descending to their preferred benthic habitat upon maturity. Cod most often spawn offshore where they spend much of their life cycle.300

Atlantic mackerel, on the other hand, are decidedly migratory. Like their tuna and bonito relatives, mackerel regularly range to warmer waters as far south as the Mid-Atlantic Bight. Mackerel follow a seasonal rhythm traveling northeastward after overwintering in mid-Atlantic waters as the spring’s rising temperatures allow. In certain years with favorably warm temperatures mackerel have ranged as far south as the Carolinas and as far north as the Strait of Belle Isle and the Labrador Sea. These fish are most at home in the open water and do not shy away from coming inshore, especially in the spring as they head north. Both cod and mackerel, like most all fish, have much of their life cycles dictated by ocean temperatures. Migrations, food

300 Rose, Cod, 60–70; Bigelow and Schroeder’s Fishes of the Gulf of Maine, 229–234; Cramer, Great Waters, 51–53.
availability, maturation, and reproduction are all processes that depend on the ever-fluctuating temperatures of the ocean.\textsuperscript{301}

Over the past fifteen thousand years the earth’s climate has shifted often, sometimes even violently, but only over the past handful of centuries have these changes been brought to bear on the human world through the fisheries. The climate history of the past millennia, as best understood, is marked by three distinct and dramatic climate swings. The first, lasting to about the onset of the fourteenth century, was a period of relative warmth known as the Medieval Warm Period. This was followed by a period of cooling, the Little Ice Age, that lasted well into the nineteenth century. Finally the past couple centuries have been marked by a significant and unprecedented warming as humans have altered the chemistry of the atmosphere and ocean. But it is the Little Ice Age that most concerns the fisheries. It was during this period that Europeans first began sailing further and further west in search of cod as their home stocks began declining. It was likewise during this period that fishermen of all provenances began the alteration, or perhaps more accurately the destruction, of the northwest Atlantic’s fisheries. But this period of cooling itself had in store its own changes that influenced the nature of human action. The effects of such changes were felt most acutely during the summer of 1852.\textsuperscript{302}

The Fisheries Dispute of 1852 came at the “last gasps” of the Little Ice Age. Across North America the second quarter of the nineteenth century was marked by a rapid decline in temperatures. Bioproductivity declined as plankton responded to cooler temperatures with lower yields and cod bore the ill-effects of this cooling. Cod, despite being a cold water fish, was


\textsuperscript{302} Fagan, \textit{The Little Ice Age}; Bolster, “Putting the Ocean in Atlantic History.”
unequipped to contend with such a significant cooling. As temperatures dipped below the optimal threshold for spawning and growth, the population of cod in the northwest Atlantic declined. By 1850, cod had disappeared from the western coast of Greenland with Newfoundland experiencing a dramatic decline as well. By the middle of the nineteenth century, the environment of the northwest Atlantic no longer supported such a large community of cod for fishermen of all nations to exploit. While cod numbers declined significantly amid this cooling, mackerel fared better, if only marginally.  

Mackerel were not as devastated by the cooling of the mid-nineteenth century. Although their migratory range was severely curtailed, failing to even reach Newfoundland, these fish remained in relatively warmer waters as the southern contingent overwintered and spawned in mid-Atlantic waters. The northern contingent of mackerel may have been severely weakened by the cooling trend, but mackerel continued to reach at least the Bay of Fundy, the shores of Nova Scotia, and some of the more southerly banks during its summer migration. The climatic cooling of the nineteenth century created an ecology that, by the 1850s, faced a significant decline in the cod population while allowing for a relative rise in mackerel. Fishermen responded accordingly. This period could be characterized as one of crisis and created tension among fishermen as long-held practices were forced to change to accommodate new environmental realities. Yet the political practices that governed the fisheries failed to change as American fishermen devoted more attention than ever to pursuing and catching the inshore-dwelling mackerel.

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Amidst the environmental changes that operated at decade and century long scales, largely beyond the reach or influence of humans, was a veritable revolution in the fishing industry. This “fishing revolution,” a term noted by historian W. Jeffrey Bolster, was part of a larger set of changes most often simplified with the term “modernization,” that include “mechanization, technological innovation, product development, market expansion, and the cultural acceptance of—and legal justification for—possessive individualism.” These changes reinforced, contradicted, and in every way interacted with the shifting environments of the region with profound ecological and political ramifications. While other industries at this time radically changed with the coming and growing sophistication of mechanization, fishing largely remained an industry dependent upon the energies of wind and human muscle. But this in no way limited the destruction wrought by its practitioners. The most significant changes would prove to be those in the technology of the gear employed. Seining, which is to say net fishing, made capturing fish a more efficient, if indiscriminate endeavor as producing nets became cheaper and easier during the middle decades of the nineteenth century. Another important change, especially as it related to the cod fishery was the adoption of long line technology. For literal centuries cod fishing was performed by individuals who were able to tend, at most, a few hooks apiece. But with the adoption of long lines—also known as tub-trawling, set-lining, and bultow fishing—individual fishermen could set lines, each with hundreds of hooks, on weighted ground lines. These two adoptions, seine and long line fishing, demanded even more fish and shell fish as bait and resulted in the significant growth of by-catch as catches rose dramatically. This, of course, came with a host of ecological consequences as fishermen began to realize their unchecked efforts were changing the seas as the seas themselves changed. While this fact was hotly debated among fishermen and ichthyologists alike, the situation on the fisheries became more dire when
fishermen continued their ruthless assault on the environment with little regard for their piscine prey or political neighbors. Although fishermen failed to curtail their efforts they labored under the fear that such changes may undercut their livelihood. When American citizens and British subjects confronted each other in the summer of 1852 they did so in a world where environmental and ecological changes fostered such tension.  

**THE FISHERIES DISPUTE OF 1852: A FISH-EYED VIEW**

While the environmental conditions that made the dispute of 1852 possible were long in the making, the proximate cause was much more recent—simply put, it was free trade. Reform was everywhere in midcentury Britain as the concerned among the queen’s subjects attacked issues ranging from the empire’s embrace of slavery to the narrowness of the elected franchise. While these causes met success during the 1830s, it was during the 1840s that the reform-minded aimed at no less than a revolution in the intercourse of nations. This was to be done through shedding the mercantilist inspired trade restrictions that still yoked the empire, if not all of mankind. By 1846 and the repeal of the Corn Laws, Great Britain’s most substantive free trade policy decision, the political community in Britain waxed rhapsodically. A writer in the *Manchester Times and Gazette* even went to so far as to claim that “free-trade is civilization, and prohibition is barbarism.” Such a policy would do nothing short of remaking the world and represent a watershed moment in human history since with “liberty of commerce,” the world would “defy religious rancour, wars, famine, poverty, all the evils which have hitherto been the heritage of humanity to perpetuate their existence. Believe not this to be a question of purely

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material interests; it is one intimately connected with morality and intelligence.”

Obviously Great Britain had high hopes for what free trade would do, not only economically but also politically, and morally. The enforcement of this revolution in human sentiment would, however, require the Royal Navy, as Americans were still, by 1852, uninclined to so eagerly adopt the British free trade directive.

With this sea change in Britain’s imperial policies, the British administration sought the world’s acquiescence. The loss of imperial preference meant Britain’s North American colonies stood to lose much in a new world of free trade. Thus Britain endeavored to entice the United States into offering its northern neighbors a favorable trade agreement in order to vent Canada’s surplus production of lumber, wheat, and coal. The United States, itself a producer of these commodities, was, however, slow to action. Secretary of State Daniel Webster made clear why Congress was disinclined to offer the British provinces any trading agreement, remarking to Henry Layton Bulwer, the British minister to the United States, that simply “the bill seems much more advantageous to Canada than to us,” since “we give her a large market, and she gives us a small one, for articles which are the common products of both.”

The British minister sought to entice Webster with a carrot instead of the usual stick of British diplomacy. If, Bulwer intimated, the United States enacted legislation amicable to the commercial needs of Canada, Americans

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306 “Progress of Free-Trade in Foreign Countries,” *Manchester Times and Gazette*, April 4, 1846.


would be guaranteed free access to the St. Lawrence and, more importantly, the expansion of fishing rights on the coasts of New Brunswick and Nova Scotia.\(^{309}\) Still unmoved, Webster left the cause of North American free trade to flounder.

Not content with American foot dragging on an issue as important as free trade, in 1852 the newly installed Derby ministry turned the carrot of North Atlantic fishing rights into the stick of coercion. In early July, in the midst of the fishing season John Crampton, the new British minister to the United States, delivered to Daniel Webster notice that ships from the Royal Navy would be stationed in those waters in order to enforce a strict interpretation of the Convention of 1818.\(^{310}\) While Crampton failed to make an explicit connection between reciprocal trade with the British provinces and the fisheries issues, it was clear to Webster that British leaders sought to use the latter in order to accomplish the former, and at a time when the coastal waters off limits to American fishermen were particularly valuable given shifts in the industry and changes in the sea.

Two weeks elapsed before Webster made public his reaction to Britain’s heavy-handed tactics. At the heart of the matter was the status of bays and inlets. Britain asserted that the three miles of territorial waters extended from the headlands of large bays, thereby excluding Americans from the largest inlets such as the Bay of Fundy. Webster, in his initial response, did not counter or dispute this British assertion, only lamenting “to make so large a concession to England,” was “undoubtedly an oversight of the Convention of 1818,” even as the United States “considered that those vast inlets…ought to be open to American fishermen, as freely as the sea itself.”\(^{311}\) Conceding the point almost entirely, Webster observed “that by a strict and rigid

\(^{309}\) Webster to Bulwer, June 24, 1851, Webster Papers, 684–685.

\(^{310}\) John F. Crampton to Webster, July 5, 1852, Webster Papers, 685–686.
construction [of the Convention of 1818] fishing vessels of the United States are precluded from entering into the bays or harbors of the British Provinces.”

The secretary of state concluded with little reassurance to fishermen or other Americans. “The immediate effect,” of British ships in North American waters, “will be the loss of the valuable fall fishing to American fishermen; a complete interruption of this extensive fishing business of New England,” and “constant collisions…threatening the peace of the two countries.”

Webster’s initial reaction beheld an alarmed statesman and an America only reacting to decision emanating from London.

Webster’s editorial seemed to abandon the cause of the fishermen and in the process created much alarm among those in Washington, including President Millard Fillmore. Webster promulgated this policy paper without the input of the president or any other cabinet members. Fillmore remarked to Webster that the publication of the editorial “has consequently created unnecessary alarm,” but that its content “is somewhat misunderstood.” To remedy the situation Fillmore instructed his secretary of state to express that while negotiations with Great Britain over the fisheries would soon begin to put the issue to rest, “our citizens had the unquestioned right of fishing on the southern and western shore of the island of Newfoundland,” among other places. Webster’s next public pronouncement on the unfolding fisheries dispute, an address

312 “Daniel Webster’s Editorial on the Fisheries Question,” Boston Courier July 19, 1852, in Webster Papers, 689–694 (quotation on 693).

313 Ibid., 694.


315 Milliard Fillmore to Webster, July 20, 1852, Webster Papers, 695.
made from his home in Marshfield, Massachusetts, was a clear rebuke of his earlier timidity as he offered unequivocal support for American fishermen that verged on bellicosity. In his “hook and line, and bob and sinker” speech Webster put to rest any fear that the Fillmore administration might meekly surrender any American right or privilege enjoyed by American fishermen. In fact, Webster positioned the fisheries as an integral component of national security and American state-building by declaring that “the fisheries were the seeds from which…glorious triumphs were born and sprung.” Any success ever enjoyed by the United States navy owed to the fisheries and the skills its pursuit instilled in those who plied its waters.\footnote{316}

Again, Fillmore counseled against Webster’s extreme rhetoric in a dispute that was developing into a delicate international situation. The president, recognizing the United States as the junior partner, instructed his secretary of state that the United States may have to, “at the sacrifice of self-interest,” submit to Britain’s wishes so as to not “unnecessarily stir up anger, cause popular agitation…[and] place us in the wrong by appearing before the world to have claimed that to which we were not entitled.”\footnote{317} Furthermore, Fillmore confided to Webster that timidity and prudence, perhaps just euphemisms for submission, were preferred to a hardline stance, out of a “fear [that] G[reat] B[ritain] is right in her construction of the treaty.”\footnote{318} Webster responded by declaring that despite his intentions to express the delicacy Fillmore desired, his words were twisted by the press and imbued with a belligerent tone. His remarks that the federal government would stand with American fishermen, right or wrong, were “jumbled and imperfect,” as a result of “the neglect of their [editors] appropriate duties.”\footnote{319} As the Fillmore


\footnote{317}Fillmore to Webster, July 25, 1852, Webster Papers, 698.

\footnote{318}Ibid., 699.

\footnote{319}Webster to Fillmore, August 1, 1852, Webster Papers, 705.
administration groped for a response to British actions, it seemed to settle upon vacillation and poor communication.

While Fillmore, Webster, and their associates were abuzz, actual action was less hurried. Apart from a nebulous plan for Webster to begin a series of talks with the British minister to the United States with the aim of a comprehensive treaty to settle the fisheries and free trade issues, Fillmore settled on sending Matthew C. Perry to the contested region in the hope that an American military presence would forestall bloodshed. Perry proceeded to the fishing grounds aboard the frigate U.S.S. *Mississippi* in the early days of August. While Perry’s cruise along the coast of Nova Scotia and into the Gulf of St. Lawrence produced a series of detailed reports on fishing in the region, this was, more or less, the extent of the Fillmore administration’s actions. Despite perhaps unfounded fears, American fishermen and the British navy never came to blows and this interrupted fishing season came to a quiet conclusion. The same, however, could not be said of how Congress and the press responded to that summer’s perceived British indignity. Beyond the tight circle of the executive department, the American political community made clear that the fisheries dispute was indicative of Britain’s deep-seated disdain for the United States, confirming America’s inferior status within that relationship.

The American political community did not hesitate to take up the issue during the summer of 1852 and put this most recent British slight in the larger context of Anglo-American relations. In Congress, among the usual panegyrics to the patriotic fervor and service of the nation’s fishermen, statesmen dwelled on the themes of British resentment and American inferiority. John Mason, the chair of the Senate Committee on Foreign Relations, charged that the sudden dispatch of British war ships to American waters was “a far higher offense than a
breach of national courtesy,” but instead was “one of insult and indignity to the American people,” as Great Britain lacked even the slightest bit of regard for America and its citizens.\textsuperscript{320}

The more bellicose among those in Congress were quick to find evidence that little over the past seven decades of American independence suggested Great Britain respected the United States, even as the events of the 1840s adjudicated numerous outstanding irritants. Senators claimed that Britain wished to negotiate “at the cannon’s mouth,” showing that the two states were, in fact, not equals. For those such as Solon Borland of Arkansas this example of British aggression was unprecedented, as he questioned “has it ever happened before, in the whole history of our country, from the day when our independence was acknowledged by Great Britain until this administration, that negotiations have been opened with us through the medium of cannon pointed against our citizens and our ships?”\textsuperscript{321} Thomas Rusk of Texas mirrored his colleague’s sentiment—“Can we negotiate at the cannon’s mouth?” an emphatic “no” was the senator’s answer.\textsuperscript{322}

Moreover, American politicians claimed Great Britain ran roughshod over the norms of international relations. The British, at least in the eyes of Congress, sought a novel, if not illegal, interpretation of international agreement. Much of the debate between Anglo-American statesmen during this crisis was over interpretations of the Convention of 1818. While this treaty forbade American fishermen from taking fishing within three miles of the coast of Britain’s North American Provinces, Americans claimed the right to enter large bays whose mouths were greater than six miles. Britain, however, claimed that the three mile limit extended from an

\textsuperscript{320} Congressional Globe, 32 Cong., 1 sess., 1890.

\textsuperscript{321} Ibid., 1892.

\textsuperscript{322} Ibid., 1893.
imaginary line that connected each headland of these larger bays. This so-called headland
doctrine was disputed by American senators as an unprecedented interpretation of the 1818
convention and thus carried no legal weight. Such a contention was often dismissed as a mere
pretention, but other senators, namely the noted Anglophobe of Michigan Lewis Cass, disputed
the notion that fisheries could even be regulated or demarcated and such power certainly did not
come from Great Britain. Cass plainly stated that “no nation can appropriate [the ocean] to
itself,” for the seas are a “common highway, and “a liquid field” “whose abundant supply of food
for man is among the most wonderful and beneficent dispensations of nature.” Thus American
access to these fisheries was not something granted by the British, but instead was a right “from
the Almighty God.” Any attempt by Britain to curtail or reinterpret that right was an example
of arrogance and disdain.

Despite any claim that America would stoutly resist any British designs on the fisheries,
Congress still recognized American inferiority in maritime and military arenas. John Bell of
Tennessee noted “that we are not in a condition either in regard to the fisheries or our interest in
the States south of us, or in regard to the islands on the Pacific coast, to negotiate on precisely
equal terms with such a Power as Great Britain . . . . She has great advantages over us.” Bell
understood American shortcomings as cause for alarm in the short term, but still had confidence
that “the American spirit is ready to maintain the honor of this country against all odds.” Yet Bell
relented that “we would be in a condition to be overawed” by the superiority of British force if
the nations came to blows.

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323 Congressional Globe, 32 Cong., 1 sess., app., 894–895.
324 Congressional Globe, 32 Cong., 1 sess., 1895.
While a few voices in Congress urged restraint, cautioning that Great Britain would not be so foolish as to alienate, if not spark war with, a major commercial and financial ally, the popular press was not so nuanced. Across the Union newspapers speculated as to why the British had insisted upon this new construction of the Convention of 1818. Many, of course, pointed to reciprocal trade with Canada. But others felt that behind this lay a decades old disdain for the United States on the part of the British ruling class. Less than a month after Crampton informed Webster of the Derby government’s decision to suspend American fishing rights in some Canadian waters, the Boston Evening Transcript offered harsh words for British leaders. With an incredulous tone the paper commented, “It is, we believe, an entirely new principle in international law that an administration, cabinet or government of a country, is at liberty to disregard the stipulations or concession of an administration or government which has preceded it.” Without mincing words, the article described the actions of Derby and his ministers as “manifestly unwarranted.” Behind these outrageous British actions lay the machinations of a class unable to live in peace with the American republic. While the author of this editorial had trouble believing that “Lord Derby has been guilty of the folly of putting forward these absurd pretensions as a cover to a scheme for fomenting a hostile feeling between the two countries,” the writings and speeches of “many individuals of the high Tory class in England” would confirm such a suspicion. Motivating Britain’s actions was a conservative desire to maintain its imperial foothold in North America. The ruling elites of Britain exhibit a “soreness at witnessing the growth of the republican spirit among the inhabitants of British America, and have declared it as their opinion that nothing but a timely war with the United States would save the colonies to Great Britain.”  

The Baltimore Sun similarly suspected Lord Derby of harboring resentment of the United States. Even though Derby’s ministry acknowledged the importance of reciprocity between the United States and the Provinces, the Sun doubted that Derby “exclusively British and altogether as he is…cares a button about the Canadian project of reciprocity.” Instead Derby’s decision to curtail American fishing rights was but an example of “his contempt for the power and national character of the American Union.” Later the Sun would describe the feeling of disdain felt for Americans across all of Europe in declaring “we know that the rapid advance of the United States in prosperity and importance, is regarded with jealous eyes by the legitimacy of Europe. Beneath the courtesies of national intercourse, we discern the cordial hate of despotisms.” The Picayune of New Orleans succinctly summed up the issue. This crisis did not arise from the substance of the Fisheries Dispute, but from the “hot, haste, arrogance, and discourtesy of the British Ministry.” Americans remained suspicious of British actions, and were still unprepared to live peacefully alongside the British Empire as an inferior.

Political cartoonists likewise turned their attention to this diplomatic standoff. The most prominent print maker of the day, Edward Williams Clay, lampooned the fisheries crisis in a way that resonated with the odd mix of insecurity and confidence that typified the American response. The Fisheries Dispute of 1852 was ripe for political cartooning. During the second quarter of the nineteenth century advances in print-making and transportation technologies allowed cartoonists to more easily reach a wider audience that demanded printed materials of all kinds. Sold as single sheets, political cartoons of this period were unique among printed

326 “Probable Settlement of the Fishery Difficulties,” Baltimore Sun, July 30, 1852, p. 4.
materials for being affordable to even general laborers in cities such as Boston, Philadelphia, and the center of the cartooning world, New York. Additionally the political changes of the Age of Jackson encouraged the rise of a politically aware audience receptive to this kind of artistic expression.\textsuperscript{329}

Among the prints Clay produced that summer was one entitled “John Bull’s Fish Monopoly.” At the center of the image Brother Johnathan, a stock character used to personify the United States during the nineteenth century, exhorted his British counterpart, John Bull, to recognize the American right to access these fisheries.\textsuperscript{330} John Bull, literally possessing the fish monopoly, was unswayed. Reflecting a degree of sectional unity, to the right of this confrontation a foppish eastern and a rustic frontiersman of the west have come to the consensus that the United States needed to teach John Bull another “New Orleans lesson” if American rights are to be respected. But perhaps the most interesting character in the scene occupies a secondary position at the extreme left of the frame.


A fisherman sits slump shouldered and dejected. Because of British restrictions the fisherman was out of work and unable to pursue his livelihood to support his family. His wife and daughter looked on, the only ones left to console him. While his posture suggests resignation, the fisherman promised “to go on board a man [of] war” to pay “that d—d Britisher…back in bullets.” Wittingly or not Clay made the connection between fishing and fighting that was the standard fare of the rhetoric surrounding the fisheries during the antebellum era. But this element of the print also hints at why the fisheries issue was so important to many Americans, not just at this critical juncture but throughout this period. During the summer of 1852 the British were not just encroaching on American fishing rights, but, in fact, attacking American manhood.
The dejected fisherman represented the two strains of masculinity in nineteenth-century America. As Amy S. Greenberg notes in her study of gender in the age of manifest destiny, there were two kinds of masculinity at midcentury. First, there is what she terms “martial manhood.” This kind of manhood was a definition of self that was defined by violence, strength, aggression, and most often associated with the expansionistic impulses of the Democratic Party. The fisherman’s vow to resort to arms in order to assert American rights exemplified the kind of military valor that defined the martial man.\textsuperscript{331}

While the fisherman’s words indicated a martial man, his image, and the fact that he was surrounded by his wife and daughter, suggest that the out-of-work fisherman was the embodiment of what Greenberg calls “restrained manhood.” Instead of violence and aggression, the restrained man defined himself through domestic life and his family, financial success, not military triumphs, and the progressive, business-minded outlook of the Whig Party. Although never stated explicitly, the fisherman’s body language in this image suggested defeat because, without the ability to pursue his trade, he was no longer able to provide for hearth and home as the good restrained man should. Flanking the unemployed fisherman, his wife and daughter illustrated the real costs of Britain’s aggressive international politics as they would be the ones most likely to suffer.\textsuperscript{332} This political cartoon succinctly explained what was at stake in the ongoing fisheries dispute. So many Americans reacted so viscerally to encroachments on this American right because, at least in part, they understood it as an encroachment on the position of


\textsuperscript{332} Greenberg, 11–12. I would, however, pushback slightly against Greenberg’s assertion that martial and restrained manhoods were incompatible, “dueling” in her terms. As this particular image demonstrated both of these impulses could be contained in the same, if fictitious, individual. The fact that these images circulated widely among a demanding public suggests mid-nineteenth-century Americans would not have necessarily seen a conflict between martial and restrained manhoods.
men in a well-ordered society. British restrictions robbed Americans of their ability to provide for their families and communities, and thus also robbed them of their identity as men.

Although much of the rhetoric surrounding this dispute centered on the Anglo-American relationship, many Americans were equally, if not more so, suspicious of their northern neighbors. With a propensity for invading those British colonies, early Americans were never able to embrace their Anglophone border-mates in any way that approximated fraternal bonds. The American-Canadian relationship gave the fisheries dispute a more obvious economic rationale given the direct competition between American and Canadian fishermen. Representative Zeno Scudder of Massachusetts was no doubt aware of the competition of Canadian fishermen given the importance of the fisheries to his constituents. The selling of Canadian fish not only threatened the economic well-being of American fishing interests on the international market, but Canada was poised to become the paramount supplier of fish within the United States. An “obstacle to the prosperity of our fisheries,” Scudder remarked, “is the unequal competition when we meet with those of the British colonies.” Not only were “the inhabitants of those Provinces…formidable competitors in the foreign market… [but] they are made rivals in our own.” Scudder, a Whig, introduced a partisan inflection to the debate by blaming the Walker Tariff, a remarkably low tariff passed in 1846 under the direction of Democrat James K. Polk’s Secretary of the Treasury Robert Walker, for allowing Canadian fishermen to play such a predatory role in the American market. Additionally, Canadians, Scudder contended, could undercut American fishermen because of their lower standard of living. Demonstrating a certain disdain for his northern neighbors Scudder remarked that “their habits of life, and social relations, permit them to pursue the business with a smaller profit than we can or do.” Canadian fishermen could be hired for far less than their American counterparts because the Canadian’s
“manner of living and educating their children...is far below that of the fishermen of the States.”

While men like Scudder looked down on Canadians because of their competition and perceived unrefined manner, others were suspicious of the British subjects, feeling as though the provincials were the ones driving British policy. In William Henry Seward’s view the fundamental difference in the interpretation of the Convention of 1818 was not between the United States and Great Britain, but between the United States and Canada. The “provincial authorities” have always insisted upon the “technical and rigorous construction of the treaty,” while American officials prefer the “more liberal and just” interpretation. Seward reduced the debate over fisheries to its essential elements; “the British Colonists insist upon the rigorous construction of the convention of 1818, so as to exclude us from entering the large British bays, and distract and annoy our fishermen; and the people of the United States resist that construction, and they never will yield it.”

John Davis of Massachusetts concurred with Seward’s estimation of the role the Canadians played in driving British policy. For Davis, the decades since the adoption of the Convention of 1818 had witnessed a “pretty earnest and determined effort” on the part of Canadian authorities to establish an agreement between the British North American Provinces and the United States that “they call reciprocity in trade.”

The fisheries dispute offered the opportunity to reconsider some of the fundamental aspects of Anglo-American, and Canadian, relations. But this crisis also offered the rhetorical space for a wider ranging discussion about American foreign relations, locating the ongoing

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333 Congressional Globe, 32 Cong., 1 sess., app., 923.

334 Ibid., 915, 917.

335 Congressional Globe, 32 Cong., 1 sess., 1891.
fisheries issue in the broader context of American diplomacy. A partisan tone, no doubt encouraged in part by election year politicking, pervaded such a discussion in an exemplification of the “paradox” of Anglophobia. While Britain could exert a galvanizing force in American politics, this unity exposed other divisions that rent the republic.\(^{336}\) Isaac Toucey, a Democrat from Connecticut, took the opportunity presented by the fisheries dispute to offer a withering indictment of the Fillmore administration’s foreign policy more generally. The fisheries dispute was but the latest example of the administration’s failure to steadfastly defend American rights and honor. Toucey admitted that he had “not that confidence in the Executive which, perhaps, I ought to have,” because the administration boasted a lackluster record on foreign affairs. Toucey claimed he could only lack confidence in the administration “after what I have witnessed on the coast of Cuba.”\(^{337}\) Toucey made reference to the Fillmore administration’s timidity in responding to the execution of American filibusters who joined in Narciso Lopez’s ill-fated attempt to liberate Cuba in 1851.

The failure of the Lopez expedition was resurrected during the summer of 1852 in an attempt to show that Fillmore’s Whig administration lacked resolve in the realm of foreign affairs. The *Daily Ohio Statesman* hammered away at this point and in doing so drew a direct connection between executed filibusters and North Atlantic cod. “In the Cuban affair from beginning to end,” this editorialist remarked, “American citizens were involved, American rights came into conflict with Spanish rights. Spain dictated and the American government instantly submitted.” In the view of this paper the Cuban affair was emblematic of Whig foreign policy generally and the propensity of Fillmore and Webster to idly standby while insults were heaped


\(^{337}\) *Congressional Globe*, 32 Cong., 1 sess., 1893.
upon America. “The whole diplomatic policy of the whig administration,” the *Daily Ohio Statesman* opined, “is one series of tame and quiet submission to British, French, and Spanish aggression, and not even so much as one firm protest is to be found in all the archives of the times.” Given the past conduct of the Fillmore administration the paper could only predict more disgrace to beset the United States since “a whig administration allows an errant insult to the American Flag to pass over unexplained, they cannot be presumed to care more about an American Cod Fish,” and by extension the American fishermen. The editorial ended by pointing out the absurdity of allowing a party with such a poor record in foreign policy to continue in office for four more years.338

Other nations, so the Democrats claimed, took their cues from the Spanish and British examples to disregard American right and expose American inferiority. Recent instances of French, Greek, and Mexican disregard added greater detail to what the *New Hampshire Patriot* described as a “graphic but humiliating picture of the disgraceful position in which our country has been reduced, in its foreign relations, by the truckling imbecility of the present federal administration.” The fisheries dispute came at a time when the flag seemed to sag. Through the eyes of the paranoid and jealous, American honor was attacked on all sides and showed the inability of the nation to contend with such problems. Anglo-American relations, as a microcosm of American foreign relations more generally, demonstrated how the United States was still the junior party in a British world. Despite the bilateral treaties and a continental empire, Americans were quick to take offense from slights, real or perceived, from Great Britain, or any nation for that matter. As the *New Hampshire Patriot* remarked, the conduct American foreign policy could

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only be described as “weak, timid, truckling and pusillanimous”—indeed the “source of extreme mortification to every true-hearted American.”

While the 1852 Fisheries Dispute exposed partisan divisions, in the process illustrating Haynes’ “paradox” of Anglophobia, sectional tension simmered under a veneer of cross-region cooperation. Newspapers across the nation paid lip service to the idea of Union, and while this sentiment may have been sincere, this episode does demonstrate just how galvanizing a force the British could be. Recognizing this influence the Mississippi Free Trade remarked amidst the conflict that during times of crisis “we are one people...In the time of peace we quarrel among ourselves...but when danger threatens from abroad, we seek protection under the same constitution.”

In response to this kind of sentiment emanating from southern editors New York’s Plattsburgh Republican remarked, “It is a matter of honest pride and satisfaction to us to observe the course taken by southern men on the fishery question.” Admitting that “northern men and northern capital are almost entirely and exclusively engaged in this enterprise,” this editorial was heartened that “the first voice raised in our legislative halls against British assumption, and in patriotic defense of our rights was that of a Senator from ‘Old Virginia’—a state south of Mason and Dixon’s line.” Optimistically the Plattsburgh Republican predicated the Fisheries Dispute to be but the beginning of a domestic rapprochement between peoples North and South. “The spirit manifested in this matter must prove like oil poured upon troubled waters. This watchful jealousy over a great northern interest, coming from such a quarter, will go a great way to bring back those feelings of brotherly love and unity which has thus far developed

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our resources and given us strength and greatness beyond precedent in the history of nations.”

In the face of British encroachment there was “but one voice as to the final result of the controversy.” From quarters North and South the only sensible response was that “the American fishermen must be protected in their just rights.”

Not all observers that summer were inclined to buy into this rosy picture of Union-wide cooperation. Theodore Parker, an unrelenting foe of slavery, understood the fisheries dispute in terms of the unwarranted power and influence of the South in national politics. Because of the intimate commercial relationship between Great Britain and the South, war between the two nations would be impossible, even if the United States was forced to sacrifice its honor and prestige. Parker, in a sermon reprinted in William Lloyd Garrison’s *Liberator*, observed that “the material interests of England requires peace,” thus “the nation of shopkeepers will not quarrel with their best customer.” Even though Great Britain had forbidden Americans from fishing in the great bays of eastern Canada, Parker “solemnly believe[d] that the United States would,” in a clever inversion of Webster’s declaration at Marshfield “abandon their fishery, ‘bob and sinker, hook and line,’ sooner than fire a shot at Old England.” Behind the American inaction was the Slave Power of the South. Even though the South had “made the last war with England…[it] would be exceedingly slow to try it again,” knowing that “in such a contingency, every slave would be set free; not as in the West Indies, with peaceful sentiments but his hand filled with firebrands.” In concluding Parker remarked that “the fisheries are Northern property, which if really in peril, would get no protection from the slaveholders of the South.”

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observation would prove prescient, as the fisheries dispute would soon succumb to North-South political wrangling. But for the time being the American political community seemed to speak with one voice.

**The Fisheries Dispute of 1852: A Fish’s-Eye View**

The American political community made clear that the fisheries dispute that unfolded that summer was the result of Britain’s long held desire to cow the United States to the British world order. But the view from the fisheries was far different. As reports from American diplomatic and military agents indicated, the clash that spiraled into a wide ranging conversation about the United States’ place in the world was, more or less, an accident of nature. Changes in the sea demanded changes in American fishing practices; changes that ran up against the politically and ecologically outdated agreements Great Britain and the United States reached decades beforehand. The pretext for this diplomatic confrontation was created by the mere fact that during the mid-nineteenth century American fishermen began catching more mackerel than they previously had.

In what amounted to the Millard Fillmore administration’s most substantive response to the announcement of British restrictions, the president sent famed naval commander Matthew C. Perry to the region with the ostensible goal of protecting the lives and property of American fishermen. Coming from a prominent Newport, Rhode Island, family, Perry was perhaps the most important active-duty American seamen of the antebellum era. He did much to introduce steam power to the fleet and shaped the early years of the Naval Academy after its founding in 1845. Perry’s service record was likewise impressive, having served during the War of 1812—his brother, Oliver Hazard, was remembered as the hero of the battle of Lake Erie—the U.S.-
Mexican War, and was the first commander of the anti-slave trade African Squadron after its creation as part of the Webster-Ashburton Treaty of 1842. But Perry would be best remembered for the so-called opening of Japan to foreign trade in 1854. The fact that the Fillmore administration landed on as distinguished a seaman as Perry to patrol the fisheries during the summer of 1852 may hint at the symbolic importance accorded this mission, and by extension, the fisheries.

In his instructions emanating from the Navy Department, Perry was charged with, above all else, gathering information about the series of seizures of American fishing vessels that crested with the announcement of British restrictions that summer. As Secretary of the Navy John P. Kennedy conveyed to Perry, “It has…become necessary that the Executive of the United States should speedily inquire into and become acquainted with all that has transpired in reference to the said seizures, the cause which has led to the same, and the manner in which they have been made.” Thus Perry was instructed to consult “authentic and reliable sources relating to the facts and circumstances of any seizure,” with the hope of compiling “all the facts which may be necessary to be known.” Although Kennedy insisted that such information would support the “prompt and efficient protection” of American fishermen, Perry’s instructions seemed far more concerned with gathering information than curtailing these seizures. But the Navy Department’s instructions focused solely on the information pertaining to the situation upon the seas—the circumstances of seizures—and not on the situation within the seas.  

When the Fillmore administration sent Perry to the fishing grounds, Washington had little inkling that Perry’s reports would be concerned as much with the fish as with the fishermen.
themselves. During his cruise along the coast of Cape Breton, the Magdalen Islands, and across the Bay of Chaleur—what Perry concluded to be the “most frequented resorts of the American Fishermen in the Gulf of St. Lawrence”—the naval commander came to the conclusion that of the “great number of American vessels,” most were “engaged in the mackerel fishery.” Noting how the American mackerel fleet “absolutely whiten[ed] the water of these coasts,” Perry was also struck by the paucity of cod fishermen in the region.345 The cod fisheries had, of course, for centuries dominated the Atlantic trade in fish as the most valuable, with perhaps the exception of the meat and oil of whales, commodity drawn from the seas. But changes in the ocean, and in the fishing industry, at midcentury made the small, oily, swift-finned mackerel an increasingly valuable catch.

The second quarter of the nineteenth century witnessed an unprecedented uptick in the number of mackerel fishing ventures launched from American shores. Beginning in the second decade of the nineteenth century Yankee fishermen devised, and subsequently improved, a method of catching mackerel that relied upon a new kind of fishing jig that did not require the laborious process of baiting each and every hook.346 With increasingly ruthless efficiency American fishermen soon overran the mackerel stocks nearest to American shores, thus forcing skippers to sail further and further afield in search of their prey. Reaching a peak in the early 1830s, mackerel fishing was, on the eve of the 1852 fisheries dispute, once again in its ascendancy as American fishermen invaded North Atlantic waters with seemingly little regard

345 Matthew C. Perry to John P. Kennedy, Secretary of the Navy, August __th 1852, Despatches from U.S. Consuls in St. John, New Brunswick, Canada, 1835–1906 (National Archives Microfilm Publication T485, roll 2); Records of the Department of State, Record Group 59; National Archives, College Park, Md.

for decades-old treaty stipulations.\textsuperscript{347} These changes, however, were not solely the result of increased technological efficiency, but had an environmental component as well.

Mackerel fishing was, despite its booming popularity in the 1820s–1840s, a precarious endeavor. One contemporary observer of this fishery, Lorenzo Sabine, noted that “serious depressions and ruinous losses…are not uncommon” in the pursuit of such a “capricious and sportive fish.” This fickle fish followed a seasonal pattern of migration as summers brought about warmer temperatures and rich phytoplankton blooms. Yet despite this seasonal pattern year to year variations were significant, leaving New England fishermen with little concept of what was normal. Such an ill-defined baseline was even more susceptible to radically shifting expectations and demands. As more and more American outfitted boats specifically designed for the needs of the mackerel fishery during the quarter century before 1850, environmental conditions favored the proliferation of these fish. Changes in ocean temperature and chemistry during this period—changes driven by the North Atlantic Oscillation—created huge loads that lead, in subsequent years, to huge busts. For a period at least the environment accommodated human pressures. The year 1831 was a particularly productive year as fishermen brought in hauls of mackerel unparalleled until the 1880s. Yet five years later those numbers fell by half leaving an industry hobbled as it entered the financial panic of 1837. Mackerel, unlike the longer-lived cod, was prone to more radical fluctuations in responding to the changes in the sea. The industry responded in the 1840s with a desperate search for this erratic fish in unexploited waters. When

the United States and Great Britain faced off in the summer of 1852, the mackerel fishery was on the precipice of yet another downturn.\textsuperscript{348}

While American fishermen constantly altered their fishing habits across the nineteenth century in an effort to more ruthlessly exploit North Atlantic waters, the relative rise in the number of mackerel fishers had political consequences. Unlike the benthic dwelling codfish that had for so long occupied the attention of New England’s fishing fleets, the mackerel was a migratory species that moved into coastal waters during the course of the summer fishing season. This ecology was poised to create trouble in a diplomatic regime that barred American fishermen from the waters nearest the shores of Britain’s North American Provinces. Perry observed this tension first hand. “The mackerel,” Perry explained, “usually resort in shoal to the Bays, and indents of the coasts,” leaving fishermen little choice but to pursue their catch to the imaginary line that demarked Britain’s exclusive waters. But, as to be expected, in the “engrossing and exciting occupation of taking them in thousands with the hook, they frequently follow the fish into forbidden waters, doubtless in many instances…when the weather is thick or hazy, and when distances, computed by the eye…are deceptive.”\textsuperscript{349} It was, then, not the vindictiveness of the British, the machinations of the provincials, or the ignorance of the Americans, that created controversy in the summer of 1852. Instead, it was the fish. The natural “fickleness” of those scaly operatives did much in creating these tense diplomatic circumstances.

The remedy to this situation was, of course, political, and the problem was not one of information. Perry’s instructions stressed “the necessity of full and timely explanations…to the fishermen of the United States of the obligation which they owe equally to the laws of their own


\textsuperscript{349} Perry to Kennedy.
country and to the rights of the British Crown to avoid any infraction or violation of the stipulations of the treaty of 1818.”

Yet during his cruise Perry gave credit to the acuity of American fishermen. In addition to the paeans to the hardiness and patriotism of American fishermen so common in nineteenth-century political rhetoric, Perry praised the fishermen as “exceedingly intelligent” men who “understand very well the usually recognized boundary, across which they…pass…at their own risk and if in the pursuit of fish, they trespass beyond the proscribed limits, they knowingly take the chance of seizure.”

Instead, a political fix required taking ecology into consideration. Perry “presumed that the mackerel will continue their periodical visit to their usual haunts,” and thus render the status quo of the Convention of 1818 untenable. American fishermen complained of the difficulties imposed by the arbitrary maritime boundary. Provincials in Nova Scotia and New Brunswick, at least as Perry surmised from his cruise, likewise desired altering the status of American fishing rights as they were “anxious to draw tight the bonds of neighborly friendship.” Perry, in his perspective from the fisheries, advocated for a reappraisal of the Anglo-American convention and urged those in Washington to make any concession necessary to secure expanding fishing rights. “Any concession of interest,” like free trade, Perry remarked, “would be cheap for the

350 Kennedy to Perry.

351 Perry to Kennedy.

352 Although Perry remarked on the friendly disposition of some of the residents of British North America, he did note that “a number of these vessels particularly those employed in the codfishery are commanded and partly manned by citizens of the Provinces in contravention of the law who embark their capital in American bottoms to secure not only the bounty granted by Congress but the privileges also of introducing their fish into the United States free of duty.” For labor migration, and the consequential growth of smuggling, between the British provinces and New England see Innis, *The Cod Fisheries*, 333–335. Payne also notes the importance of transnational connections between American fishermen and Maritimers and the informal economy that developed around the American expansion into British colonial waters. Payne calls the circumstances that surrounded these interactions “informal codes of conduct,” that operated smoothest apart from the influence of outsiders and larger geopolitical concerns. See Payne, *Fishing a Borderless Sea*, xi–xvii, 1–7.
inappreciable privileges of taking fish…within the entire waters of the Provinces.” The shores of Newfoundland and Labrador provided an example of where the “right to fish is better defined by the Treaty,” and consequently a place devoid of the confrontations that marked the littoral of Nova Scotia and New Brunswick. Perry even suggested that a treaty that aligned political needs and ecological realities would ensure the continued health of this ecosystem. While “these sources of wealth seem to be exhaustless,” they “will be seriously injured in consequence of the wanton destruction of the fish, and the disturbance of their fishing grounds, and hence the necessity of stringent laws for their preservation.”

Perry’s cruise on the contested waters of the North Atlantic demonstrated how the environment was a crucial component of transatlantic relations. Any political arrangement failing to comport with this ecology would do little more than sow Anglo-American discord.

Perry was not alone in observing the ecological origins of this dispute. The American consul at St. John, Israel Andrews, likewise made the connection between mackerel fishing and the outbreak of hostilities in Britain’s provincial waters. Situated on the shores of the Bay of Fundy, Andrews was well position at St. John to comment on the American fishing industry. In a communique to Secretary of State Daniel Webster, Andrews bemoaned how the ongoing fisheries dispute seemed poised to disrupt the cordial relations between the United States, Great Britain, and Britain’s remaining North American colonies. While the American consul remarked to the secretary of state on the esoteric and legalistic interpretation of the Convention of 1818 as it related to the American right to enter the Bay of Fundy—merely more rhetorical wrangling on the disputed “headland doctrine”—something far more material undergirded his interpretation of this most recent dispute. “From the commencement of this fishing season…the American fishing

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353 Perry to Kennedy.
vessels peruse their business at some distance from the land,” yet, Andrews declared, “after the first of September the fish draw in to the shore and are followed by the fishermen.” Such fish that enticed American fishermen to transgress the statutory limit of American waters was doubtless the mackerel, given its proclivity to retreat shoreward during the course of the fishing season. Andrews even cited the words of the Commissioners of the Fisheries in the Province of Nova Scotia who, in a report to the provincial governor, claimed that “the nature of the Fall fishing renders it absolutely necessary for pursuit of fish within three miles of the shore.” As fishermen, forced by the nature of the fish themselves, pursued their piscine prey into forbidden waters, they faced capture and potential ruin at the hands of a British ministry who sought to use the situation to further the free trade agenda.354

Without alteration to the status quo, American fishermen would remain vulnerable to being preyed upon by the British and provincial navies. As long as fish like mackerel traversed the arbitrary three-mile boundary, Anglo-American relations would be subject to periodic diplomatic confrontations. Andrews remarked that “there is no doubt whatever of the fish remaining in the shore after the first of September, particularly mackerel,” thus giving the consul “positive certainty of more seizures being made.”355 The “failure” of mackerel to comply with the dictates of transatlantic relations exposed the fatal flaw of fisheries diplomacy—namely that disputes were a product of the gulf that existed between ecology and politics.

While the connection between changes in the fisheries and diplomatic disputes was obvious to men like Matthew Perry and Israel Andrews, who had first-hand experience with the

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354 Israel Andrews to Daniel Webster, August 21, 1852, Despatches from US Consul in St. John, New Brunswick, Canada, 1835–1906 (National Archives Microfilm Publication T485, roll 2); Records of the Department of State, Record Group 59; National Archives, College Park, Md.

355 Ibid.
fishing industry, who had sailed those waters, and who interviewed those fishermen, the point was not lost in its transmission to Washington. Writing to the American minister to London, Secretary of State Edward Everett, having ascended to the position in the wake of Webster’s, penned the Fillmore administration’s most complete response to the fisheries dispute. Dated early December, when the passions aroused that summer had time to settle, Everett’s missive explored the myriad misunderstandings and contingencies that lead to the Great Britain’s decision to bar—by force—American fishermen from provincial waters. Of course the secretary of state singled out the reciprocity issue as a central irritant in this dispute. But Everett also attacked Britain’s support for the spurious “headland doctrine,” suggested that the dispute was mere “electioneering” on the British ministry’s part, and reiterated the genuine alarm Americans felt in response to Britain’s aggressive tactics. He even went so far as to claim that colonial leaders were really the ones responsible for British action as provincial authorities had, for decades, wanted to rein in American fishermen. But amidst commercial politics, legal arguments, and subtle paranoia, Everett gave credit to the fish for the role they played in the dispute.

Even removed from the ordinary operations of the fisheries in the north Atlantic, Everett grasped how the pursuit of mackerel by American fishermen seemed to be the inevitable cause of the numerous violations of the convention line. Everett remarked that by “inadvertence or even design” American fishermen “pass[ed] the line of the Convention in the eager pursuit of a shoal of mackerel.” Casting a suspicious eye upon the motives of the United States’ colonial neighbors, Everett accused Canadians of “too keenly” enforcing “their monopoly of the best fishing grounds,” with the implication that provincial leaders, not those in Whitehall, were responsible for this newly vigorous policy. But Everett’s appreciation for the environmental elements of the fishery dispute did not necessarily mean the secretary of state grasped the
ecological complexities of the region. In an interpretation that resonated with the day’s scientific understanding, not to mention America’s political goals, Everett claimed that admitting American fishermen to these waters would do little to hurt the provincial fishing industry or the sea’s ecological health. Citing the “resort of two centuries and half,” the secretary of state claimed the “inexhaustible abundance” of those “prolific waters” remained “undiminished,” and that “the gain of one implies no loss to another.” American statesmen were consistent in articulating the need to align international agreements with ecology realities—or at least the ecology realities as these politicians understood them.

Mackerel fishing was central to how American policymakers understood the narrative of the fishery dispute of the summer of 1852. In 1854 as American statesmen finally sought a treaty to replace the out of date Convention of 1818. Secretary of State William Marcy conveyed this understanding to the American minister in London, James Buchanan, when articulating the shortcomings of the Convention of 1818 and how its ecologically out of date provisions “will prove a constant source of irritation and controversy may disturb…peaceful relations” between the United States and Great Britain. Marcy observed that “when the Convention of 1818 was entered into the taking of cod was the all important branch of the fisheries,” but “now it is superseded in point of importance by the mackerel” fishery. Given the profit seeking motive of American fishermen, “when they fall in with shoals of them [mackerel]” fishermen could not be expected to “resist the temptation of following them within the shore limit fixed by the

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356 Edward Everett to Joseph R. Ingersoll, December 4, 1852, Diplomatic Instructions of the Department of State, 1801–1906 (National Archives Microfilm Publication M77, roll 75); Records of the Department of State, Record Group 59; National Archives, College Park, Md.
Although American fishermen had been and would continue to be important actors in the transatlantic politics of fishing, the fish themselves were accomplices.

The dispute would fizzle come fall as the fish, mackerel at least, retreated to their overwinter grounds and politicians, American at least, turned their attention to the presidential contest. Soon, but not simply, the free trade issue would be settled as the nations, in 1854 with the Marcy-Elgin Treaty, came to an agreement whereby the American market and Canadian waters opened to the penetration of the other. But despite this seemingly amicable end to the fisheries dispute the summer of 1852 showed that the United States remained sensitive to Britain’s international policies. Mutual respect and the British recognition of American parity were necessary if the Anglo-American relationship was to truly transform.

The New Orleans Picayune, in early November, speculated about whether America and Great Britain were on the precipice of a monumental change in their relationship. The transatlantic relationship could only be put on a constructive footing if Great Britain came to the realization that the “American continent is no longer a sphere for the planting of British colonies, the attempt to exercise a controlling political influence, or even for the permanent maintenance of dominion which is still retained in parts of North America.” The Canadian colonies were in a period of transition, soon enough Britain would be forced to leave North America and only then could the Anglo-American relationship be reformed; “The withdrawal, gradually and gracefully, of all British dominion from the continent, as part of the grand recognition which must come of the principle that America is to belong to the Americans and be governed by American ideas, will be the guarantee of a perpetual peace between England and the United States.” Both nations must work together to build a new relationship built on trust, the key component of an effective

\[357\] William Marcy to James Buchanan, March 11, 1854, Ibid.
rapprochement, and only “by mutual non-interference and mutual good will” could both nations “advance prosperously and gloriously.”

If the kind of goodwill and mutual respect that was necessary for the nations to ensure each other’s prosperity and glory was in short supply there was, at least by 1854, a mutual recognition that some kind of change was necessary. The resulting Marcy-Elgin Treaty inaugurated more than a decade of free trade and free fishing across the U.S.-Canadian boundary, yet the American-British suspicion that had marked the fisheries question was replaced by the mutual suspicion of the North and the South. Owing to its central position in American statecraft and nation building the North Atlantic fisheries were directly implicated in the growing sectional crisis that ultimately led to disunion.

**DOMESTIC POLITICS: EXPANSION**

In what no doubt registers as historical irony, the heyday of expansionist fervor in the United States came at time when few acres were actually added to the Union. When filibustering was all the rage and Americans, southerners at least, dreamed of a Caribbean empire, only a paltry strip of land south of the Gila River was wrestled into the American dominion. While it certainly was of consequence, the Gadsden Purchase seemed inconsequential when compared to the much larger Mexican Cession of the previous decade. Although the impulses of manifest destiny brought expeditions to the shores of Cuba and Nicaragua, American expansionists of midcentury were not singularly obsessed with creating an American Mediterranean. Canadian lands beckoned as well.

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The United States was certainly no stranger to the rhetoric of Canadian annexation. Having invaded the British colonies a number of times, nineteenth-century Americans seemed confident that broad swath of territory would, eventually, become part of the American imperium. During the 1850s this question was tied to both the sectional question and the fisheries question in a kind of triangulation that brought sectional rancor and fishery politics into direct contact. The connecting tissue proved to be trade reciprocity. Despite the tension that erupted during the summer of 1852, American politicians were not inveterate anti-free traders. Almost immediately after the presidential contest of 1852, American congressmen set to work on a reciprocity bill that would, policy makers hoped, make the kind of tensions of that summer a thing of the past. That year’s election proved to be enormously important as it would be the Whig Party’s last stand before foundering on the rock of slavery, signaling the demise of the Second Party System and the rise of sectionalism as the primary identification in American politics.359

In the early months of 1853 John Davis of Massachusetts introduced a bill in the Senate designed to protect American fishing rights in Canadian waters while extending reciprocal trading and fishing privileges to America’s northern neighbor. The measure, however, was opposed by many southern senators. In an effort led by Stephen Mallory of Florida, an amendment to the bill forbade foreign nationals from fishing in southern waters. Using a states’ rights argument, Mallory claimed the federal government had no power to force any state to open

its territorial waters to foreign fishermen under the fear that free black fishermen from the British Caribbean may invade southern ports to foment slave insurrections. This amendment was added to Davis’s reciprocity bill, which was ultimately defeated in the Senate. But this episode demonstrates how soon the cooperation of 1852 faded and slaveholders began using the fisheries issue to protect their own sectional interests. A wider ranging debate about reciprocity and sectional interest would wait for the Elgin-Marcy Treaty of 1854 and the subsequent debate over the legislation that would put the treaty’s stipulations into effect.360

Fulfilling its constitutional duty, the Senate considered the Elgin-Marcy Treaty in the summer of 1854. The treaty, negotiated by American Secretary of State William Marcy and Canadian Governor General Lord Elgin, admitted Canadian goods—most importantly timber, grain, and coal—duty free to the United States, while Americans were granted expanded fishing rights and the free navigation of the St. Lawrence. The Thirty-Third Congress may be better remembered for considering the Kansas-Nebraska Bill, but this seemingly innocuous trade bill became part of the same conversation and served as a proxy for discussing the growing estrangement of North and South. Although the fisheries issues and trade reciprocity were far removed from the blood soaked plains of Kansas, they were all part of a similar sectional rhetoric. The final tally on the reciprocity bill (32 yeas to 11 nays) may seem like a rare moment of agreement in the summer of 1854, but senators from both the North and South sought to use the issue for their own ends.361

\[360\] Congressional Globe, 32\textsuperscript{nd} Cong., 2\textsuperscript{nd} Sess., 602, 953–956. Daily National Era (Washington, D.C.), June 14, 1854; Picayune (New Orleans), June 15, 1854.

\[361\] For voting patterns of the 33\textsuperscript{rd} Congress see Gerald W. Wolff, The Kansas-Nebraska Bill: Party, Section, and the Coming of the Civil War (New York: Revisionist Press, 1977).
While the Senate deliberated behind closed doors in an executive session, newspaper editors did not hesitate to comment on what the treaty might mean for domestic relations. Writing on behalf of the *Daily National Era* of Washington, D.C. a more optimistic observer hoped sectional rivalries would not tinge the proceedings, wishing that “blear-eyed sectionalism, or a bigoted devotion to merely local interest, should prevent the consummation” of this wise measure. But most commenters felt it was a foregone conclusion that sectional affinity would determine the outcome of the vote. As the *Register* of Salem, Massachusetts, lamented, a vote along strictly sectional lines would create a feeling “very unfavorable to the future harmony of the country.”

Northernners expressed the greatest trepidation at the prospect of the fisheries and reciprocity issues being subjected to the politics of section. The disproportionate representation of the South in Washington made possible the chance that a legislature and executive sympathetic to southern interests would willingly sacrifice the interests of the northeast. The *Boston Evening Transcript* remarked that even though “our gallant New England fishermen suffered from outrages and abuses at the hand of the English and Colonial officials,” such indignities “have failed thus far to receive proper attention from the American government,” because the administration “seems entirely devoted to southern interests.” The same paper would later criticize both the Fillmore and Pierce administrations for subjecting “a large class of hardy, patriotic, and enterprising men,” to “broken promises” and “cold neglect.”

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362 *Daily National Era* (Washington, D.C.), June 17, 1854; *Register* (Salem, MA), July 31, 1854. Also see *Sun* (Baltimore), July 27, 1854; and Cleveland (OH) *Plain Dealer*, June 15, 1854.

363 *Boston Evening Transcript*, June 6 and August 3, 1854.
For many in the political community the Reciprocity Bill, the legislative manifestation of the Elgin-Marcy Treaty, was frequently tied to the territorial aspirations of the South. The issue of expanding slavery’s territorial grip was paramount in the early 1850s as the Mexican Cession and the Kansas-Nebraska Bill brought the question to the forefront of the nation’s consciousness. Given the bill’s close association with the interests of northerners, the bill was situated in the context of the South’s territorial aspirations in Mexico and Cuba. As the *Daily National Era* of Washington, D.C. observed, the summer of 1854 witnessed the Senate consider both the Reciprocity Treaty and the Gadsden Treaty. The paper remarked that the Gadsden Treaty was “of special importance to the slave interest of the South,” while “the free interest of the North,” had a greater stake in the Reciprocity Treaty. Consequently this editorialist speculated that both treaties “may be linked together, so that one cannot be ratified without the other,” thus ceding an advantage to both the free and slave sections of the nation. While the slave South may have used the reciprocity and fisheries issues to ensure the passage of the Gadsden Treaty, an editorialist in New Jersey cautioned against such a linkage. The Gadsden Treaty benefited merely one section of the nation, while the reciprocity treaty was a national measure tied to the navigation and security of the entire nation. For that reason alone protecting the fisheries “would be better for the country than all the everlasting clamor for Mexico and Cuba.”

Even though the South’s dream of an empire encircling the Gulf of Mexico dominated headlines and congressional debates during the 1850s, the Reciprocity Bill was most often associated with American designs on its northern neighbor. Antebellum Americans often

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speculated when—not if—the Canadian colonies would join the United States. Even in the fisheries dispute during the summer of 1852, as the prospect of war reared its grim, if unlikely, visage, Americans both North and South assumed any hostility with Great Britain would naturally entail the annexation of Canada to the United States. Amidst a debate concerning the place of fishermen in the union, commenters also considered the potential place of Canada in the union. Reflecting a sense of national unity during that summer, both northerners and southerners concluded that annexing Canada would prove disastrous for their section and the union. Southerners feared Canadian annexation was merely a ploy to increase the number of free states in the union, while those in the North felt annexation was a guise for re-enslaving those few who had reached freedom. While this conversation hinted at how the fisheries issue would be mobilized in the competition of North and South, it was merely speculative and both sides seemed weary of annexing such a large expanse of land. During the debate over the Reciprocity Bill in 1854, however, annexation seemed imminent and the debate was held along the North-South line.365

Reciprocity, supporters believed, was but a precursor to annexation. Free trade between the United States and Canada would naturally erase the political line that existed between the two polities, and as these economies became intertwined a political union was inevitable. However, the ramifications of such a union became fodder for a debate over the interests of both the North and South. While southerners feared annexation had the potential to add free states to the union and thus disrupt that delicate balance, a belief existed among some that free trade would serve to promote Canadian independence and stifle any agitation for annexation.

365 Congressional Globe, 32nd Cong., 1st sess., app., 917. Picayune (New Orleans), August 5, 1852; Constitution (Middletown, Conn.) August 11, 1852.
Furthermore southerners may have even considered reciprocity as a way to further their agenda by using annexation as an opportunity to enact an even stronger Fugitive Slave Law and pursue those formerly enslaved into America’s new northern dominion. While southerners employed the fisheries and reciprocity treaty on behalf of their unique interests, northerners did likewise. Long had fishery supporters used fishermen to bolster their own interests under the mantle of the national good. But the summer of 1854 witnessed northerners situate Canadian annexation as part of a larger program of territorial expansion with only sectional good in mind. The Boston Courier detailed “the gigantic plans of Northern annexation,” by which northern senators were “openly demanding…the acquisition of all British America,” Vancouver’s Island, Sitka, and even the Sandwich Islands, all “with a view to the increase of Northern power.” Ultimately the Reciprocity Bill would pass. For more than a decade Canada enjoyed exporting its goods duty free to the United States, while American fishermen exploited their expanded fishing rights in Canadian waters. But sectional alienation was as important a legacy of this trade measure, if not the fisheries question itself.366

**DOMESTIC POLITICS: THE BOUNTY**

Sectional animosity also flared over the federal cod fishing bounty. Passed by Congress in the 1790s this measure was subjected to sectional politics throughout the antebellum era. However, it was only during the 1850s that the debate over the bounty was waged along North-

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South lines. Previously, western interests depicted the bounty as evidence of the federal government privileging coastal endeavors at the frontier’s expense.

The year 1840 witnessed the first major challenge to the cod fishing bounty. Unsurprisingly this fight against sectional privilege was waged by the scion of western interests, Missouri Senator Thomas Hart Benton. A Jacksonian leery of undue privilege in any guise, a part, of course, from the privileges he enjoyed only on account of his white skin and masculine gender, Benton attacked the bounty as injurious to his home region and the entire union alike. In his mind the bounty and its supporters’ nationalist posturing was merely a ruse to funnel wealth from federal coffers to the northeast at the expense of the farmers and husbandmen of the West. Refusing to see the West disadvantaged Benton attacked the foundation upon which the bounty stood: the often repeated claim that the fisheries were a vital part of national security.

In a report compiled by Benton to ascertain the origin of the fishing bounty, the senator concluded that there was simply no relationship between the cod fishing bounty and the need to train seamen for the nation’s navy. From the very beginning, Benton claimed, “the bounty to dried and cured fish was nothing but a drawback of the salt duty” and thus bore “no relation to the training of seamen.” Since salt was a necessity for cod fishermen the federal government instituted the bounty in order to compensate fishermen for the duty placed on imported salt. Benton confidently concluded that the bounties “can refer their existence to no other source but the duty on salt; and they are a drawback of the duty paid on the foreign salt used on that part of the fish intended to be exported.”

Because this measure was tied directly to the salt duty, Benton reasoned, it would indeed prove to be a poor way to train the nation’s sailors. If the bounty’s primary objective was to

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create competent seamen then why were whalers, who “engage in real war with the mighty monsters of the deep,” excluded from the bill’s provisions? Benton claimed this exclusion resulted not “because they were less meritorious mariners but because they did not use salt.” Furthermore, how could fishermen be expected to become patriotic and able seamen if the bounty made no discrimination based on nationality? While Benton aimed to undermine this fallacy upon which the bounty stood, he took care not to denigrate the fisheries or fishermen. “Far be it from this committee,” Benton cautioned, “to depreciate the value or to underrate the importance of the northeastern fisheries.” While the fisheries created generations of hardy seamen, the nation now laid claim to other waters to train its sailors. In 1789 “the northeastern fisheries were almost the only school in which to learn the art of seamanship,” but by 1840 “the northern lakes, the Gulf of Mexico, the bays and the whole maritime coast of the Atlantic border, share that prerogative with them.” In Benton’s mind both the bounty and the salt duty to which it was tied must be abolished, as these measures served only to advantage the few at the cost of the many. And for Benton the many were his constituents in the West.  

This kind of advantage galled the Jacksonian Benton, and his visceral opposition to the bounty stems from his loyalty to the western United States and his belief that “the genius of our institutions…forbid the existence of exclusive privileges among us.” In a specific instance Benton cited an act of May 2, 1792, whereby the notion of selling salt “by the weighed instead of the measured bushel” has led to “the greatest imposition” upon salt sellers of the West. “By altering the standard of the bushel,” Benton observed, “the whole western country, has since been cheated out of one third of its salt,” thus providing tangible proof that the salt duty and fishing bounty inflicted a “permanent injury…upon the western states.” Benton was not alone in

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368 Ibid., 51, 52, 58.
understanding the fight over the bounty as one pitting East against West. The *Eastern Argus* of Portland, Maine inveighed that “the scheme of abolishing the Salt Tax and Fishing Bounties is a *Western Scheme*—originated by *western* men and likely to receive its strongest support among the *western* people.”

While Benton was a vigorous defender of the rights of his home section, his opposition to the continuation of the federal cod fishing bounty was tied to his partisan affinities as well. As a die-hard Jacksonian, Benton and his Democratic ilk were vigilant in opposing the kind of privilege that the bounty fostered. Thus in addition to being a symbol of sectional privilege, fishermen were, for Benton and his acolytes, a symbol of pork barrel politics. As Benton railed against this New England interest he did so not only as a westerner, but as a Democrat, too. His failure in securing the repeal of the bounty in 1840 was not solely the result of the nation-wide rhetorical power of the fishermen, but part of the Whigs’ defeat of the Democrats in a year that saw the first Whig ascend to the presidency.

Ultimately, however, 1840 would not see the repeal of the fishing bounty. Writing in defense of the bounty Massachusetts Senator John Davis resorted to familiar tactics. Praising American fishermen as “the most hardy, patriotic, and efficient seamen on the face of the earth,” Davis made the expected equation of fishing and fighting. The federal government must encourage the fisheries through a bounty because, Davis concluded, “it makes a great body of efficient, able, patriotic native seamen, who, in the emergency of war, have all the qualifications

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requisite to maintain the honor of the flag, and give protection to the country. The logic of national security was a persuasive argument within the American political community.\footnote{371 “Reports of the Majority and Minority,” 63, 64.}

While the bounty weathered the storm of the 1840s, during the 1850s the debate over this federal dispensation became part of the larger debate between freedom and slavery. In 1858 the Senate witnessed what historian Wayne M. O’Leary would call a “mammoth” debate over the proposed repeal of the bounty. The pro-bounty partisans mobilized the very arguments they had used for decades. Hannibal Hamlin of Maine came to the defense of the fishermen. Recognizing that fishing was a local interest, at least in a commercial sense, just as sugar cultivation was local to Louisiana, Hamlin situated fishing and the fishermen as a national resource tied to the defense of the nation. Hamlin supported the cod fishing bounty “for a national purpose,” which is to say the “training of seamen for the naval service” in the “best school that ever existed.” He even went so far as to compare the fisheries to an actual school, claiming that “this nursery of seamen ought to be regarded by the Senate and by the American people precisely as we regard the military school at West Point, and the naval school at Annapolis.” To counter this familiar line of reasoning Clement C. Clay, Jr., of Alabama opted for a novel argument. Instead of attacking the bounty as an unfair grant to an ultimately worthy cause, Clay directly questioned the value of fishermen to the union. He remarked, “I understand from naval officers that all the advantage a cod fisherman has over a mere ‘land-lubber’ is in having learned to ‘rough it,’ to walk the deck, and escape sea-sickness; but they say that they would rather take a raw recruit who had learned nothing than to take a cod fisherman whom they would have to unlearn before they could teach.” The vitriol continued as Clay described how the cod fishing bounty had not created a class of hardy, patriotic sailors but instead the bounty only bred “dependence on the Government for
support,” that served to depress “national prosperity.” In Clay’s telling the bounty “paralyzes the industry, enervates the mind, and enfeebles the will of man.” Fishermen were not men at all since such dependence “discourages enterprise, enslaves the spirit, suppresses noble aspirations,” to the point where these “sailors” “can never feel or exercise the freedom, independence, and self-reliance of mature manhood.” Never before had critics assailed what was, by and large, a popularly recognized national symbol by attacking the very reason for the fishermen’s uniform federal support.  

While the federal cod fishing bounty survived intact, serious and substantive changes to the political economy of the fishing industry were on the horizon. The 1850s were the highpoint of the fisheries in the nation’s political imagination. In 1852 politicians from all sections rallied around this resource to protest the most pointed foreign assault on American access to the fisheries. In 1858 politicians from at least some of the sections rallied to defeat the most vigorous domestic assault on the place of the fisheries in the nation’s political economy. Both of these instances represented the culmination of more than a half century of rhetoric that extolled the North Atlantic fisheries as a vital part of American statecraft and a symbol of American independence and nationalism.

Looking forward, however, squalls approached. Although the fisheries question became part of the larger sectional question that wracked the nation, the Civil War itself did little to disturb the industry apart from the normal interruptions and dislocations that came with war. It was the postwar period that saw a fundamental change in how the American political community understood the fisheries. And yet again this shift was tied to the larger dynamics of Anglo-American relations. The Civil War era saw huge swings in the nature of the transatlantic

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relationship as the indignation the United States felt for Britain’s tacit support of the Confederacy eventually gave way to a new era of Anglo-American cooperation. Combined with a host of other changes that were in part spawned by the war—namely changes in the composition and purpose of the United States Navy—this shift in Anglo-American relations was intimately connected to a shift in fishery politics that displaced the North Atlantic fisheries from its privileged place in American politics.
CHAPTER 5: FISHERIES AND POLITICS IN THE GILL-DED AGE, 1860–1877

When the United States and Great Britain signed the Elgin-Marcy Treaty in 1854, it seemed to be a boon for the fishing industry. Although the treaty’s stipulations opened the American market to most Canadian goods, including lumber, coal, and, principally, fish, the treaty also opened all North Atlantic waters to American fishermen. Finally, it seemed, the American fishing industry could exploit the inshore fisheries that had for decades remained beyond the American fishermen’s statutory grasp, without fear of capture or reprisals from British or colonial cruisers. With this diplomatic guarantee and a lionized national icon in the patriotic and enterprising fisherman, the American fishing industry was poised to strengthen its claim as a nationally important industry.

The next two decades, however, would fundamentally change the place of the fisheries in American statecraft. The Civil War was not the cataclysm for the fishing industry that it was for the nation at large. While men and resources were directed away from fishing, and some fishing schooners were even scuttled at the hands of Confederate ships, it was the postwar period that saw an assault on the fishing industry. Since the nation’s inception the federal government had uniformly protected the fishing industry from domestic opposition, inhospitable international markets, and foreign aggressors under the assumption that the North Atlantic fisheries were an important national resource with historical ties to the independence of the nation. But after the war this logic began to falter. The economic and cultural changes of postbellum America frayed the once taut rope that bound the federal government to the fisheries. This shift had political ramifications as the fisheries issue in Anglo-American relations was sidelined as an emerging rapprochement and a placid transatlantic relationship took precedent over an increasingly isolated industry.
Britain’s tacit support of the Confederacy during the Civil War, as manifested in the number of ships built, outfitted, or manned by British citizens, cast a pall on Anglo-American relations. The sense of betrayal harbored by Americans after the war threatened, at times, the stability of Atlantic diplomacy. But the Treaty of Washington (1871) ultimately addressed the series of grievances that occasioned fiery American rhetoric at real or perceived British insults. Most famously this agreement settled the Alabama Claims stemming from the assault on American shipping by British-built Confederate ships. But also included in the negotiation was an attempt to remedy the ongoing fisheries issue. Once again an important shift in Anglo-American relations was directly tied to the fisheries. However unlike the revolutionary settlement of 1783, the Convention of 1818, or the Reciprocity Treaty of 1854, the Treaty of Washington was not a full-throated defense of the fisheries. Instead the treaty revealed the degree to which the fisheries issue had slid down the list of American priorities. American policymakers would no longer allow the fisheries issue to dictate foreign policy or compromise other, more important diplomatic goals.

THE FISHERMEN’S FALL IN AMERICAN POLITICS

By midcentury the North Atlantic was in flux. The adoption of North American free trade altered the calculus of Anglo-American-Canadian relations. American fishermen shifted where, how, and for what they fished in response to the accidental collusion of industry and nature. And American politics would forever change how the nation would understand those maritime laborers. Since the 1790s federal policy had almost uniformly defended the rights and privileges of American fishermen from foes both foreign and domestic under the assumption that this class of workers was a vitally important element of the American polity. During the 1860s and 1870s the formerly unassailable bond between American fishermen and the federal government would
shift as the relationship between individuals, industry, and government was exposed to fundamental rethinking. Like the nation as a whole, the fisherman of 1860 was far different from that of 1880.

The first sacrifice was the cod fishing bounty. As the late-antebellum period witnessed the deepening of the sectional crisis, antibounty forces had started speaking with a more distinctly southern drawl.\textsuperscript{373} Clement C. Clay challenged the efficacy of the federal bounty in 1858 and again the antibounty cause failed. Clay would, however, continue the crusade, and continue to rail against not just the bounty, but the fishermen too. In an 1860 report to the Committee on Commerce the Alabamian again turned his ire on cod fishermen claiming that “if the codfishermen rendered the country great and gallant services in her wars,” which he disputed, “they may justly claim her praise” but never a bounty, which he likened to “tribute money,” that would be “exacted from other patriotic fishermen, mariners, and soldiers.” Not only were cod fishermen undeserving, the bounty simply no longer made sense. In an astute reading of ecological and industrial change, Clay went on to assail the bounty as unreflective of current realities as mackerel fishing had surpassed the cod fishery in importance. Thus the bounty served to remove valuable tonnage and labor from the more remunerative mackerel fishery, while motivating others to commit perjury in order to collect the bounty. Clay would again fail in his efforts, but soon the fishing bounty would be of little consequence to the newly minted Confederate senator. Strangely enough, the effort to repeal the bounty, and thus to bring about a fundamental reorientation of the relationship between the fishing industry and American politics,

\textsuperscript{373} For Benton’s critique of the bounty see Senate Documents, 26\textsuperscript{th} Cong., 1\textsuperscript{st} Sess., “Reports of the Majority and Minority of the Select Committee on the Origin and Character of Fishing Bounties and Allowances,” (Serial 368, Washington, D.C., 1840). Also O’Leary, Maine Sea Fisheries, 53–57; Payne, Fishing a Borderless Sea, 13; Thomas Blake Earle, “For Cod and Country: Cod Fishermen and the Atlantic Dimensions of Sectionalism in Antebellum America,” Journal of the Early Republic 36 (Fall 2016): 493–519.
would come to fruition only when Clay and his southern colleagues remained out of Congress, unrepentant and unreconstructed.374

This assault upon the bounty and the political power of cod fishermen came from their own backyards. In a session devoid of southern members, Congress repealed the cod-fishing bounty with little comment during the summer of 1866. Part of a larger revenue bill, the section on the cod-fishing bounty seemed to catch some congressmen by surprise, as if cod fishing no longer even merited the attention of the nation’s lawmakers. With an air of exasperation, Senator Zachariah Chandler of Michigan dismissed the issue as of little consequence, hoping that the bounty question “is ended, and ended forever, and that we shall never have another vote in this body for codfish.” While the senator admitted that he had “voted for nine years to retain the bounty…now, for the first time, I am going to vote to get rid of it, and get rid of it forever.” Even the delegations from Massachusetts and Maine, the heart of the cod kingdom, remained almost entirely silent on the question. Only the junior Senator from Maine, Lott M. Morrill, offered an uninspired comment on fishermen as a national resource for their service in the navy and merchant marine. What the fishermen’s opponents had hoped to do for decades was done with little fanfare as inaction won the day. The hearty, patriotic cod fisherman of the North Atlantic seemed, at one point in the not-too-distant pass, to command the loyalty of Congress. In 1866, he was met with only an indifferent shrug.375

This indifference, however, was part of the politics of fishing emanating from wharves along the Massachusetts coast. The fishing revolution of midcentury centralized the industry among a smaller number of large, highly capitalized firms extending north along the littoral from

374 Senate Documents, 36th Cong., 1st Sess., “Repealing all Laws or Parts of Laws Allowing Bounties to Vessels Employed in the Bank or Other Cod Fisheries” (Serial: 1039, Washington, D.C., 1860), 8, 10.

375 Congressional Globe, 39th Congress, 1st Session, 4070.
Boston and in the process squeezed out a number of smaller operations. Fishing capitalists had taken over the industry. These capitalized firms did not rely on the federal handout to turn a profit or make ends meet during lean years. Thus their representatives in Congress were left with little incentive to agitate for the bounty’s survival. Furthermore, the repeal of the measure served to liberate fishermen from the bounty’s onerous requirements. No longer did fishermen have to prove they pursued cod exclusively for so many months of the year in order to claim the bounty, but could instead fill their fares with more profitable fish like mackerel and, increasingly, halibut. The repeal of the cod-fishing bounty did little to hurt the industry. It may have, in fact, been proof of strength and resiliency. The image of the bold, enterprising, patriotic cod fishermen did, however, suffer. Losing the support of the federal government and becoming a relic within the industry, the cod fisherman-as-symbol was losing the potency it once had.376

The changing circumstances of postbellum American fishery politics reflected changes in the sea itself. The middle decades of the nineteenth century witnessed a series of ecological and industrial changes that dethroned King Cod from his formerly vaunted place within the wider American fishing industry. Overfishing, changes in climate and ocean chemistry, and shifting modes of production and consumption, rendered cod, by the 1850s and 1860s, a comparatively less valuable fish during the era of Prince Mackerel’s ascendency.377 As the economic clout of

376 For the “fishing revolution” see Bolster, The Mortal Sea, 163–167. Also see Payne, Fishing a Borderless Sea, 13–14; O’Leary, Maine Sea Fisheries, 74–77. In the early decades of the twentieth century a long timer veteran of the cod fisheries, Sylvanus Smith, observed of the bounty that “in the later years…the measure had become really a nuisance, inasmuch the new ‘rulings’ of the Treasury Department, ‘if under a codfishing license a vessel could not pursue another branch of the industry and apply for bounty money, without liable to seizure.’ There was difficulty in obtaining the bounty—many forms, etc.—and in 1867, the Gloucester fishing firms, through their Congressman, asked that the measure be repealed.” Fisheries of Cape Ann: A Collection of Reminiscent Narrative of Fishing and Coasting Trips, Descriptive Stories of Sandy Bay and the Harbor, also some Interesting Comment on Fisheries Legislation and the Cause of the Decline of the Fisheries (Gloucester, Mass., 1915), 53.

codfish waned, so too did the political clout of cod fishermen. The repeal of the bounty in 1866 represented an effort on behalf of Congress to align political, economic, and ecological realities as the bounty had become an outdated measure, more fit to the circumstances of the 1840s, or even, 1790s. But the repeal was also part of a larger, national reorientation away from the maritime world.

Fishermen of any stripe seemed to embody the ideology of the newly founded Republican Party. With its origins in the fractious debates of the 1850s over the place of slavery in the union, the Republican Party coalesced around the idea of free labor. The fishing industry obviously fit this bill. But the challenges of governing amidst warfare would blind the party of Lincoln to the maritime world of the Atlantic—at least the commercial activity beyond the purview of the war-time blockade. During the course of the 1860s, as the party’s ideological orientation and legislative agenda shifted to face wartime exigencies, Republican economic policy largely overlooked maritime matters. Agriculture, land policy, and railroad construction were all terrestrial endeavors that came to dominate the Republican Party’s economic program. The party did, however, enact limited tariff reform that directly affected the fisheries by revoking the Reciprocity Treaty in 1865, thus reinstating the tariff barrier with Britain’s North American Colonies. Even within the fishing industry this proved to be a controversial decision, since it limited the inflow of Canadian fish to the American market but further restricted American access to foreign waters. As will be seen this action did not necessarily reflect a genuine interest in the fisheries as much as serve to illustrate the contentious state of postbellum Anglo-American

relations. Although Secretary of State William Henry Seward attempted to garner support for his scheme to purchase Greenland and Iceland in 1867 by describing the wonders of the island’s maritime resources, the Republican-controlled government of the 1860s, while not openly antagonistic to the fishing industry, was largely indifferent. The failure to purchase Greenland, the construction of the transcontinental railroad, and measures like the Morrill Land-Grant Act all hint at a government and nation no longer obsessed with the sea.

This turn away from the sea was not confined to specific Republican policies, but it reached a level of ubiquity, leaving one naval historian to describe the period as a maritime “dark age.” While the Civil War witnessed the explosive growth of the United States Navy to meet the needs of an extraordinary blockade, this fleet was left to rot soon after the conflict ended. At the same time sailing skills were increasingly downplayed in the navy as the American fleet transformed from sail to steam. The future of the nation’s naval forces would rely on engineers and technicians. As historian Wayne M. O’Leary observes, “the kind of training provided by the fisheries ‘school’ might have been helpful in preparing men for the old wooden sailing navy, where the premium was on seamanship. In the new age of steam, however, it was irrelevant.” Furthermore, the middle decades of the nineteenth century witnessed the professionalizing of the navy. These transformations were perhaps most critical in relegating American fishermen to the sidelines of politics. For decades the connection between fishing and fighting was pivotal in guaranteeing widespread support for fishermen since the logic of national security was quite

379 In a later report compiled at the request of Secretary Seward by director of the U.S. Coast Survey, Benjamin Mills Pierce, these far-north Atlantic fisheries were described as the “most extensive and among the best in the world,” and that “there is no part of the world where cod fishing can be so extensively and easily carried on as in Iceland.” Benjamin Mill Pierce, A Report on the Resources of Iceland and Greenland (Washington, D.C., 1868), 2, 31.

380 Rouleau, With Sails Whitening Every Sea.
persuasive. But given the structural changes in the navy, the nation simply no longer needed the fisheries to serve as a training ground for sailors. The navy proved to be yet another realm of federal policy in which the changes of the 1860s and 1870s forced a renegotiation of the relationship between fishermen and national, if not international, politics. And yet again the political clout of the fisherman and his image was curtailed.

Another important aspect of the changing role of fishermen in the political order was the increasing professionalization and bureaucratization of fisheries science. For much of the nineteenth century fishermen spoke with authority on ichthyological matters, brandishing knowledge earned from firsthand experience upon the ocean. This knowledge did not, of course, go uncontested. Across the first half of the nineteenth century the growth of scientific thinking in the form of published, canonical texts vied with the experiences of ordinary fishermen for authority in understanding the opaque world of the ocean. While for much of this period neither the men of science nor fisherfolk were able to dominate this discourse, by the second half of the century the authority and expertise of institutionalized ichthyology began to win out. The experience of fishermen indicated a changing ocean that demanded a change in human actions while self-anointed experts hubristically extolled the powers of science and technology to both understand and remedy any problem that may beset the fishing industry. Obviously this

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confident story of technological innovation resonated better than a pessimistic tale of environmental degradation. The reification of formal science served to undercut the authority of fishermen and further alienate this group of laborers from the politics of the industry.\textsuperscript{382}

This process crested in 1871 with the creation of the United States Fisheries Commission (USFC). Headed by a now-vaulted man of science, Spencer Fullerton Baird, the United States Fisheries Commission had its origins in settling a series of disputes in southern New England between line fishermen—those employing older methods for catching fish—who blamed their technologically sophisticated competitors using traps and weirs for the marked decline in fish stocks along the coasts of Massachusetts and Rhode Island. Cod and mackerel fishermen largely aligned themselves with the wealthier weir fishermen as the series of nets and seines that marked the New England coast were responsible for catching the alewives that supplied bait for these more lucrative fisheries. Baird initially sought to merely study the question and suggest ways in which a scientific approach would remedy the problems of declining catches, yet through skillful gamesmanship in Washington he emerged as the head of a new federal agency charged with investigating scientific fixes for the nation’s fisheries more generally.\textsuperscript{383}

Much of the early work of the Commission focused on marine biology; the systematic cataloging of commercially valuable fish; and, ultimately, implementing fish culture to artificially propagate fish populations in order to overcome the overfishing that threatened valuable species. Baird actively sought to address questions to nature itself to circumvent the subjectivity of the fishermen who previously spoke on these issues with authority. This shifts

\textsuperscript{382} Bolster, \textit{The Mortal Sea}, 90–102.

represented a process that historian Matthew McKenize describes as “abstraction,” in which the region’s fishermen “were relegated to mere inputs in a larger industry, inputs whose individual natures had no place in influencing the decisions that affected them.” Furthermore fish became “mere numbers in a larger balance sheet of marine environmental production.” This process—supported by the collusion of industrial, scientific, and governmental interests—further removed fishermen from politics in favor of the fishing capitalists, and now fishery scientists, that came to control the industry.384

The abstraction of fishermen and fish into mere numbers was part of a larger process of professionalization and bureaucratization that swept the federal government during the middle decades of the nineteenth century. Along with agencies such as the Coast Survey, the Naval Observatory, the Smithsonian Institution, and the Census Bureau, the United States Fisheries Commission sought to use professional expertise to simplify the complexities of the human and nonhuman worlds with the goal of understanding, if not controlling, them. Also inherent in the activities of the USFC was expanding the purview of the federal government. Before the Commission’s advent, fishery policy was the domain of the states, but in an era that witnessed the expansion of federal power, an issue that was seemingly far removed from questions of federalism that defined the period attracted federal interest. The United States Fisheries Commission, stretching back to the growth of federal power during the Civil War and forward to the Progressive era’s ascendency of expertise, was indicative of significant trends in the extent and aim of the federal government’s power during the second half of the nineteenth century.385

384 McKenize, Clearing the Coastline, 133–136 (quotations on 136). For a discussion of the early work of the Commission see Allard, Spencer Fullerton Baird and the U.S. Fish Commission, 87–131.

The adoption of the scientific management of fisheries was not, however, confined to the United States, but was part of an international trend that privileged the knowledge of elites, while assuming the ability of humans to perfectly control the nonhuman world.\textsuperscript{386} French aquaculturists led the way in the artificial propagation of fish, having sustained a government-funded hatchery in Alsace since the 1850s. By the 1860s the international growth of fish culture inspired a series of international expositions to explore and promote this new fishery science. The first of these expositions was to be held in the French city of Arcachon in 1866. In a missive from the United States Minister to France, John Bigelow, to Secretary of State William Henry Seward, the American minister beseeched the secretary of state to send a delegation to France owing to the fact that “the people of the United States are more extensively engaged in the cod, whale, and oyster fishery than the people of any other nation,” and that the United States was a leader in “the science of water culture” given America’s “fluvial system adapted to the indefinite culture and distribution of fish.” Victor Coste, the French aquaculturist and leading scientist in the field, sought to convene the meeting with the goal of unleashing the same “intelligence” and “boldness” to develop “the resources of the domain of the water,” that humanity has long used to cultivate the land. The future of marine resources laid in the careful propagation of fish species through the collaboration of science and labor. Although Coste declared that “the plain communications forwarded by the working people or by the fishermen themselves, form an

\textsuperscript{386} Allard calls the “program of fish culture” inaugurated by USFC in 1872 as joining “a movement with deep historical roots,” \textit{Spencer Fullerton Baird and the U.S. Fish Commission}, 111. Additionally it was George Perkins Marsh’s experiments with fish culture in Vermont in the 1850s that would later inspire Baird and the USFC. See David Lowenthal, “Introduction” to George Perkins Marsh, \textit{Man and Nature} (Seattle: University of Washington Press, 2003, originally published 1864), xxv, 302–305, also see Allard, \textit{Spencer Fullerton Baird and the U.S. Fish Commission}, 114–115. Allard also points to the French as having developed modern fish culture, 111–112.
essential part of an exhibition of fishery,” the application of technology, “appropriate administration,” and “the solicitude of government” for “more regular, more intelligent, and more complete development” of marine resources, suggested that any input of ordinary laborers would of course be guided and mediated by the now more authoritative men of science. The international exhibition in Arcachon would prove to be the first such event in a series that would stretch across Europe during the closing decades of the nineteenth century. But in the United States, at least, the gradual subversion of the fishermen’s political standing served to recast American fishermen not as a forward-looking national symbol but as a conservative relic of a bygone era.

The immediate postbellum years saw a significant shift in how American fishermen factored into the political calculus of the fisheries issue, if not American politics generally. Formerly fishermen had commanded deference on political questions; their assumed value to the republic went unassailed or, in certain instances, was vigorously defended. But numerous changes from both within and outside of the fishing industry converged after the Civil War to fundamentally alter the relationship between the American political community and the sea fishermen of the North Atlantic. The repeal of the federal cod-fishing bounty, the transformations of the United States Navy, and the ascendency of science-based fisheries management all served to undercut the political capital of fishermen in favor of the scientists, bureaucrats, and capitalists whose authority now outstripped that of these maritime laborers. The fall of the fishermen in American politics did not, however, mean that the fishing industry

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generally was forsaken by the political establishment. In fact, the postbellum years would see the fisheries issue once again emerge in Anglo-American relations and continue, albeit amid differing circumstances, to cut to the heart of transatlantic ties.

**ANGLO-AMERICAN RELATIONS IN THE POSTWAR WORLD**

As the United States descended into fratricidal war in 1861, Anglo-American relations were, in most regards, rosier than ever. Financial and commercial bonds grew stronger as the United States acquiesced to Britain’s international free trade order. Agreements like the Clayton-Bulwer Treaty of 1850 suggested a higher degree of international cooperation. The settlement of the U.S.-Canadian border, along with the agreement on the North Atlantic fisheries removed the most likely element of discord in Anglo-American relations. Of course rosy relations at midcentury were relative as the degree of Anglophobia in popular American politics remained high, but these trends all suggested, at the very least, a transatlantic détente. This transatlantic spirit of amity would, however, be short lived. Recent historiographical trends have exposed the international ramifications of the Civil War and the conflict’s impact on Anglo-American relations has been a productive field of inquiry. The discord engendered within the United States by British policy was not confined to the war years, instead souring transatlantic relations for years to come. The fisheries issues would become embroiled in a series of disputes stemming...

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from the war to not only Anglo-American relations to a near breaking point, but also to call into
to not only Anglo-American relations to a near breaking point, but also to call into
question any facile interpretation of a linear trajectory for transatlantic relations across the
nineteenth century.

The tension that defined Anglo-American relations during the early postbellum years stemmed from the diplomatic goals of the Confederacy. This newfound state had a relatively simple foreign policy agenda: secure international recognition. The carrot and stick approach of the South’s cotton diplomacy has received much historiographic attention and has generally been dismissed for its failure to achieve the recognition of the European powers. Yet the diplomacy of the Confederate States may have, in fact, achieved at least limited success by the war through Britain’s surreptitious aid. Officially the British government never recognized the Confederacy, but it did recognize the South’s belligerency, opening the door for British firms to outfit Confederate ships. While the ground war continued apace without the direct intervention or assistance of European arms and armies, the war upon the waves depended on British ships and men to sustain the Confederate navy. Ships such as the CSS Florida, Shenandoah, and most importantly, the Alabama, harassed the Union navy, circumvented the blockade, and preyed upon northern shipping, in the process driving up insurance rates leading to an unprecedented decline in the American merchant marine. Combined with the Trent affair, the depredations of British built sloops assured that the maritime memories of the Civil War would mar postbellum relations.


The maritime dimensions of the Civil War have not received the kind of thoroughgoing treatment the terrestrial war has, for an over view see James M. McPherson, War on the Waters: The Union and Confederate Navies, 1861–
In summer 1862 the Confederate steamer *Alabama* embarked upon a two year cruise of terrorizing northern merchant ships and evading federal authority. Constructed by the Laird Brothers of Birkenhead, the *Alabama* would become one of the most successful raiders in the southern fleet by taking dozens of Union prizes. Ultimately sunk off the coast of Cherbourg by the USS *Kearsarge* in 1864, the British-built *Alabama* became a sticking point in Anglo-American relations as it seemed to represent an obvious transgression of Britain’s proclaimed neutrality.\(^{392}\) While the *Alabama* was the most successful and thus (in)famous of the British-built warships in the Confederate’s employ, it was not alone. The CSS *Tallahassee* cruised the waters of the North Atlantic, preying on Yankee ships including fishing schooners. Despite a growing American naval force in the region, the presence of the Confederate raider dissuaded New England fishermen from pursuing their fares resulting in a drop by half in the American tonnage employed on the fishing grounds during the war years.\(^{393}\)

As the civil conflict ended, the United States turned its attention to Great Britain with the aim of extracting a monetary penalty for the losses to Union shipping and an admission of culpability on the part of the British government. Americans not only sought indemnification for the direct losses to northern shipping at the hands of British-built vessels, but some even went so far as to blame Great Britain for prolonging the war and its insatiable appetite for blood and treasure. Hoping to smooth transatlantic discord, the Andrew Johnson administration appointed

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Reverdy Johnson (no relation) to serve as the American minister to Great Britain after Charles Francis Adams’s retirement and to negotiate a satisfactory solution to the Alabama claims. The treaty that emerged from Johnson’s negotiations with British Foreign Secretary Lord Clarendon assured that the American diplomat’s career would be short lived. Vague, evasive, lacking any clear enforcement mechanism, and completely devoid of any British admission of guilt, the Johnson-Clarendon Treaty failed in its purpose to assuage transatlantic discord. The treaty would come before the Senate where Charles Sumner passionately denounced the treaty while articulating the disgust Americans felt given Britain’s actions during the recent war.394

Discharging his duty as the chair of the Senate Foreign Relations Committee, Sumner addressed Congress in April 1869, with the committee’s unanimous decision to reject the hastily negotiated Johnson-Clarendon Treaty. For Sumner, the convention was wholly inadequate since it failed to address British culpability and accounted for a pittance of the losses sustained at the hands of British built ships of war. Irksome for the Massachusetts Senator was the fact that Great Britain bestowed the status of “ocean belligerent” early upon the Confederacy when the rebellion remained “without ships on the ocean, without prize court or other tribunals for the administration of justice on the ocean, [and] without any of those conditions which are essential prerequisites to such a concession.” This illegitimate recognition of belligerency, a “shameful and impossible pretension” with no root in reality, allowed the South “equal rights with the National Government in [British] ship-yards, foundries, and manufactories, and equal rights on the ocean.” Through granting the status of belligerency upon the Confederacy; allowing ships to be built, armed, and equipped in Britain; and refusing to admit those ships to British ports across

the world, the depredations of Confederate ships set “the ocean ablaze” and such destruction “proceeded from England, which…lighted the torch.”

Americans, Sumner declared, seethed with indignation. Coming at a time of “profound peace” between the transatlantic nations, the British decision to recognize the unproven belligerency of a sham state was “in no just sense a commercial transaction,” but in fact, “an act of war.” Most galling for the Radical Republican was that the nation that had for so long stood on the vanguard of world-wide abolition “gave her name, her influence, her material resources to the wicked cause, and flung a sword into the scale with Slavery.” American aggravation was to be found in Britain’s “flagrant, unnatural departure from the anti-slavery rule, which by manifold declarations, legislative, political, and diplomatic, was the avowed creed of England.” Just as the United States was joining Great Britain as Atlantic nations allied against bondage, the British seemed to cast their lot with a nation of slaveholders gripped “in the very madness of barbarism.” Sumner was not alone in this feeling of betrayal.

Sumner’s speech before the Senate conveyed the discord that existed between the United States and Great Britain during this postbellum period. But the speech was also a stratagem on the senator’s part to reassert his control of U.S. foreign policy. Hoping to assert his dominance over the new Secretary of State, Hamilton Fish, Sumner instructed the soon-to-be American Minister to Great Britain, John Lothrop Motley, to pen a “Memoir” that Sumner hoped would

395 Charles Sumner, The Alabama Claims: Speech of the Honourable Charles Sumner, Delivered in Executive Session of the United States Senate, on Tuesday April 13, 1869 Against the Ratification of the Johnson-Clarendon Treaty for the Settlement of the Alabama Claims (London, 1869), 8 (first two quotations), 17 (third and fourth quotation), 15 (final quotation).

396 Sumner, The Alabama Claims: Speech of the Honourable Charles Sumner, 14 (first three quotation), 32 (fourth quotation), 17 (fifth and sixth quotation).
become the official stance of the State Department.\textsuperscript{397} The “Memoir” would mirror Sumner’s speech in both substance and style. Motley reinforced the feeling of betrayal that pervaded Sumner’s speech. “A deep sense of national wrong at the hands of Great Britain,” Motely declared, “over and above large pecuniary losses sustained by individuals pervades the American people.” Like Sumner, Motley focused on Britain’s grant of belligerency to the Confederacy as the genesis of the discord. Giving the Confederate States any claim to legitimacy not only endangered Britain’s relationship with the United States, but was not based in the material conditions of the southern war effort. The independence and sovereignty of the southern government were mere “figments” and any claim to naval belligerence a “shadow of a shade.” And like the Senator’s speech, Motley highlighted the hypocrisy of British policy. While the abolition of the African slave trade, war against the Christian slavery of the Barbary States, and the ultimate emancipation of the enslaved peoples of the West Indies, did much to efface “the sins of Elizabeth’s reign,” Britain ceded any claim to the moral high ground by aiding the southern cause.\textsuperscript{398} Motley described the “amazement” and the “revulsion of feeling” when “anti-slavery England had suddenly and swiftly proclaimed a virtual recognition of the new slavery engendered confederacy.” As this revulsion festered for years, a mere repayment for the individual losses caused by British built ships would prove entirely inadequate. Americans demanded that Britain make amends for affronting the national honor.\textsuperscript{399}


While the Johnson-Clarendon Treaty would make arrangements for settling the claims of individuals directly affected by the marauding of the southern navy, Sumner took a more expansive view of the costs to the entire nation. In addition to the losses of individuals, Sumner calculated a bill that took into account the costs borne by the United States merchant marine as American ships either refused to subject themselves to the risk of Confederate raiders or were simply unable to contend with skyrocketing insurance rates. But most costly was Sumner’s contention that British support extended the duration of the war by more than two years. The cost in men and materiel was staggering as Sumner suggested Great Britain owed the United States billions of dollars in damages. Historians and contemporaries have suggested that this inflated number was Sumner’s gambit to force Britain to cede Canada as equal payment. But even such a princely sum was worthless without Great Britain acknowledging its wrongdoing. Sumner concluded by observation that “a generous expression” of guilt was the necessary “beginning of a just settlement, and the best assurance of that harmony between two great and kindred nations which all must desire.”

Sumner’s speech roused Americans at home and ruffled Britons abroad. In Congress and in the press Americans praised Sumner for taking such a hard line on the outstanding grievances that bedeviled Anglo-American relations. Clearly he was able to convince his peers as the Senate rejected the Johnson-Clarendon Treaty with near unanimity, fifty-four to one. Sumner seemed to give voice to the sense of disgust and betrayal that defined the American political community’s outlook on its transatlantic peer. Meanwhile, Sumner’s speech was received in Britain as the

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ravings of a dangerous man, set on destroying the possibility of future transatlantic cooperation.\textsuperscript{402}

In 1869, as spring turned to summer. Anglo-American relations were at an impasse. The \textit{Alabama} claims remained unsettled and thus a major roadblock to any transatlantic détente. While John Lathrop Motley was dispatched to London with explicit instructions to bring the British to the bargaining table, Anglo-American relations headed toward divergence in response to the postbellum pall that descended upon transatlantic ties. Fully four years before Sumner addressed the Senate and gave voice to ideas that had been festering for years, the United States ended its reciprocal trading relationship with Canada that had been in effect since 1854. While much less dramatic than Sumner’s and Motley’s fiery rhetoric, the end of North American reciprocity was symbolic of the stress Anglo-American relations endured. Only a decade before, Great Britain used the stick of fisheries access to coerce the United States into an emerging international regime of free trade. Now, a spiteful America sought even further separation from the same.

At midcentury British boosters spoke of free trade in rhapsodic terms, believing an open, international economic order was an enlightened path that could go so far as to end all wars. But after a decade of North American free trade, the United States was all too ready to extricate itself

\textsuperscript{402} At the time Sumner’s speech was wildly popular, if polarizing. Historians have, however, been likewise split in their appraisal. Sumner’s biographer David Donald describes the speech as popular among an American population still prone to bouts of intense Anglophobia, but ultimately reckless as such fiery rhetoric had the potential to seriously alienate British policymakers and thus forestall any chance for reconciliation. Donald largely attributes Sumner’s motives for the speech to a desire to take the reins of the nation’s foreign policy and was, if briefly, successful. Adrian Cook has harsher words for Sumner. At times attributing such violent rhetoric to Sumner’s personal frustration on account of a failing marriage, and charges of impotence, Cook derides the speech for placing American demands for a settlement unattainably high and thus undercutting any diplomatic efforts. Finally Jay Sexton notes that Sumner’s speech had the unfortunate consequence of U.S. bonds dropping 10 percent on the London Stock Exchange. Donald, \textit{Charles Sumner and the Rights of Man}, 377–394, Cook, \textit{The Alabama Claims}, 89–102, Sexton, \textit{Debtor Diplomacy}, 205–208. Also see Palen, \textit{The “Conspiracy” of Free Trade}, 79; Campbell, \textit{Unlikely Allies}, 183–184.
from that arrangement and, pursuant to the terms of the treaty, repealed the agreement in 1866. The justification for doing so was explained, at least in part, by the simple economic rationale that the United States, unlike the Canadian provinces, was disadvantaged by the relationship. But observers at the time noted that repeal was a response to the acerbic tenor of Anglo-American relations, and also tied up with the larger geopolitical questions of annexation and confederation that had for decades challenged the North American relationship.

In the aftermath of repeal, a report addressed to Secretary of State Seward made clear that it was not the content of the Reciprocity Treaty that occasioned its repeal. Instead it was American indignation at Britain’s tacit support of the Confederacy that severed the first North American trade union. The report’s author, E. H. Derby, recognized that “the treaty itself had serious defects,” chief among them was the fact that the treaty’s terms were more beneficial to the under-industrialized economy of the Canadian Provinces; but repeal was accelerated by American bitterness. “The notice for repeal,” Derby remarked, “was given at a time when our country was deeply offended with Great Britain,” since during “our great struggle for existence she had given her sympathy to our foes,” and thus exposed Britain’s hypocritical claims to opposing servitude. Given the geographical unity of North America, Derby suggested the only logical solution to the problem of trade was through “the union of all parts of our continent in one harmonious whole.” Of course, any such arrangement was best administered from the federal capitol in Washington. But the American doubted the British would ever accede to relinquishing the Canadian Provinces. Derby sardonically queried whether “Asia, Africa, and Australia” were alone “sufficient for Great Britain?”

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403 Payne, Fishing a Borderless Sea, 31.

404 Senate Documents, 39th Cong., 2nd Sess., “Message of the President on Reciprocal Relations with British Provinces, and Condition of Fisheries,” (Serial 1277, Washington, D.C., 1867), 12, 18–19.
A later report, compiled at the behest of the Treasury Department on the eve of the Treaty of Washington negotiations, described the condition surrounding the repeal of reciprocity in far more straightforward, economic terms. While acknowledging free trade as the kind of arrangement that should define commercial relations between “these quasi-foreign neighbors and ourselves,” the terms of the Reciprocity Treaty had exposed itself as “a badly one-sided bargain.” In the view of the Treasury Department, the North American Provinces had not honored the reciprocal nature of the agreement and thus while the American market was opened for Canadian produce, the inverse remained unfulfilled. This situation was, however, not unexpected. The report’s author, J. N. Larned, characterized the 1854 Reciprocity Treaty as a “sharply-forced bargain on the fisheries question.” The events of the early 1850s showed that the fisheries issue, and the attendant question of trade reciprocity, had the potential to devolve into violence. While the treaty obviated this threat, ten years of not-so-reciprocal trade had obviously disadvantaged the United States, leading to the treaty’s repeal—but repeal also included the repeal of the United States’ statutory claim to the inshore fisheries. With American fishermen once again barred from the inshore fishing grounds, those fishermen were once again subject to the “unfriendly laws and harassing officials” that threatened the rise of “dangerous national controversies.”405 By the early 1870s, the situation on the fisheries, and Anglo-American relations more generally, demanded a longer lasting agreement, one that addressed the Alabama Claims and fisheries issue alike.

Once again the fisheries issue would be implicated in what would become a fundamental pivot in Anglo-American relations. Long-standing questions about the fisheries were made all the more urgent on account of the threat of violence posed by intemperate fishermen who had little regard for the arbitrary boundaries drawn by diplomats, as they pursued their catch. The

negotiations and treaty that would follow, however, did not serve to reify the political position of the real or imagined American fisherman. Instead the resulting transatlantic agreement would confirm that the fisherman was increasingly irrelevant and overlooked in the politics and diplomacy of a changing world.

WASHINGTON, 1877

By 1871 the fisheries issue needed a diplomatic fix. The situation was, in fact, not all that different from the early 1850s when fishing rights and reciprocity were traded in an effort to forestall a breakdown in Anglo-American relations. When Congress repealed the Reciprocity Treaty in 1866, the United States also renounced expanded fishing privileges in inshore waters that American mackerel fishermen had enjoyed for the previous decade. Without that statutory guarantee, American fishermen would once again be subject to seizure by British and provincial cruisers for fishing within one league of the shore. The possibility of maritime clashes and the loss of American property filled diplomats and fishermen alike with dread. As was true two decades earlier, only a shift in transatlantic diplomacy could head off such a confrontation. The situation was all the more dire as, unlike during the 1850s, postbellum Anglo-American relations had soured significantly and were strained nearly to the breaking point.

State Department officials were immediately aware of the maritime implications of the repeal of the Reciprocity Treaty. Richard D. Cutts of the Office of Coast Survey informed Secretary Seward that without the protections afforded the American inshore fishing fleet by the recently repealed treaty “certain laws of Nova Scotia and other Provinces enacted rather to harass American fishermen than to protect their own rights….will seriously affect the welfare, if not the very existence of our fisheries.” American fishermen were to be on notice that they “must fall
back upon their rights, as they exited previous to 1854...[and] that they have, now, no more right
to fish within three marine miles of the Provincial coasts.” Fearing that Provincial authorities
may use even the slightest infraction of the three mile limit and the consequent seizure of
American ships and crews to push for a renewal of the reciprocity treaty, Cutts did not mince
words, instructing that fishermen “should always have in mind that they are hovering on the
coasts as if were of an enemy who will avail himself to the slightest suspicion to do him an
injury.” The situation on the fisheries certainly resembled that of the early 1850s, but this time
around American officials were far more cognizant of the role played by their North American
neighbors. 406 It seemed as though American policymakers were keen to see nefarious designs in
Britain’s schemes, whether they emanating from London or power centers much closer to
home. 407

Rather than run the risk of future seizures and collisions, or submit to British or Canadian
demands, Cutts suggested a plan to settle the outstanding differences between the Anglophone
powers. The plan, Cutts assured Seward, “if assured and judiciously executed...cannot fail to
place the rights, claimed by the United States, on a footing of greater security and less liable to
Provincial interference or aggression, and, therefore, acceptable to our fishermen and freed from
the necessity of aid by extraneous legislation.” Taking cues from an Anglo-French convention
signed in 1839 to regulate oyster fisheries, Cutts suggested the creation of a commission to
clearly define the rights of each party, as well as an international tribunal that would adjudicate
any future disputes. The central job of the proposed commission would be twofold: first, “to


agree upon and define…the limits which shall separate the exclusive from the common right of fishery, on the coasts, and in the seas adjacent, of the British North American Colonies…to be regularly numbered, duly described, and…clearly marked on charts.” Second, once the United States and Great Britain had agreed on how to divvy up the fishing grounds, they should, in Cutts’s estimation, conclude an enforcement mechanism “to agree and recommend the penalties to be adjudged and such proceedings and jurisdiction as may be necessary to secure a speedy trail and judgment…for the transgression of the limits and restrictions which may be hereby adopted.”

This vision of an international commission to address and adjust fishery relations would come to fruition—in time. The acerbic tone of transatlantic relations, however, stymied progress, even as the situation on the fisheries demanded attention. While often disregarded by the emerging formal scientific consensus, the question of the fisheries’ plenitude contributed to the urgency of diplomatic proceedings. The likelihood of impudent fishermen creating trouble—a situation diplomats on all sides wished to avoid—was exacerbated by the fact, or even perception, of dwindling catches. Although Cutts gave voice to the commonly held, if overly optimistic notion that “like farming lands,” fishing grounds required “judicious treatment to increase the annual harvest,” he did recognize that it was “a mistake to suppose that the supply of food afforded by the sea is inexhaustible.” Cutts expressed to Seward that reports from the fisheries indicated that the prodigious Grand Bank fishery was “beginning to fail.” The increasingly precarious nature of the fisheries could degenerate to the point of creating political tension. But political cooperation, supported by the promises of scientific encouragement, was, at least in the eyes of Cutts and his superiors at the State Department, necessary to fix this

408 Cutts to Seward, April 7, 1866, Canadian Fisheries: Letters, Notes, Reports, Etc.
ecological problem. When American diplomats set themselves the task of easing Anglo-American tension in 1871, they had a sense of the environmental elements of that diplomacy. But such considerations, often based on dubious scientific assumptions, took a back seat to the dictates of political horse-trading.

As postbellum American diplomats once again approached the ongoing problem of the North Atlantic fisheries, other maritime resources were likewise included in the calculus of American foreign relations. While fundamentally incorrect to think of the postbellum United States as more outward looking than its antebellum iteration, the field of American fishery diplomacy had expanded greatly by the 1860s and 1870s. While analysis of this period should be weary of the teleology that assumes the American republic of 1870 was destined to become a colonial master in 1898 and a world hegemon in 1945, the growing reach of American fishery diplomacy suggests that the United States was finally emerging from the vassalage of postindependence insecurity to becoming a global power. From the Canary Islands to the North Pacific, American fishery diplomacy was no long confined to cod and mackerel in the Northwest Atlantic. As different as these places seem, their diplomatic workings created the larger, integrated context for the treaty negotiations that shifted the trajectories of Anglo-American relations and the ubiquitous North Atlantic fisheries question.

From his station in Madrid as the American minister to Spain, Daniel Sickles, the crippled Union general and self-styled hero of Gettysburg, connected American strategic interest and fishery concerns. In an ultimately unsuccessful bid to purchase the island of Tenerife from the Spanish to establish a naval depot and dock yard to support an expanded American presence, Sickles commented on how the island’s fisheries “really [are] worth attention…on their own

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409 Cutts to Seward, January 7, 1869, Ibid. Also see Cutts to Seward January 9, 1869, Ibid.
merits.” As the American and British delegations were meeting in Washington to finally hammer out their differences, Sickles, perhaps undeservedly, boasted “that my fishery negotiation goes on swimmingly,” as he continued to push the question of the Canary Island fisheries under the assumption that “they are of great value and utility to us…. [and] will afford occupation to our fishermen during the considerable part of the year when the inclement season makes fishing impossible on our Eastern Coast.”

Former Secretary of State William Henry Seward would make an even more direct comparison between the North Atlantic fisheries question and expanding American interests. Seward counseled Fish that the United States could foil “European and Monarchial jealousy and rivalry in the North West” through a fisheries reciprocity treaty with Russia along the coasts of the North Pacific Ocean. But more importantly such an agreement could work as a lever upon transatlantic relations. “Negotiating such a treaty with Russia,” Seward remarked, “would I think have no inconsiderable influence in aiding our negotiations with Great Britain, for the revision of the question of the fisheries.” The specter of a Russo-American alliance would galvanize the British, as “every new advance of mutual friendship between the United States and Russia adds immensely to the prestige of the United States, and to the desire of the British nation to accommodate the difficulties existing between that country and the United States.”

While Seward’s suggestion to use fishery issues to achieve larger geopolitical aims was motivated by the kind of clear-eyed realism that marked much of American foreign relations during the nineteenth century, other officials suggested the United States could use worldwide

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411 William H. Seward to HF, March 6, 1871, Folder: March 1871, Ibid.
fisheries issues as a softer kind of suasion. Amid the fantastic growth and growing legitimacy of ichthyological science during the middle decades of the century a number of international fisheries exhibitions, modeled on London’s Great Exhibition of 1851, were held in France, Norway, and the Netherlands. Department of State operative Richard D. Cutts advocated a similar exhibition to be hosted in the United States—an event befitting the nation’s claim to world power status. On account of “the prominent position occupied by the United States in prosecution of the fisheries,” the United States was a logical choice for an exhibition “to embrace…the sea-fisheries, salmon culture, oyster farming, and pisciculture.” While justified on the grounds of bringing together experts from across the Atlantic and fostering the growth of the practical elements of ichthyology, the proposed exhibition would demonstrate American fishery leadership and place the nation alongside traditional powers like Great Britain and France in the international pecking order. The exhibition would, in Cutts’s words, “issue greatly to the benefit…of the country at large.”

The prospect of European fishery delegations converging on Boston in supplication to American leadership would no doubt confirm American pretentions to the status of global power, and once again confirm the link between the ever present fisheries question and the fundamental workings of American foreign relations during the nineteenth century.

Postbellum American foreign relations are most often understood as continuous with the forces and events that led to intervention in Spanish affairs in Cuba and left the United States with its first, formal colonial possessions. Walter LaFeber, the noted historian of American foreign policy, describes William Henry Seward’s and Hamilton Fish’s time at the helm of the

412 Cutts to Seward, January 7, 1869, *Canadian Fisheries: Letters, Notes, Reports, Etc.*
State Department as “years of preparation.” But this period was also marked by continuity with the past. Foreign policy under Seward and Fish, just as under its antebellum administrators, cast covetous eyes on those parts of North America and the Caribbean still beyond the eagle’s talons. While Alaska was successfully added to the national manse under Seward’s watch, schemes for acquiring new territory were more often frustrated. The Ulysses S. Grant administration’s attempt to purchase the Dominican Republic ultimately came to naught, running up against an obstinate Congress weary of adding the island’s colored population to the national domain. American territorial ambition was implicated in the fisheries question in the run up to the Treaty of Washington negotiations as questions of reciprocity in matters of trade and fishing made Americans on both sides of the national divide question why North America foolishly remained bifurcated.

For citizens of the United States during the nineteenth century the eventual acquisition of Canada seemed like an assured eventuality. During both the Revolutionary War and the War of

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413 Walter LaFeber, The New Empire: An Interpretation of American Expansion, 1860–1898 (Ithaca, N.Y.: Cornell University Press, 1963), 1–61. Much historiography on late nineteenth century American foreign policy has centered on the question of whether the Spanish-American War, and the resulting insurgency in the Philippines, was the culmination of American policy or a divergence. For long the followers of Samuel Flagg Bemis held sway in the discipline in seeing the events of 1898 as a “great aberration,” see Samuel Flagg Bemis, A Diplomatic History of the United States (New York: Henry Holt and Company, 1936); Julius W. Pratt, Expansionists of 1898: The Acquisition of Hawaii and the Spanish Islands (Baltimore: Johns Hopkins University Press, 1936); Ernest R. May, Imperial Democracy: The Emergence of America as a Great Power (Chicago: University of Chicago Press, 1961); H. W. Brands, The Reckless Decade: America in the 1890s (Chicago: University of Chicago Press, 1995). Richard Hofstader’s “psychic crisis of the 1890s” is in line with this historiography by understanding the decade as fundamentally different, an aberration in its own right that resulted in the aggression of 1898, see Hofstader, “Cuba, the Philippines, and Manifest Destiny,” in The Paranoid Style in American Politics and Other Essays (Cambridge, Mass.: Harvard University Press, 1996, originally publish 1951), 145–187. Since the 1950s the so-called Wisconsin School has assailed this position, contending that 1898 was unexceptional in the history of nineteenth century America. This economically informed argument has, largely, become the accepted wisdom, see William Appleman Williams, The Tragedy of American Diplomacy (New York: W. W. Norton, 1959); Robert L. Beisner, From the Old Diplomacy to the New, 1865–1900 (Wheeling, Ill.: Wiley, 1975); Thomas Schoonover, Uncle Sam’s War of 1898 and the Origins of Globalization (Lexington: University of Kentucky Press, 2003).

1812, Yankees resorted to arms in the hope of joining the continent under one national system. At midcentury trade reciprocity suggested that such a union could be achieved peacefully as economic integration would naturally lead to a political union. Although the forces of economy and manifest destiny seemed poised to align in the 1850s to bring about a North American union, in the 1860s the question still lingered even as Canada opted for dominion and, eventually, self-rule. In 1867 E. H. Derby filed a report with Secretary Seward about his travels to the Provinces. Even though that year would witness Canadian Dominion, Derby was leery that Great Britain could expend its military presence so close to American borders. “The great majority of Americans,” Derby concluded, “would rather see this continent occupied by one republic,” to finally rid North America of the British presence.\footnote{Senate Documents, 39th Cong., 2nd Sess., “Message of the President on Reciprocal Relations with British Provinces, and Condition of Fisheries,” (Serial 1277, Washington, D.C., 1867), 19.} Derby also predicted the end of reciprocity would bring about the North American union as “the provinces will range themselves under our banner and seek admission into the Union,” in order to continue enjoying the commercial benefits engendered in the now-repealed treaty. But the union would likewise benefit the United States as American fishermen would finally have an unassailable claim to the inshore mackerel fisheries.\footnote{Ibid., 28, 54.}

As the 1860s neared their close and Anglo-American relations remained toxic, annexation seemed destined. In a message Horace Greeley forwarded to Secretary of State Hamilton Fish in the spring of 1869, a correspondent with the newspaper editor claimed that “there perhaps never was as much genuine annexation feeling in Canada as there exists at present,” making annexation “certain.”\footnote{M. W. Brown to Horace Greeley, April 30, 1869, Folder: January–March, 1869, Box: 308, John Bassett Moore File, Hamilton Fish Papers, Library of Congress.} Even an authority the likes of the former American
minister to Great Britain, George Bancroft, remarked to Fish that “there is no resisting destiny,” as America was poised to subsume lands north and south through the annexation of Cuba, Mexico, and, of course, Canada.\(^{418}\) Perhaps American political observers were completely ignorant of the forces working north of the border that were laying the foundation of an independent Canadian nation, making speculation of a North American union mere bluster. Or perhaps this rhetoric was indicative of a propensity among Americans to read foreign relations through the Anglo-American relationship. North American union was wishful thinking for a nation eager, perhaps now more than ever, to twist the lion’s tail.

As the United States and Great Britain staggered to what would become the Treaty of Washington, Canadian annexation was among the many questions that would color the proceedings. The ubiquitous fisheries issue and the Alabama claims dominated the discord that marked Anglo-American relations. In an established pattern the fisheries question was intimately tied to what would be a significant shift in transatlantic relations. But in Washington a power struggle over control of the nation’s foreign policy resulted in Hamilton Fish’s ascendancy to become President Ulysses S. Grant’s most trusted advisor and the primary American player in British-American treaty making.\(^{419}\)

\(^{418}\) George Bancroft to HF, October 8, 1869, Folder: October, 1869, Ibid.

\(^{419}\) While the Grant administration is often derided as years marked by scandal and corruption on the part of Grant’s appointees, Hamilton Fish stands out for his competence. Historians have given the secretary of state high marks, calling him “the most capable member of the administration.” Stephen McCullough, “Avoiding War: The Foreign Policy of Ulysses S. Grant and Hamilton Fish,” in A Companion to the Reconstruction Presidents, 1865–1881, Edward O. Frantz, ed. (Malden, Mass.: Wiley-Blackwell, 2014), 315. The most complete account of Fish’s life and political accomplishments remains Allan Nevins’s magisterial, two volume biography, Hamilton Fish: The Inner History of the Grant Administration (New York: Frederick Unger Publishing, 1936, 1957). Nevins likewise praises Fish’s tenure as secretary of state, giving him most credit for the settlement of the Alabama Claims and the thawing of Anglo-American relations.
In the spring of 1869 Charles Sumner was in a position of strength. He was one of the most senior members of his party, the powerful chair of the Senate Foreign Relations Committee, and fresh off his resoundingly successful jeremiad against the hastily negotiated Johnson-Clarendon Treaty. Having the president’s ear, Sumner engineered John Lothrop Motley’s assignment to London as the American minister and point person on future Anglo-American negotiations. Grant elected to follow Sumner’s advice over Fish’s. Motley, however, disobeyed the administration’s orders shortly after his arrival and was promptly removed. Sumner’s support of Motley, and his opposition to Grant’s Dominican Republic scheme, ensured the senator would be sidelined for the remainder of his public service, not to mention stripped of his prestigious position as the chair of the Senator Foreign Relations Committee, while facilitating Fish’s ascendency. Fish had few positive words for the man who attempted to undercut his authority. The secretary of state called Sumner “malicious” and a “monomaniac,” whose “vanity and conceit have overturned his judgment, which never was the best.” Fully capturing Fish’s disdain for Sumner and his machinations, he confided to the American minister to France that Sumner was “bitterly vindictive and hostile…[to] every thing that the President proposes or wishes or does.” Fish was “convinced” that Sumner was “crazy” and his “vanity, conceit, [and] ambition have disturbed the equilibrium of his mind,” going so far as to claim that Sumner’s behavior resulted from Preston Brooks’ assault on him in the 1850s. Referring to Sumner, Fish remarked that “he was suffering from the same malaise that he experienced after Brooks’ assault upon him,” while recommending that “his friends should subject him to ‘treatment’ that, I think,


421 HF to Thurlow Weed, February 4, 1871, Folder: February 1871, Box: 310, Moore File, Fish Papers, LOC.
is the term they use in connection with the insane.” ⁴²² With Sumner sidelined and Fish in control, Anglo-American diplomats who had long recognized the tension in transatlantic relations finally recognized the need for amelioration.

The future of transatlantic relations, it seems, rode on the impending Anglo-American negotiation; the consequences of another failed treaty were dire. Even as Motley’s “Memoir” aped Sumner’s fiery, Anglophobic rhetoric it recognized the need for placid transatlantic relations, if not the obvious kinship of the two nations. Referring to transatlantic ties, Motley proclaimed that “relations of peace and sincere friendship should exist between two great and kindred nations,” even though “never before was America so little understood by Great Britain.” ⁴²³ Elsewhere Hamilton Fish recognized the delicacy in the current state of Anglo-American relations as he wished “that discreet men on either side remain discreet and calm men retain their thoughtfulness.” ⁴²⁴ Fish likewise shared the sentiment that the two nations should be on friendly terms as the forces of culture and history, not to mention of commerce and finance, made comity normative. “The two English speaking, progressive, liberal government of the world,” Fish proclaimed, “should not, must not, be divided.” ⁴²⁵ While this kind of rhetoric was a far cry from the effusive pronouncements of Anglo-Saxonism that would emanate from either side of the Atlantic in coming decades, Washington, at least, recognized what was on the line if

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⁴²² HF to E. B. Washburne, February 20, 1871, Ibid.

⁴²³ John Lothrop Motley, “Memoir,” Folder: 1869 Selections, Box: 308, Moore File, Fish Papers, LOC.

⁴²⁴ HF to Bishop McIlvaine, May 25, 1869, Folder: May, 1869, Ibid.

⁴²⁵ HF to John C. Hamilton, September 4, 1869, Folder: September 1869, Box: 308, Moore File, Fish Papers, LOC.
the tenor of Anglo-American relations remained fraught. For the British and American ministers that would meet in Washington in the spring of 1871 expectations were high.

While Anglo-American friendship was a goal for the American contingent, it was obviously undergirded by the demands of national interest. Americans would not be brought to the bargaining table without the assurance their grievances would be addressed. Topping that list was of course the Alabama claims that had generated so much vitriol. But the fisheries proved to be a more immediate concern as intemperate American fishermen, or overzealous Canadian cruisers, had the potential to turn a minor incident into a major confrontation. The American delegation would make the fisheries issue a substantial talking point and demonstrate how once again an epochal shift in Anglo-American relations turned on the fishery question.

As had long been the case, the inshore mackerel fisheries seemed to be the keystone of international tension. However, by the 1870s it was not access to these fisheries per se that American fishermen so deeply desired. Instead the liberal fishing rights afforded under reciprocity were so welcomed by American fishermen because of the “relief from unfriendly laws and harassing officials which the American fishermen enjoyed under it [reciprocity], and the welcome quietus that it gave to quarrels and questions which were constantly giving rise to dangerous national controversies.” It was only in hindsight that American fishermen saw the nonpecuniary benefits of reciprocal trade. But as American and British officials met in the spring of 1871 to hammer out their many disagreements, American diplomats understood the fishermen

as wanting to avoid the “recurrence of those same annoyances, and their consequence of ill
blood,” even if that meant the “loss of the ‘inshore fisheries.’” ⁴²⁷ Perhaps ironically Americans
were willing to part with access to the inshore fisheries—the fisheries that had been at the center
of American fishing and diplomacy for decades—if transatlantic relations could be put on more
stable grounds. The trade of security for access confirmed the changing place of the fishery
question in American statecraft.

This sentiment was reflected in the case the American delegation presented to their
British counterparts. Postbellum foreign policy makers showed a willingness to buy their way
out of problems. The Grant administration met mixed success in attempting to simply purchase
Caribbean islands to add to the nation’s growing empire. ⁴²⁸ At the Washington negotiations
Hamilton Fish brought the same mentality to the fisheries question, hoping to ascertain the value
of the fisheries and have the United State purchase that right in order to avoid future clashes. In
what was perhaps a bit of political gamesmanship Fish claimed the fisheries were of little
economic value. Fish, it seemed, wanted the British to name their price, but cautioned that the
inshore fisheries were often overvalued. The inshore fisheries, the secretary noted, “were desired
more on political grounds, in order to avoid the danger of collisions, than for their commercial
value,” offering one million dollars to simply purchase this right.429

Throughout the negotiations Fish and the American delegation insisted on expediency,
understanding the contentious fishing grounds more as political tools to calm transatlantic
relations than commercial, or even ecological, entities. The Americans harped on the
geopolitical, not economic, dimensions of the inshore fisheries. A memorandum communicated
by the State Department to the American delegation observed that “the acquisition of the right to
American fishermen to fish on the in-shore fisheries…is more important as removing danger of
collision than as of great intrinsic value.”430 During the actual negotiations the U.S.
commissioners expressed their desire to secure American access to the inshore fisheries,
alongside British and Canadian fishermen, “not for their commercial or intrinsic value, but for
the purpose of removing a source of irritation.”431 The longer the question remained open the
greater a chance for violent confrontations. Fish “dwelt upon the importance of a settlement, as
removing a dangerous question that might at any time, through the rashness of the fishermen,
bring about a collision between the two countries.”432

The British delegation, which included the first Prime Minister of Canada, Sir John A.
MacDonald, found the American scheme objectionable. Authorized by Whitehall to negotiate on
the basis of reciprocity, the leader of the British delegation, Lord de Grey, remarked that the

File, Fish Papers, LOC.

430 Executive Document, 42nd Cong., 1st Sess., “Message of the President, Treaty with Great Britain,” (Serial A,
Washington, D.C., 1871), 49.
431 Ibid., 186.

432 “April 14, 1871,” Folder: J.C.B. Davis/Treaty of Washington/Journal Part III, Box: 311, Moore File, Fish Papers,
LOC.
“most satisfactory arrangement” would involve “a reciprocal tariff…and reciprocity in the coasting trade,” in exchange for American access to the inshore fisheries. The British insistence on reciprocity reflected Britain’s own imperial politics as Canadian interests seemed to set the terms of the debate. Reciprocity in trade was, for the Canadians at least, necessary. MacDonald noted “that the entire market of the mackerel fisheries was in the United States, and the surrender of the inshore fisheries without getting the United States market would ruin the Canadian fisheries.” Reciprocity was, unsurprisingly, a nonstarter for the Americans. Only five years earlier Congress had repealed the reciprocity treaty both under the assumption that the trading arrangement did little for American interests and to spit in the face of the free trade loving British. Fish made no pretense in expressing that anything approximating a return to the Reciprocity Treaty was politically untenable in the United States. Any agreement, Fish declared, must “avoid the appearance of the re-enactment of the Reciprocity Treaty, [which]…was understood not to be acceptable to Congress.”

The negotiation, it seemed, had come to an impasse. While both sides recognized the need to once again address the fisheries issue they disagreed on how to go about it. The crucial difference was how each side valued the resource. British diplomats balked at Fish’s suggestion that the right of American access could be bought for a mere one million dollars. Instead, at Canadian insistence, the British delegation favored a trading agreement that would allow Canadian and British merchants to freely sell fish, along with lumber, coal, and salt, to the United States in a move that would net foreign merchants millions annually. The Canadian

433 “Message of the President, Treaty with Great Britain,” 186.
435 “Monday, March 27, 1871,” Ibid.
representative, John MacDonald, along with the sole New Englander on the American side, Bay State native Ebenezer R. Hoar, attempted to reconcile the disparate valuations by resorting to statistical evidence. But the two statesmen could not agree on the interpretation of the data.\footnote{436} Unable to bridge such a chasm, the peace commission essentially kicked the can down the diplomatic road by agreeing to authorize “an impartial Commission” to determine the value of the fisheries.\footnote{437} For the time being, until the fisheries commission could meet, the conditions of the Reciprocity Treaty were essentially reinstated. The inshore fisheries would be opened to American fishermen as the American market was to Canadian salt, lumber, coal, and fish. American fishermen would be on a level playing field with their Canadian counterparts both on the fisheries and in the market, but now without the palliative support of the federal fishing bounty. While the resulting treaty would authorize a similar commission to adjudicate the \textit{Alabama} claims, the fisheries commission would not meet for another six years, and it remained unclear how the commission would rule.\footnote{438}

The Treaty of Washington was an important pivot in the history of Anglo-American relations. Although the final text seemed to punt on the fisheries issue, it was, in fact, a

\footnote{436} “Monday, March 20, 1871,” and “Wednesday, March 22, 1871,” Ibid.

\footnote{437} “Message of the President, Treaty with Great Britain,” 186. In one of the more detailed accounts of the Treaty of Washington negotiations Adrian Cook remarks that the fisheries questions accounted for “most of the trouble,” largely resulting from the Canadian MacDonald’s obstinacy. Cook, \textit{The Alabama Claims}, 171.

\footnote{438} The international arbitration, the first of its kind, would meet in Geneva beginning in December, finally deciding in 1872 that Great Britain was to be held responsible for the depredations of the \textit{Alabama}, \textit{Florida}, \textit{Shenandoah}, but not, to Fish’s chagrin, the \textit{Georgia}. The final settlement came to $15.5 million, and made no reference to “indirect claims,” which is to say, claims supported by Sumner and his followers that Great Britain’s tacit support of the Confederacy prolonged the war by years, further draining federal coffers. The British had thought the indirect claims were dropped at Washington, but the American delegation to Geneva included those claims in their case on account of the vague and evasive wording of the treaty. After much wrangling those claims were dropped and the work of the arbitration commission continued with little interruption. Adrian Cook offers harsh words for Fish, calling him “either a knave or a fool,” for allowing the inclusion of the indirect claims in the American’s case at Geneva. Cook concludes saying “it is not easy to justify his [Fish’s] reputation as a great secretary of state upon his conduct of the \textit{Alabama} Claims negotiations.” Cook, \textit{The Alabama Claims}, 207–216, 233–240 (quotation on 216).
powerfully suggestive comment on the place of the fisheries in the larger dynamics of transatlantic relations. Through the creation of this “impartial commission” Anglo-American diplomats hoped to sequester the fisheries questions from the now more important matters of reconciliation. While for nearly a century the North Atlantic fisheries were closely tied to key elements of Atlantic diplomacy—including international borders and commerce, if not the very notion of independence—the Treaty of Washington indicated that Anglo-American diplomats were not content to let their nations come to blows, or even to allow relations to sour, for mere fish. The fisheries issue did not go away in 1871, or even 1877 when the commission finally met. It would in fact remain part of Atlantic diplomacy until the case was finally brought before The Hague in 1910. But the calculus of fishery diplomacy was fundamentally altered as it was relegated to the backseat, finally made distinct from the mainstream of Anglo-American relations.\footnote{On the whole historians have concluded that while the Treaty of Washington may not have been a major watershed in Anglo-American relations, it did lay the ground work for the late century rapprochement. Cook has perhaps the strongest words in his appraisal of the Treaty of Washington, cautioning historians from placing too much emphasis on the importance of the treaty in international history. Despite the treaty providing for the first instance of international arbitration it did not become a major precedent in international jurisprudence on account of the constant quarreling over the indirect claims. But, Cook notes that the treaty was important for Anglo-American relations as the “friendship gained in strength and depth from the testing time of the indirect claims,” although “the flowering of Anglo-American friendship had to wait until the opening of the new century, a fresh set of international groupings, and changed national circumstances.” The major motive for peace was, Cook observes, the fact that discord simply cost too much at a time when the United States was in desperate need of foreign investment, a point that resonates with Jay Sexton’s work which views the treaty as opening “a new chapter in the history of Anglo-American relations,” despite leaving “some of the prickliest issues unresolved,” including the fisheries question. Duncan Andrew Campbell vacillates more than Sexton, remarking that “the Treaty of Washington did not turn them into good friends,” it did, Campbell relents, “at the very least make such an even possible.” Histories more explicitly focusing on the fishing issue examine the implications of these political changes on labor. Wayne M. O’Leary observes that “diplomatic initiatives opened the door to unlimited Canadian participation in the American fishing industry and made a greatly expanded pool of cheap labor available to New England’s fish merchants.” The 1870s, then, was a glass half-filled or perhaps empty as Canadian fishermen were both competing in the American market but also providing cheap labor, thus reinforcing the capitalization and centralization of the industry during this period. Brian J. Payne observes that the treaty was more problematic, especially for Canadians, as it disrupted labor regimes that were most often regulated by local norms, not the imposition of outsiders. Cook, \textit{The Alabama Claims}, 241–245; Sexton, \textit{Debtor Diplomacy}, 215–216, 239–240; Campbell, \textit{Unlikely Allies}, 185–187; O’Leary, \textit{Maine Sea Fisheries}, 205; Payne, \textit{Fishing a Borderless Sea}, 50–51, 5–56. Also see Palen, \textit{The “Conspiracy” of Free Trade}, 77–82; Herring, \textit{From Colony to Superpower}, 255; Charles S. Campbell, \textit{The Transformation of American Foreign Relations, 1865–1900} (New York: Harper and Row, 1976), 25–49; Nevins, \textit{Hamilton Fish}, 470–493; and Innis, \textit{The Cod Fisheries}.}
Although the fisheries questions remained unsettled, the treaty was tremendously successful in accomplishing its aim of lifting the pall from transatlantic relations. Hamilton Fish was heartily congratulated for orchestrating the détente. Well-wishers mused that this was a “most important achievement” that would “promote the highest interests of the Anglo Saxon race, for all time.” The theme of Anglo-Saxon unity would emerge as others paid tribute to Fish for laying the foundation “for a lasting bond of friendship between two countries, which are already so nearly allies to each other by a common ancestry and language.” Fish himself even reflected on this accomplishment by noting that “the people of both Countries will appreciate the benefits of an assured peace, and good understanding between the two branches of the English Speaking, Liberty loving, common law governed populations of the globe.”

The response from Boston, however, was not so rosy. Upon his return to his home state Ebenezer Hoar remarked that “the general Massachusetts sentiment about the Treaty seems to be satisfaction, except as to the fisheries.” Fish would respond by noting that “neither Massachusetts or Canada, is satisfied with the Fisheries,” which, in his estimation, proves the “the arrangement is a fair one.”

Industry boosters were more likely to recognize the epochal shift the Treaty of Washington occasioned in the fisheries. A group of concerned Bostonians petitioned Congress to express their displeasure with the recent treaty. These fishing insiders noted that the terms of the treaty and the prospect of turning the fate of the industry over to an international tribunal made clear that “for the first time in our history the fostering hand of Government is to be withdrawn

440 Samuel B. Ruggles to HF, May 25, 1871; Simon Cameron to HF, May 25, 1871; Cyrus W. Field to HF, May 30, 1871; HF to Orlando Mead, May 30, 1871, Folder: May, 1871, Box: 311, Moore File, Fish Papers, LOC.

441 Ebenezer R. Hoar to HF, May 29, 1871, Ibid.; HF to Hoar, June 15, 1871, Folder: June, 1871, Ibid.
from our fisheries.” Even if the two nations were to exchange greater American access for reciprocal trade—essentially returning to the status quo of 1854–1866—“the price paid for the privilege of fishing in British waters, and of retreating unmolested to British ports and harbors, is nothing more nor less than the existence of the very industry,” that would now be exposed to “destructive foreign competition.”

The Treaty of Washington proved to be the crest of a wave of federal indifference as a fundamental change in the nation’s political economy now allowed the fisheries to be sacrificed for other political goals.

While dwelling on the implications for the future of the industry, these petitioners, too, had an appreciation for the historical importance of the fisheries to the United States. For them, the Treaty of Washington was a significant break with the past. While once the fisheries had “received the kindest care of the government,” now the citizens of Boston lamented that such was no longer the case. Although this new state of affairs obviously struck at the pecuniary interests of this group, they made this appeal to the federal government by noting the place of this resource in the political and diplomatic history of the nation. The memorial astutely observed that the fisheries had “been the turning-point of some of the most intricate and difficult negotiations known in the annals of diplomacy.” The connection between the North Atlantic fisheries and the history of American statecraft and nation building was deep, and for nearly a century industry boosters used this connection to bolster their arguments about the centrality of the industry to the nation’s political economy. But, it seemed, this well had run dry. Although the Bostonians were correct to identify the fisheries as the pivot upon which so much of the nation’s diplomacy turned, the federal government now seemed content to forget that history in favor of its future—one to be marked by closer Anglo-American ties. This future, so the citizens of

Boston concluded, came at the expense of the government’s fostering hand supporting the fishing industry.⁴⁴³

The sliding prestige of the fisheries in the American political consciousness would be confirmed six years later as the international tribunal stipulated by the Washington Treaty would meet in Halifax to settle the balance sheet. By the 1870s the political, economic, and ecological contexts in which the North Atlantic fisheries existed had fundamentally changed. For all intents and purposes the fisheries issue that had been a central part of American diplomacy for nearly a century was now a relic of the past. Fishing continued apace in the North Atlantic for the remainder of the nineteenth century, and into the next, as fishing merchants continued to reap profits from the ever-growing amount of biomass that fishermen pulled from the oceans with increasingly sophisticated technologies. But despite the economic and commercial vitality of the industry the political and cultural contexts that made the cod fisheries such an important part of American statecraft were no more. King Cod, it seemed, had died and the Halifax Fisheries Commission would be its funeral.

⁴⁴³ Ibid.
In the years between the Washington Treaty and the eventual convening of the international tribunal that would address the question, the situation reverted to the conditions that reigned in the aftermath of the Reciprocity Treaty. Once again North America was united in free trade as North Atlantic waters were open without restrictions to American fishermen. As the diplomatic and statutory fate of the fisheries remained unsettled, Americans continued to do what they had always done: fish. The late nineteenth century would witness more and more biomass taken from the seas as an increasingly consolidated and capitalized industry targeted new species, straining and already strained ecosystem. From mackerel, to halibut, to lobster, to dozens of other species, the postbellum years witnessed booms and busts as new sea creatures found their ways to the mouths of hungry consumers across the nation and the world. The closing decades of the century seemed to be but an extension of a familiar story; in many respects it was. Ecological, industrial, and technological changes encouraged fishermen to exploit different species at different times. Catches and profits initially rose in response to targeting other organisms, only to be followed by significant declines when ecosystems could not sustain such pressure. Yet despite the continuation of this similar pattern, the political context in which North Atlantic fishermen worked had changed.

These changes were in sharpest relief in 1877 as British and American ministers finally convened before an international tribunal in accordance with the terms of the Treaty of Washington. Meeting over several months in Halifax—given the topic of consideration, an altogether appropriate venue along the North Atlantic’s littoral—the fisheries commission considered nearly a century of Anglo-American fishery politics. The central question upon which the negotiations turned concerned the value of British North America’s inshore waters and,
repeatedly, how much the United States owed for exploiting those waters for decades. The commission’s proceedings consisted of discussions of the fishermen and environments that had always been fodder for this kind of diplomacy. But the tone of those discussions was significantly different.

The claims brought before the commission by Great Britain against American fishermen were largely straightforward. Essentially the English ministers claimed that the federal government owed Great Britain for American fishermen enjoying fishing privileges beyond treaty stipulations in British waters. The task then was to determine how much that compensation should be, or in other terms, how much value American fishermen derived from the British fisheries. The claim was substantial, with the British remarking, “The admission of American fishermen to concurrent rights…is…in every respect highly advantageous to the United States’ citizens.” In all, Her Majesty’s Government claimed $14.8 million dollars as “a just estimation of the intrinsic worth of the concurrent fishing privileges accorded to United States’ citizens,” and thus the amount Great Britain demanded of the federal government.444 This sum nearly equaled the $15.5 million Britain had, just five year earlier, been ordered after an international arbitration to pay the United States to finally settle the Alabama claims.

Great Britain justified the amount by cataloging the advantages Americans derived from the British fisheries. The British commissioners identified four areas where American fishermen benefitted at the expense of British and Canadian fishermen under the terms of the Treaty of Washington. First, and most importantly, American fishermen were greatly advantaged by unrestricted access to the inshore waters of the Canadian Dominion. British ministers at Halifax described this as “a very valuable concession to United States’ citizens,” going on to remark that

“the common use of extensive and productive fishing grounds, which are readily accessible to American fishermen, and are advantageously situated as regards their home market.

Second, the British commissioner noted that American retained “[t]he liberty to land for the purpose of drying nets and curing fish,” which was “a privilege essential to the successful prosecution of fishing operations.” When combined with the third area British diplomats identified—“access to the shores for purposes of bait [and] supply”—the right of American fishermen to exploit shore-side resources gave Americans the ability to complete multiple excursions into British waters each season, thus allowing American fishermen to double their profits. Finally, American fishermen benefited from the efforts of the Fisheries Protection Service of Canada (the counterpart to the United States Fish Commission) which encouraged the propagation of forage fishes in Canadian rivers, estuaries, and seas that were necessary for the prosecution of the sea fisheries.

British policymakers doubled down on their argument by claiming that the state of the fisheries not only unfairly advantaged American fishermen, but actively worked to the detriment of their own. As British ministers observed and urged the tribunal to consider when making their decision, the under-capitalized Canadian fishing industry found it difficult for their smaller schooners to access the distant open sea fisheries and those fisheries in American waters opened by treaty stipulations. But perhaps most troubling, “[t]he inshores are occupied to the fullest possible extent, and the supply especially in the matter of bait, is rapidly becoming exhausted.” The justifications the British ministers mobilized in support of their claim exposed

445 Ibid.
446 Ibid., 70.
447 Ibid., 73.
two central, if interrelated, aspects of fisheries issue that would color much of the discussion in 1877—those of course being the role of maritime laborers and the environment in this political calculus. Moving forward the negotiations would deeply involve fishermen and the fish themselves. The American response to the British position would demonstrate the degree to which American consideration of the fisheries and its fishermen had changed.

In calculating the $14.8 million that the British government demanded of the United States for the advantages American fishermen enjoyed, British diplomats resorted to data and testimonies collected at the source, which is to say the fishermen themselves. By all accounts the British had access to far more sophisticated data than their American counterparts, with the leading American ichthyologist Spencer Fullerton Baird even admitting as much. To counter the British argument American representatives in Halifax resorted to attacking the evidence the British case was built on. In the process of doing so, however, American policymakers made clear that fishermen, a class of citizens long lionized for their patriotism and enterprise, no longer enjoyed such a reputation among the American political community.

Much of the American case in response to the British claim rested on proving that American fishermen did not have access to privileges beyond what was likewise given to Canadian and British fishermen. Essentially the American delegation hoped to prove that the inshore waters of the United States were as valuable to foreign fishermen as Canadian inshore waters were valuable to Americans. Such a position was difficult to uphold given the American’s comparatively shoddy data. But in making this argument the American representatives clearly favored the “objectivity” of science over the hard-won vernacular knowledge of fishermen.

The most acerbic words for American fishermen came from American counsel William H. Trescott. To support the evidence that the American commissioners marshalled in the service of their argument, Trescott directly challenged the intellectual authority of fishermen. While this rhetorical move resonated during an era when professional ichthyology was winning adherents in governments across Europe and North America, Trescott’s diatribe demonstrated just how little esteem American diplomats had for the fishermen who once factored in so prominently to the nation’s foreign relations. In Trescott’s mind the difference between British and American evidence mapped on to the divide between canonical science and experience, between capital and labor. “Ours,” Trescott declared, “is the estimate of the capitalist, theirs the estimate of the labourer.” The perspective of ordinary laborers was insufficient in considering such a large question, Trescott continued, as “there is no great industry, the cost and profits of which can be ascertained by such partial, individual inquiry.” The expanse of the ocean and its resources could not be ascertained from the perspective of any individual. Trescott bluntly put the question to his audience, “If you wished to invest in mackerel, would you trust the rambling stories of the most honest of skippers, or the most industrious of boat-fishers, against the experience and the books of men like Procter, Sylvanus Smith, Hall, Myrick, and Pew?”

By openly questioning the intellectual authority of fishermen to speak on behalf of their industry, Trescott’s rhetoric widened the gap between ordinary fishermen and the politics of the industry. The individualistic, enterprising, and patriotic fishermen did not have a place in the American case at Halifax.

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449 *Proceedings of the Halifax Fisheries Commission*, 252. While some of the men Trescott named served at some point in their lives as fishermen, they came to prominence as either ship owners and fish merchants, and thus removed from the everyday life of fishing, or as naturalists, but either way, they all contributed to the canonization of fisheries science through the publication of texts.
Even American counsel Richard Henry Dana Jr. affirmed the efficacy of the testimony of the vaunted men of science over knowledge derived from the everyday experiences of labor. Dana was perhaps, more than any other American in Halifax, most familiar with shipboard life. Despite his well-heeled Cambridge upbringing, Dana spent part of his formative years aboard ships, laboring shoulder-to-shoulder with a class of men whose knowledge of the environment came in the form of quotidian observations. This experience formed the basis of his wildly-popular *Two Years Before the Mast* and instilled in him a consideration for the trying circumstances of maritime laborers.\(^{450}\) But at Halifax even Dana described the “evidence to be relied upon,” as “the evidence of men who keep books, whose interest it was to keep books, men who had statistics to make up upon authority and responsibility, men whose capital and interest and everything were invested in the trade.”\(^ {451}\) Yet again the American case was built upon the evidence derived from capitalists, corporations, and scientists, not laborers and fishermen.

The disavowal of the intellectual authority of fishermen had implications for how commissioners at Halifax understood the environment. The case for caution and the need to tread lightly upon these maritime resources most often came from fishermen. With those perspectives muted, the proceedings at Halifax seemed to be undergirded by the scientific assumptions of the day that mere humans could in no way degrade a system as large as the ocean and the associated belief that humans had within their power to ability to rectify any degradation. These assumptions fit well with the American case since a supposedly inexhaustible resource like the fisheries could sustain the exploitation of Americans and Canadians alike, thus resonating with

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\(^{450}\) Richard Henry Dana Jr., *Two Years Before the Mast: A Personal Narrative of Life at Sea* (New York: Harper and Brothers, 1840).

the claim that American fishermen received no benefit beyond what Canadians could likewise claim.

The statements made by American counsels at Halifax were informed by the assumption, common across much of the nineteenth century, that the sea was beyond history—that is to say, unchangeable by the intervention of man. The vastness of the world’s ocean was beyond the comprehension of any individual, and so, the American case made obvious, was the ability of humans as a whole to influence it. Dana bolstered his argument that the United States owed nothing to Great Britain by remarking on the nature of the cod fishery, stating “there is no fear of diminution—certainly none of its extermination.” Quoting evidence provided by Baird that a single cod could produce 3,000,000 to 7,000,000 eggs with 100,000 growing to maturity, Dana continued, “Although that is not a large percentage of the amount of ova…[this annual increase] shows that there is no danger of the diminution, certainly none of the extermination of that class of fish.” Not even the forces of all humanity could diminish the number of fish in the sea, since this resources was “something which the whole world combining to exterminate could hardly make any impression upon.”

While this line of reasoning resonated with a strain of elite scientific thought, it had powerful political implications in this instance. Dana refuted the British claim to a large monetary settlement, arguing that the United States should not be forced to pay for degrading a resourced that could never be degraded. The Massachusetts native stated that “when the argument is made here that we ought to pay more for the right to fish because we are in danger of exterminating what cod-fish we have—if that argument is made—it amounts to nothing,” for the

452 Ibid., 274.
fishery was and would always be “as large and extensive and as prosperous as ever.”\textsuperscript{453} Changes in the sea were already afoot, and had been for decades if not centuries, as Dana articulated his point at Halifax. Yet the environmental understanding preferred by the American counsels obfuscated those changes.

Although the American delegation at Halifax broke with nearly a century of precedent as they alienated ordinary fishermen from the diplomatic proceedings, the political use of the environment was wholly consistent. Given the mobilization of “authoritative” science to support American contentions, American diplomats used that particular understanding of the environment in the way that they always had. In a remarkable continuity with the past, the American arguments made at Halifax presented an environment that seemed to reinforce a politically advantageous position. During the Revolutionary era John Adams argued for American access to the fisheries on the basis that geographic proximity gave Americans that right. During the middle decades of the nineteenth century Daniel Webster and other diplomats made novel arguments to justify the American exploitation of inshore waters as mackerel became a commercial valuable fish. Now at Halifax, Dana and his colleagues described the inexhaustibility of ocean fisheries as proof that the United States was not degrading a commons resource and therefore was not liable for the damages Great Britain claimed.

This line of argumentation, however, did not prove convincing. In a two-to-one decision by the tribunal at Halifax the federal government was ordered to pay for the privileges American fishermen enjoyed in foreign waters. While a far cry from the nearly $15 million the British government wanted, the final total of $5.5 million the United States paid out, was still, in the

\textsuperscript{453} Ibid.
words of historian Brian J. Payne, an “enormous sum.” For Canada this indemnity had a long-term influence on the fishing industry of the Maritime Provinces. During the era of dominion, as Canada went through the process of national integration, the new national government at Ottawa opted to invest the American money back into fishing. Starting in 1878, Canada’s federal government invested $150,000 each year in a bounty system for Canadian fishermen, not unlike the programs that had been instituted by the United States, Great Britain, and France. The Canada bounty system operated until the 1940s. The American response to the Halifax decision, however, was not nearly as constructive.

The reaction in the United States to the Halifax tribunal’s decision that the federal government owed $5.5 million for the use of foreign waters was marked by outrage. Fishermen voiced their opposition to this decision, but given the changes in the political economy of fishing over the previous decades those voices were muted in Washington. Although some congressmen, including Senator Hannibal Hamlin of Maine, considered refusing to pay the award, political elites in Washington ultimately chose placid relations with Great Britain over the demands of the fishermen. Peace, American congressmen made clear, was worth the fisheries. While previously the federal government had almost uniformly defended the rights of American fishermen, at times allowing this class of ordinary laborers to direct, if not dictate, American policy, it was clear at Halifax and after that such was no longer the case. Nearly a decade later, in 1885, the federal government failed to renew the fisheries clause of the Treaty of Washington which gave American fishermen access to all Canadian waters in return for allowing Canadian fish into the American market. This effort was not one that originated among the few remaining small scale

454 Payne, Fishing a Borderless Sea, 49.
455 Ibid., 56.
fishermen in the region. Instead it was a campaign waged by the American Fishery Union, a newly found consortium of fishing merchants and capitalists who, while in part motivated by the sting still felt by the Halifax decision, decided to sacrifice greater access for American fishermen in order to keep Canadian fish out of the American market.\(^{456}\) There was simply no longer room for maritime labor in the international politics of the fisheries issue.

The Anglo-American fisheries question came to a resolution by a decision made at The Hague in 1910. During this era of Anglo-American rapprochement, the court at The Hague decided that the only way to finally settle the question was through opening the contested waters to all nations while creating an international joint commission to hear and adjudicate problems in the future. No longer would the fisheries question of the North Atlantic be subject to static international agreements like the Convention of 1818 that failed to accommodate changing ecosystems and changing industries. Instead a regime was put into place that while flexible to changing contexts was overwhelmingly committed to unfettered extraction. The resolution to the fisheries issue was in part found in the myriad forces that fostered closer Anglo-American relations around the turn of the twentieth century. But prominent among those forces was a joint commitment to the continued and ruthless exploitation of this maritime resource.

\(^{456}\) Ibid., 49, 60.
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