

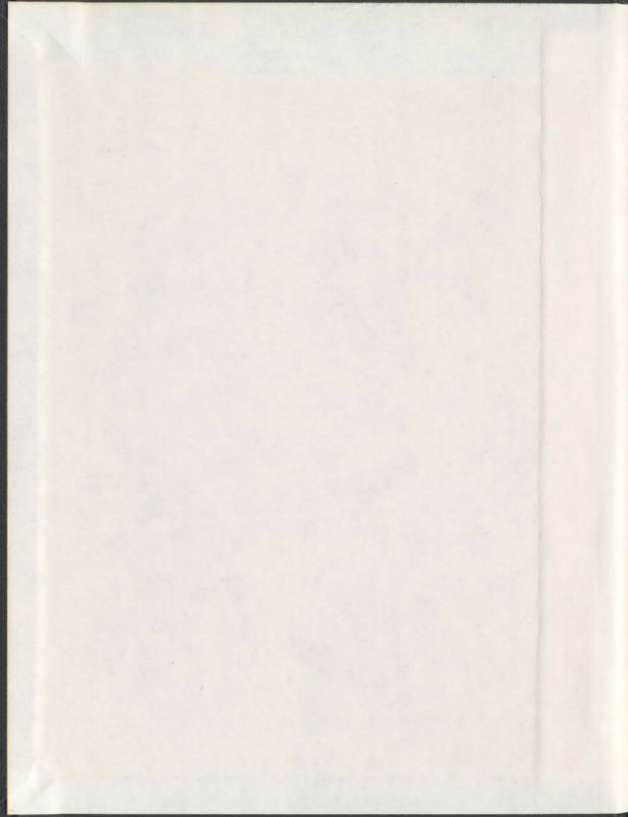
THE NEWFOUNDLAND BANK FISHERY:
GOVERNMENT POLICIES AND THE STRUGGLE TO
IMPROVE BANK FISHING CREWS' WORKING, HEALTH,
AND SAFETY CONDITIONS, 1876-1920

CENTRE FOR NEWFOUNDLAND STUDIES

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FRED WINSOR



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STRUGGLE TO IMPROVE BANK FISHING CREWS' WORKING,
HEALTH, AND SAFETY CONDITIONS, 1876-1920**

by

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A thesis submitted to the
School of Graduate Studies
in partial fulfillment of the
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Abstract

The re-establishment of the Newfoundland-based bank fishery during the late 19th and early 20th centuries came about as a result of the Newfoundland government's policy of economic diversification. Several factors assisted in its rapid growth including the presence of an ongoing bait fishery, and Newfoundland's incubator bank fishery – the western boat fishery, the attendance of foreign bank fishing fleets around the coast of Newfoundland and the need to find other forms of employment in the face of deteriorating job opportunities in the sealing industry.

In the late 1870's, successive Newfoundland governments provided bank fishery and shipbuilding subsidies. These initiatives, coupled with substantial fish landings encouraged increased participation by local fishing firms. While financial incentives to encourage the bank fishery ceased after only a few years, the Newfoundland government continued to subsidize the shipbuilding industry which it saw as both a form of import substitution and a seasonal make-work program.

A successful decade in the 1880s saw the rise of St. John's as the largest bank fishing port in Newfoundland. Commencing in 1889 the bank fishery declined in terms of landings and participation. Fishing firms in St. John's and in other northeast coast communities gradually withdrew from it. St. John's, the base of the bank fishery in the 1880s, witnessed only a fraction of bankers outfitting from its wharves after 1890. By the late 1910s the bank fishery used the south coast as the base of its operations where it remained until being replaced by the deep sea dragger fleet in the late 1940s.

Labour legislation in late 19th century Newfoundland fishery consisted of the Masters and Servants Act. One-sided labour laws, they underlined the considerable power wielded by Newfoundland (and in particular, St. John's and Conception Bay) fish merchants. Many firms operating from these ports required bank fishers to sign written contracts guaranteeing to remain with the employer for the duration of the voyage, often a six month period. Leaving employment prior to the end of the trip constituted desertion -- a criminal offence punishable by a jail sentence of thirty to sixty days. Newfoundland bank fishers responded to this system in various ways. Some accepted it as part of the cost of residing in Newfoundland. Others resisted, either by deserting vessels which they saw as unsafe or unprofitable, or by leaving the fishery for other labour markets either in Newfoundland or elsewhere.

Issues other than archaic labour laws and desertion plagued successive Newfoundland administrations. By the late 1880's, critics of the domestic shipbuilding program recognized it as subsidizing the construction of poor quality vessels, particularly for the bank fishery. They forced the government to seek remedial action in the form of an independent inspector -- a Lloyd's Surveyor. In addition other middle class reformers active at the same time successfully lobbied to have the Newfoundland government introduce a death benefit insurance program for bank fishers.

To provide themselves some form of protection, bank fishers along with other Newfoundland fishers organized and joined various mutual aid or friendly societies. Generally formed along religious or sectarian lines, these organizations provided

assistance to fishers and their families in times of need. The period after 1908 saw fishers joining the Fishermen's Protective Union, which offered them a voice in the political affairs of the country.

Within the late 19th and early 20th century struggles to improve working and safety conditions in the bank fishery we meet various reform-minded politicians and other activists and explore their efforts to improve conditions faced by bank fishers and their families. Tracing their endeavours, uncovers the arguments of those both supporting and opposing change, thus providing some exposure to the force field of Newfoundland's domestic political structure in the late nineteenth and early twentieth centuries.

Acknowledgements

It's a bright sunny summer afternoon in English Harbour West, Fortune Bay in 1953. I'm sitting in a dory rowing out to see a side dragger laying in the harbour. As the dory rides the harbour swells I feel myself getting queasy. The man rowing the dory looks at me and chuckles. I don't like the tour of the dragger because of the smell of rotting fish bits which permeates the fish hold. It's a smell I would become accustomed to in my adult life but as a three year old I find it revolting and something I want no part of. The trip back to shore was equally nauseating, but I manage to retain my stomach's contents. Back on shore everybody has a giggle about my experience - I have mixed feelings - I don't like the smell of the dragger or being seasick but, even though I have only met him briefly, I admire and respect the man who took me out. Four years later in February 1957 he is on another dragger the "Blue Wave." In a winter gale off the south coast of Newfoundland it ices up and rolls over, all are lost - I can never forget.

It was almost twenty years before I became interested in the fishery again. Then an off chance set of circumstances found me working and boarding with Peter and Stella Hoddinott at Brig Bay on Newfoundland's Northern Peninsula. There I learned of the political consciousness and struggles functioning within Newfoundland and Labrador's fishing community. Discussions with fishing families there and later in many communities throughout the Maritimes served as the basis for my North Atlantic fisheries education. Les and Pauline Boudreau, Jimmy Rhynold, Jaime MacKenzie, Leon Fisher, Neil Jewers, Dale Richardson, Kevin and Stuart Squires, Hasse Lindblad, Percy Haynes,

Bill Short, and Dave MacKinnon were some of the individuals who taught me.

In terms of my academic career I must thank Gene Barrett and Colin Howell, St. Mary's University, Halifax, Nova Scotia for their support and to Ian MacKay, Queen's University, Kingston, Ontario, for encouraging me to continue and attend Memorial University.

At Memorial Greg Kealey provided the encouragement needed to attempt this project. Other members of Memorial's History Department especially Jim Hiller, Shannon Ryan, and Danny Vickers all gave freely of their time and considerable expertise. The other graduate students in the department offered encouragement, support, and, most importantly, humour throughout the whole process. This served as a definite boost on that lonely planet known as graduate studies.

Heather Wareham, Roberta Thomas, and Pat Marshall of the Maritime History Archive and Joan Ritcey, Anne Hart, and the staff of the Centre for Newfoundland Studies all offered suggestions and addressed my requests. In addition, I have to mention the excellent service provided by the information librarians at the Queen Elizabeth II Library.

Finally, I would like to thank Ed Kirby who stills gets mistaken for me for doing such a fine job on the final edit and to my friends and especially my family who tolerated my long introverted silences and my sometimes explosive rants which occurred during this roller coaster ride. They encouraged me always -- may others be so lucky. To all

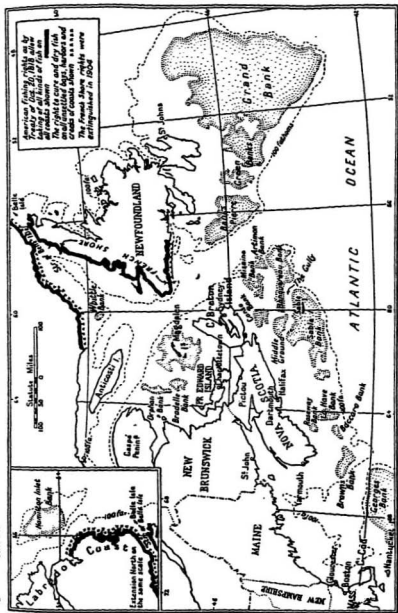
those who taught me so much about themselves, their lives, and this place I hope this will add to their understanding of their past.

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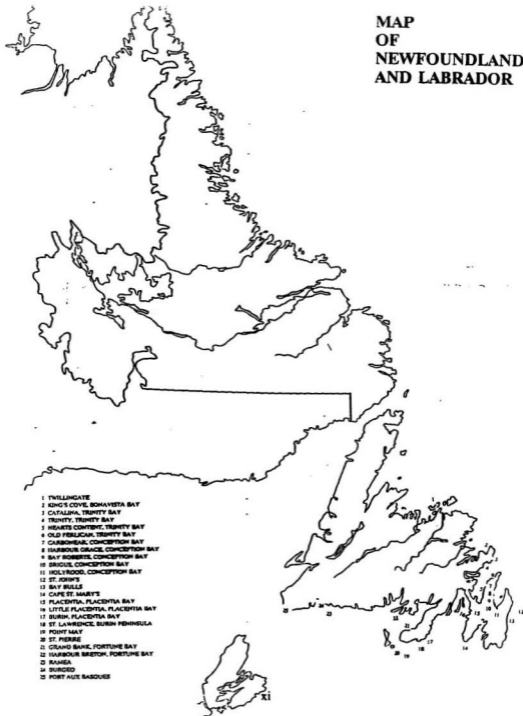
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The Fishing Banks from Cape Cod to Labrador

Source: Harold Innis, *The Cod Fisheries: a history of an international economy*. Toronto, University of Toronto Press, 1954, 1978, p. 7.

MAP OF NEWFOUNDLAND AND LABRADOR



INTRODUCTION

Commercial cod fishing around the island of Newfoundland and off the coast of Labrador originated in the sixteenth century. A number of different fisheries combined to create the large commercial fishing industries which evolved over the following centuries. By the end of the eighteenth century the region had experienced inshore and offshore cod fishing; operations carried out by small boats based in harbours and inlets and on islands and peninsulas - always near the inshore fishing grounds; other fisheries involved vessels which proceeded to the offshore grounds and brought back cargoes of the salted catch for drying and storage on the coast. Most of these offshore or bank ships had traditionally been based in Europe, but, by the end of the eighteenth century many English ships used Newfoundland as their home base. However the island based bank fishery declined quickly and virtually disappeared as a strong inshore family fishery developed on the Newfoundland coast. The inshore fishery was augmented by an annual Newfoundland migratory fishery on the coast of Labrador. In addition as an essential supplement to both of these fisheries an important winter - spring seal fishery developed in the early years of the nineteenth century and continued until the late 1850s. As a result of the economic problems that affected the inshore, Labrador and seal fisheries beginning in the 1860s, many began to look at the re-establishment of a new Newfoundland bank fishery as one solution to the colony's economic problems.

This thesis will examine the establishment (in effect the re-establishment) of this bank fishery in the late nineteenth century. This will be done by examining the

background of the Newfoundland fisheries and the background of the political community that had evolved by the late nineteenth century. The new industry will be examined not only as a much needed economic activity, but also in terms of its role in the day to day lives of the people involved in it.

Newfoundland, a large island located in the Northwest Atlantic Ocean, and the Coast of Labrador, the northeastern edge of the North American continent, functioned as a base for various west Atlantic European fishing nations from approximately 1500 onwards. Claimed as an English colony in 1583, Newfoundland saw the prosecution of the fisheries along its shores remain divided mainly between the British and French Empires until 1904. In 1713, as part of the Treaty of Utrecht ending Queen Anne's War, France gave up all territorial claims to the Island of Newfoundland, including St. Pierre and Miquelon. In exchange, Britain granted France fishing rights along the northeast and west coasts of Newfoundland in the area known as the French Shore, which ranged from Cape Bonavista in the east to Point Riche in the west.¹ Fifty years later, as part of the settlement ending the Seven Years War in 1763, France retained the right to fish along the French Shore and received the islands of St. Pierre and Miquelon located off the south coast of Newfoundland.² Twenty years later, the 1783 Treaty of Paris altered the French Shore boundaries to include the coastal zone from Cape St. John in the north-east to Cape Ray in the south-west.³ In 1904, under considerable pressure from both the Newfoundland and British governments, France ceded its fishing privileges on the French Shore.⁴

Politically, Newfoundland's development had been unique under the British Empire. Traditionally, fishing captains otherwise known as admirals had authority to maintain peace and order in the various harbours. In 1633-4 this authority was formalized by the English government who recognized the practice of the first captain to enter a harbour in the spring becoming the "admiral" for the fishing season. By the late 1600s convoy commanders were given the power to oversee the fisheries and thus they began to play a significant role in maintaining law and order. In 1729 the post of convoy commander was enlarged to that of naval governor and for the remainder of the eighteenth century Newfoundland enjoyed the administration of summer governors as well as that of fishing admirals. By the end of the eighteenth century it had become obvious to most that these types of government were inadequate and agitation began for local representative government. In 1832 Newfoundland was granted this form of government and, after a rocky start, representative government was upgraded to responsible government in 1855. By then, after a slow unique evolution in government administration, Newfoundland achieved political status identical to that of the rest of British North America. However the same could not be said for its economic and demographic evolution.⁵

During the French Revolutionary Wars (1793-1802) and the Napoleonic Wars (1803-1815), approximately 28,000 persons migrated to the island, many settling in the small coves and harbours located in the bays and along the coastline.⁶ Throughout the nineteenth and first half of the twentieth centuries, many of those living in Newfoundland

Newfoundland sought employment in the local or shore fisheries adjacent to their homes, and in the Labrador and spring seal fisheries. The Labrador migratory fishery operated from St. John's and the bays located mainly along Newfoundland's northeast coast.⁷

The annual spring seal fishery generated considerable economic activity in many northeast coast communities especially during the first sixty years of the nineteenth century. The introduction of steam power in the 1860s, reduced employment and centralized the industry in St. John's and the larger communities along the western side of Conception Bay.⁸

The large size of the island of Newfoundland and the coast of Labrador coupled with the severe winter climate and rugged coastline and terrain contributed significantly to the isolation of the inhabitants and inhibited their social development. Annual or semi-annual trips to St. John's or larger centres in their particular regions coupled with intermittent visits by coastal trading vessels often served as the only contacts with the outside world. Poor communications and transportation systems, few newspapers outside of St. John's, and high illiteracy (a rate in 1884 of 54.6 percent) also contributed to the isolation of these communities.⁹ By the late nineteenth century underemployed males from outport communities frequently travelled to St. John's or smaller centres in the spring, staying usually only long enough to secure a berth in the annual seal fishery or to gain employment aboard bank fishing, coasting, or ocean going vessels. They departed those ports to return, often only briefly at the end of the voyage, to be paid, and then returned to their home communities.

The island's inshore and Labrador cod fisheries functioned as the largest of all fisheries prosecuted in Newfoundland and Labrador. Most Newfoundland references to "fish" in this period, unless otherwise specified, refer to cod. Production within these two fisheries mainly consisted of the catching, salting, and drying of cod for sale to export markets primarily in Southern Europe, Brazil, and the Caribbean.

The inshore or shore fishery operated from the small, often isolated communities located in the harbours and coves along the thousands of miles of Newfoundland coast. Functioning close to land, it was particularly active along the northeast coast during the late spring and summer when cod moved close to shore following food fishes such as caplin, herring, squid, and mackerel.¹⁰ Fishers prosecuting the shore fishery used mainly small boats such as punts, rodneys, dories, skiffs, swamps, shallops, bulley boats, and occasionally larger craft such as gallopers and western boats.¹¹ The immediate household frequently served as the basic production unit, with all members from young children to grandparents engaged in some task or other. Work involved everything from maintaining the home, preparing meals, and looking after infants to catching fish, repairing boats and gear, and salting and drying -- "making"¹² -- fish.

Inshore fishing gear included handlines, gillnets, longlines or bultows, jiggers, cod seines and, by the 1880s, cod traps.¹³ Fishing -- the actual process of catching, gutting, heading, splitting, and salting cod -- intensified during June and July when fish were plentiful.¹⁴ In August or when the volumes of fish decreased, fishers devoted more time to curing and drying fish. Fish drying occurred outside, usually on stone covered

beaches or on large wooden platforms known as flakes.¹⁵ The main product was light salted dried cod, a specialty of the Newfoundland shore fishery. It was shipped to market where it competed with salt cod from various countries including France, Iceland, Norway, Nova Scotia, Quebec and the United States.¹⁶

The Labrador cod fishery consisted of an annual late spring migration of fishers and fishing families from St. John's and the coves and harbours along Newfoundland's northeast coast.¹⁷ These "floaters" and "stationers" sailed to Labrador on a variety of craft ranging from small sailing schooners to large steam powered vessels, the latter becoming prevalent in the late nineteenth century.¹⁸ The floaters lived aboard their schooners and fished within one to three miles from shore in small boats they either brought with them or left each year in certain harbours along the coast. Utilizing the same fishing methods employed in the Newfoundland shore fishery, these floaters split and salted their catch aboard their vessels.¹⁹

The stationers travelled each spring to one particular cove or harbour where they lived in huts or tilts and fished from small boats.²⁰ They gutted, headed, and split their catch on land. Then, employing a heavy salt cure involving larger quantities of salt than used in the Newfoundland shore fishery, they dried the fish on the beaches and other available spaces along the shore.²¹ This heavily salted cure was shipped to market to compete with similar French products.²² The salt cod produced by the floaters and stationers generally received a lower price on the international market than the hard dried Newfoundland shore cod.²³

The seal fishery operated from St. John's and other ports, mainly in Conception Bay. Vessels left port in March and proceeded north to meet the ice pack which annually carried south its bountiful supply of seals. By May the sealing vessels had returned to their home ports as the ice pack dissipated, and with it the large seal herds. Expanding rapidly in the first half of the nineteenth century, participation in terms of numbers of sealers and vessels declined with the introduction of steam powered wooden vessels or "wooden walls" during the 1860s. The arrival of these wooden walls also resulted in the sealing industry becoming centered in St. John's in the latter part of the nineteenth century at the expense of the Conception Bay ports.

In the period 1815-1876, there were scattered attempts by governments, fishing firms, and individuals within Newfoundland to re-establish a Newfoundland-based bank fishery, particularly in 1845²⁴ and later in 1865.²⁵ These attempts failed. By the mid-to-late nineteenth century, the vagaries of production levels in the shore and Labrador fisheries, the general stagnation of fish prices and markets, and the inability of Newfoundland firms to standardize product quality to meet demand all served to inhibit the perceived potential for economic expansion. Spurred by employment losses in the post-1850s seal fishery, the presence of apparently successfully operated foreign bank fishing vessels, and improved overall prices for salt cod in the early 1870s, the Newfoundland government once again explored the potential of revitalizing a local bank fishery as one means to diversify the colony's economy.²⁶

The presence of French, American, and Canadian bank fishing vessels operating

off the Newfoundland coast suggested a local bank fishery would be successful. Newfoundland fishers, especially on the south and east coasts, were at the time selling large volumes of bait to these vessels. The close contact between Newfoundland bait fishers and the foreign banking fleets exposed the Newfoundland fishers to bank fishing vessels and nineteenth century offshore fishing methods. Consequently many Newfoundland fishers were familiar with these craft and their operations when the local bank fishery was re-established in the 1870s.

In 1876 the Newfoundland government provided subsidies for both shipbuilding and outfitting to encourage participation in the bank fishery. These subsidies, followed by several years of moderately successful bank fishing voyages, effectively re-established the local banking fleet.²⁷ The re-established bank fishery became the third and newest cod fishery operating out of Newfoundland ports in the late nineteenth century. Sailing to fishing grounds which ranged from Georges Bank in the west, to the Flemish Cap in the east, to the Gulf of St. Lawrence and to the Strait of Belle Isle in the north and alongside the fishing fleets of Canada, France, and the United States, the Newfoundland fleet grew rapidly in the 1880s numbering 330 vessels by 1889. [See Map 1]

The Newfoundland bank fishery peaked in both landings and employment in the late 1880s.²⁸ From 1885 to 1889 banking schooners operated from many ports along the northeast and south coasts. St. John's was the main port, boasting 60 banking schooners by 1889.²⁹ However, diminished cod landings not recompensed by higher fish prices coupled with poor bait supplies resulted in its abrupt decline, particularly in St. John's.

in the early 1890s.³⁰ It never again attained its former level of participation.³¹ During the 1890s the local bank fishery retreated to ports in Trinity and Conception Bays and along Newfoundland's south coast, particularly the Placentia Bay and Fortune Bay sides of the Burin Peninsula, and to communities such as Belleoram and Harbour Breton on the northwest side of Fortune Bay.³² By the 1920s, the bank fishery had left the northeast coast altogether, remaining on Newfoundland's south coast until it was replaced by the new deep sea dragger fleet in the 1940s and 1950s.³³

Newfoundland government policy focussed on the need to expand into the bank fishery as a means to create employment. Unfortunately their vision did not move beyond this short term goal. As the fishery expanded the hazardous nature of the industry became apparent as did the Newfoundland government's inability to institute reforms to meet the industry's changing agenda. Bank fishers, because of the spatial nature of their work, the absence of any collective organization to represent their interests, and their apparent exclusion from political decision making were powerless to initiate and advocate the necessary changes. By default the role of policy advocate fell to liberal, middle-class politicians, and reform-minded Protestant clergy who frequently advocated socio-economic improvements for the Newfoundland bank fishery. These reformers recommended safer working conditions, stricter regulation of subsidized shipbuilding, and criticized the inappropriate application of the Masters and Servants Act and one-sided bank fishery agreements. The struggles of these male, liberal social reformers provide an opportunity to consider progressive political thought in Newfoundland during the late

nineteenth and early twentieth century. Their reform efforts came to nothing probably because the opposition from the ruling conservative merchant class was formidable. In addition they could not generate enough support from the local populace and failed to comprehend the long term vigils required to institute change.

Within the parameters of completing this project, several limitations present themselves. The written word serves as the primary research source. Yet Newfoundland, like many other places in North America, experienced low school attendance and literacy rates among its population in the nineteenth century. In addition, St. John's, the capital of Newfoundland, endured several major fires, the most devastating occurring in 1892 which destroyed over two thirds of the city and with it many documents. Much of the analysis of the bank fishery as articulated by Newfoundland's working class and rural fishing society remains unrecorded. Some written material in the form of letters to local newspapers outlines the harsh and often abusive conditions bank fishers and their families endured in the 1880s and 1890s. By the second decade of the twentieth century, the Fishermen's Protective Union (FPU) and its newspaper the Fishermen's Advocate championed the cause of Newfoundland fishers against the exploitation of the local fish merchant elite. However, the FPU, whose primary base was northeast coast inshore fishers, and its paper paid little attention to the bank fishery or bank fishers.

The northwest Atlantic bank fishery attracted the attention of only a handful of writers, with Newfoundland's part receiving inadequate study. In the late nineteenth century only Moses Harvey, in his columns to the Montreal Gazette, and F.J.S.

Hopwood in his report "The Newfoundland Fisheries and Fishermen,"³⁴ written for the Mission to Deep Sea Fishermen, commented on the health and safety conditions prevalent aboard Newfoundland schooners engaged in the bank fishery.

Among current writers only Raoul Andersen and Garfield Fizzard have examined the Newfoundland bank fishery. Andersen's work, written from an anthropological and ethnographic perspective, primarily focuses on "work organization and work culture in historic and contemporary fisheries."³⁵ In a series of articles he examined the work culture of bank fishing, including the systems for determining payment and their impact on productivity. Garfield Fizzard's two books, Unto the Sea: The History of Grand Bank and Master of His Craft cover different elements of the bank fishery.³⁶ The first volume, a history of his home town of Grand Bank explores the origins and the impact of the bank fishery on the life of that community. His second book is a biography of Fortune Bay fishing captain, Frank Thornhill and offers an inside look through the eyes of a successful bank fisher at his work experiences in the first half of the twentieth century. While Fizzard provides us with a clear and informative account, it is doubtful it could be considered representative of all bank fishers at the time, given that Frank Thornhill became a highly successful bank fishing captain, while most bank fishers did not.

Others writers provide background for scholarly examination of the bank fishery. A.F. Buffett's manuscript "Grand Bank: Flourishing Fishing Capital of Fortune Bay - Haven of the Banker Fleet" offers a brief yet informative look at the bank fishery in

Grand Bank.³⁷ Melvin Rowe's I Have Touched the Greatest Ship, his community history of Heart's Content, Trinity Bay, provides background on the bank fishery that operated there in the latter part of the last century.³⁸

Among these authors, Fizzard, Buffett, and Rowe celebrate the accomplishments of their respective communities. They recognize individual and collective achievement. They point to the hardships endured while accentuating the ability of their communities to overcome adversity.

Other Canadian books and periodicals examine aspects of the maritime Canadian bank fishery based primarily in Lunenburg, Nova Scotia. Frederick William Wallace's periodical publication Canadian Fisherman, and his books Roving Fisherman and The Canadian Fisheries Manual, celebrates the work of fishers while providing considerable information based on eyewitness accounts of the early twentieth century Nova Scotia bank fishery.³⁹ Ruth Fulton Grant's The Canadian Atlantic Fishery and B.A. Balcom's A History of the Lunenburg fishing industry offer examinations of the nineteenth-and twentieth-century bank fishery as it operated out of Lunenburg.⁴⁰ Grant's attention to the bank fishery focuses on areas which include vessel landings and prices received dockside, and the dynamics of the international salt codfish market as it affected prices paid to fishers. Balcom's effort outlines the growth of the bank fishery as a significant part of the history of Lunenburg County in Nova Scotia. Both Wallace and Balcom focus in part on the working conditions bank fishers experienced and endured. Harold Innis' The Cod Fisheries: A History of an International Economy,⁴¹ the single most

comprehensive examination of the northwest Atlantic cod fishery, mentions only in passing the presence of a bank fishery off Canada's east coast.⁴²

Several American studies written in the late nineteenth century and more recently offer further insights. G.B. Goode's monumental History of the Fisheries and Fishery Industries of the United States provides an exhaustive study of the New England bank fishery, including many of the health and safety issues current in the late nineteenth century.⁴³ J.W. and D.E. Collins' report on the operation of the United States Fisheries Commission schooner "Grampus" provides an informative profile of the various kinds of fishing craft used in Newfoundland during the 1880s.⁴⁴ J.W. Collins' article "Evolution of the American Fishing Schooner" gives an overview of schooner technology and its involvement in the New England fishing industry throughout the nineteenth century.⁴⁵ Almost 80 years later, H.I. Chapelle's American Fishing Schooners went beyond Collins' efforts and sounded the depth, beam, and length of the subject in an exhaustive study of fishing schooners.⁴⁶ More recently, William Dunne's thesis "An Irish Immigration Success Story," a biographical examination of New England schooner designer Thomas McManus, extends our understanding of the importance certain naval architects placed on vessel design to improve the safety of fishing schooners, and of McManus' effort in this regard.⁴⁷ Andrew German's "Otter Trawling Comes to America: The Bay State Fishing Company 1905-38" offers a clear explanation of the transition from bank fishing schooners to side trawlers in New England.⁴⁸

Aside from these books and articles, very little exists about the history of health

and safety in the Newfoundland bank fishery or the other related issues which surfaced during the course of this examination. The scarcity of primary and secondary bank fishery sources for this period frustrated the efforts of other scholars, such as David Alexander, Rosemary Ommer, and Shannon Ryan, whose focus often centred on aspects of Newfoundland's traditional economy chiefly concerned with marketing. As a consequence government policies towards the re-establishment of the bank fishery and the efforts to improve health, safety, and working conditions, receive only passing mention.⁴⁹

The following chapters examine the re-establishment of the Newfoundland bank fishery and the resultant social and regulatory issues it brought to the late nineteenth and early twentieth century Newfoundland public agenda. The first chapter focuses on the private and public efforts in the mid-to-late nineteenth century to re-establish a Newfoundland-based cod fishery on the banks located off the coast of Newfoundland. The Newfoundland government participated actively in promoting this venture in hope of expanding the domestic economy, to provide employment opportunities in many larger fishing communities along the northeast and south coasts of the island, and to establish a Newfoundland presence on these offshore fishing grounds. Government attempts at revitalizing the bank fishery began in the mid-1840s and sputtered for several decades before finally taking off in the 1880s. St. John's, the centre of the Newfoundland fishery, quickly became the largest bank fishing port on the island. Within a decade the bank fishery revealed its shortcomings both as a dangerous fishery and an unsettling business

venture.

Chapter two describes the broad base of the work process in the bank fishery. Looking beyond a simple description of catching fish, it explores other work defining forces including apprenticeship, boat building, and sailing skills that were learned through growing up in Newfoundland fishing families and utilizing western boats or other smaller fishing craft. Vital and germane to the bank fishery, the Newfoundland western boat fishery served as a training ground for those interested in crewing or captaining bank fishing vessels. Bank fishing, by the very nature of the baited hook technology employed, depended upon stable, steady supplies of bait. Significant participants in the bait fishery, western boats supplied the much-in-demand bait fishes such as herring, caplin, squid and mackerel. In addition, an examination of the letter book and bank fishery account books of R.H. Prowse and Company,³⁰ a St. John's firm engaged in the bank fishery, offers a brief look at how it carried on a bank fishery business and the responses of bank fishers and bank fishing captains to company policies.

The third chapter explores in more detail some of the aspects of employment relationships outlined in chapter two. Labour discipline tools such as the written fishery agreements set out in the Masters and Servants Act – the labour relations legislation for the shore, Labrador, and seal fishery as well as the bank fishery – are examined in depth. Bank fishers who defied the law and left their employment to avoid unsatisfactory or intolerable working conditions were defined as criminals. Efforts by the fishery merchants and the courts to discipline them by enforcing the written bank fishery

agreements permitted under the Masters and Servants Act often failed.

Chapter four provides another example of how poorly considered government intervention in the economy had unforeseen and disastrous consequences for bank fishers. It outlines how complaints and defiance from bank fishers supported by petitions from certain bank fishery supply merchants regarding the unseaworthiness of locally constructed bank fishing vessels resulted in an in-depth examination of the Newfoundland government's shipbuilding encouragement acts. Subsequent reform resulted in improved shipbuilding standards and the appointment of a Lloyd's Surveyor. A further examination of the shipbuilding programme reveals the contradictory policies of economic development through import substitution versus winter make-work programmes.

Chapter five explores the various fishers' organizations present in Newfoundland during the latter part of the nineteenth century. It also examines the origins, implementation and demise of the Bank Fishermen's Insurance Fund. These failed attempts at reform expose the structural weaknesses inherent in Newfoundland's political and social systems, namely the exclusion of certain sectors of society.

The Newfoundland bank fishery was one example of a fisheries-based, government-sponsored economic development scheme. It provided hazardous work for those who entered it. These poor conditions ignited efforts to improve life for Newfoundland bank fishers. In the end these efforts bore little fruit, but in studying them we gain a fuller understanding of labour relations within the bank fishery in this period. Some key players active in Newfoundland's political, social, and economic life, are also

identified. Their voices, often silent for over a hundred years, are used to articulate the issues and events.

ENDNOTES

1. D.W. Prowse, A History of Newfoundland from the English, Colonial, and Foreign Records, London, 1895, p. 258.
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5. Newfoundland remained independent of the remainder of British North America until 1949 when it voted to become Canada's tenth province.
6. Shannon Ryan, "Fishery to Colony: A Newfoundland Watershed," Atlantic Canada Before Confederation. The Acadiensis Reader: Volume One, P.A. Buckner and David Frank (eds.), Fredericton, 1985, p. 135.
7. Firms and individuals based in St. John's, Conception Bay, Trinity Bay Bonavista Bay and Notre Dame Bay were the main participants in the Labrador fishery.
8. Aside from St. John's, the communities of Brigus, Carbonear, and Harbour Grace located on the west side of Conception Bay functioned as major players in the Newfoundland seal fishery.
9. Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884, p. 206.
10. Joseph Hatton and Moses Harvey, Newfoundland, its history, its present conditions, and its prospects in the future, London, 1883, pp. 240-4.
11. Punt - An undecked boat up to 25 ft. in length, round bottomed and keeled, driven by oars, sail, or engine. See George Story, William Kirwin, & J.D.A. Widdowson, The Dictionary of Newfoundland English, Toronto, 1982, p. 396.
Rodney - Small round bottomed boat with a square stern, a small punt. See Story, Dictionary, p. 416.
Dory - A small flat bottomed boat with flaring sides and a sharp bow and stern, providing both stability in the water and easy stowage in stacks on deck, used especially in fishing with handlines and trawls. See Story, Dictionary, p. 146.
Skiff - A large partly-decked fishing boat, propelled by oars or small sail and used

in the coastal fishery to set and haul nets and traps and for other purposes. A small vessel up to twenty tons. See Story, *Dictionary*, p. 484.

Swamp - A small flat-bottomed row boat. See Story, *Dictionary*, p. 548.

Shallop - A large partly-decked boat, rigged with lug-sails and used in the cod and seal fisheries, usually up to 40 ft. in length. See Story, *Dictionary*, p. 464.

Bulley boat - A bluff two-masted decked boat used on the northeast coast (Newfoundland) and Labrador for fishing and carrying fish, usually 25-30 ft. in length. See Story, *Dictionary*, p. 72.

For a description of "Gallopers" see J.W. Collins and D.E. Collins, "Report upon the operations of the United States Fisheries Commission," *Nautical Research Journal*, Vol. 37 No. 4, December 1992, pp. 235-6.

Western boats - Schooner-rigged fishing vessels usually 15-30 tons with a 40-50 ft. keel. See Story, *Dictionary*, p. 604.

12. Making fish - To preserve cod-fish by drying and the application of salt. See Story, *Dictionary*, p. 320.

13. Bultow - An older term used to denote a fishing method employing hundreds of baited hooks on short lines or snoods (usually 14-16 in. in length) attached at regular intervals (4-6 ft.) to a heavier longline or backline. See Story, *Dictionary*, p. 73.

Jigger - An unbaited hook set in lead sinker pulled up sharply to take cod. See Story, *Dictionary*, p. 105.

Cod Seine - A large net, up to 600 ft. in length, set around a school of cod, the 'foots' drawn together to form a bag, and hauled at sea or in shallow water near shore. See Story, *Dictionary*, p. 106-7.

Cod traps - A type of netted fixed fishing gear used in inshore waters. The gear is box-shaped with a length of net stretching from shore to entrance through which cod enter and are trapped. See Story, *Dictionary*, p. 107. For a description of cod traps see Hatton and Harvey, *Newfoundland*, pp. 245-6.

14. The exception was the south west coast of Newfoundland which experiences its peak fishing season in the winter months.

15. A horizontal framework of small poles, covered with spruce boughs and supported by upright poles, the air having free access beneath. See Story, *Dictionary*, p. 187.

16. Shannon Ryan, *Fish Out of Water: The Newfoundland Saltfish Trade 1814-1914*, St. John's, Newfoundland, pp. 76-7.

17. Nicholas Smith, *Fifty-Two Years at the Labrador Fishery*, London, 1936, pp. 11-21.

18. Floater - A migratory fisher prosecuting the cod fishery in a schooner along the northeast coast and especially the Labrador coast. See Story, Dictionary, p. 191.
 Stationer - A migratory fisher from Conception Bay and the northeast coast who conducts a summer fishery from a cove or harbour in northern Newfoundland or Labrador. See Story, Dictionary, p. 530.
19. Smith, Fifty-Two Years, pp. 19-21.
20. Tilt - A temporary shelter, a small single roomed hut used seasonally by fishermen. See Story, Dictionary, p. 567.
21. Smith, Fifty-two Years, p. 13.
22. Ryan, Fish Out of Water, p. 92.
23. Shannon Ryan, "The Newfoundland Codfishery in the Nineteenth Century," Unpublished M.A. Thesis, Memorial University, 1971, pp. 269-70; and Ruth Fulton Grant, The Canadian Atlantic Fishery, Toronto, 1934, p. 65.
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28. Newfoundland, "Customs Returns," JNHA, Appendix, 1890, pp. 94-5.
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33. Newfoundland, "Bank Fishery Returns," Annual Report of the Department of Marine and Fisheries. St. John's, Newfoundland, 1922-33.
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Chapter I
The Newfoundland Bank Fishery in the
Nineteenth and Twentieth Centuries:
An Overview

The Newfoundland bank fishery is defined as the cod fishery which took place on the "banks" or fishing grounds located anywhere from a few miles to over two hundred fifty miles off the Newfoundland coast. Hills and ridges on the ocean floor make up the fishing banks. Cod, the fish most sought after, gathered along the sides and tops of these banks to feed on the abundant sea life these areas produced.

A bank fishery operated off Newfoundland in the sixteenth century.¹ By the late eighteenth century several nations including Great Britain, France, and the United States sent vessels to the bank fishery. During the French Revolutionary and Napoleonic Wars (1793-1815), Newfoundland, as part of the British Empire, enjoyed a boom in its fisheries: wartime prices increased and demand for salt cod expanded. Various firms engaged in the Newfoundland fishery at this time participated in the bank fishery to capitalize on the high prices and strong demand.² At the end of these wars participation by firms operating from Newfoundland declined because of market stagnation and the decrease in fish prices.³

At the end of the Napoleonic Wars the French bank fishing fleet returned to the Island of St. Pierre, off Newfoundland's south coast. The French brought different bank fishing technology. Commencing in 1818 the French bank fishing fleet adopted the use

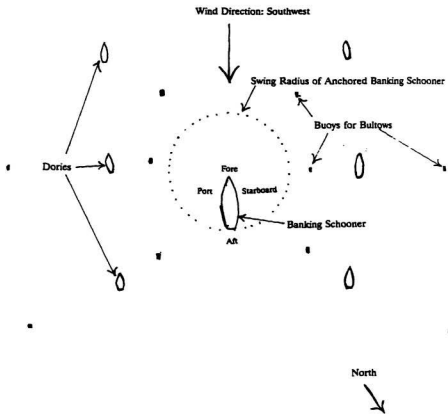
of "bultows" or "trawl" - long lines of baited hooks - and "chaloupes" - small oar-and sail-powered open boats.⁴ These technological changes increased effort and productivity in the bank fishery.⁵ Crew members in the French bank fishing fleet no longer fished from the main vessel using a single line with one, two, or three baited hooks. Now small boats, containing one, two, or more men fishing with two or more tubs of trawl became frequent sights on the offshore fishing grounds.⁶ Each of these trawl tubs contained three hundred or more hooks. The small boats, originally chaloupes and later dories,⁷ operated in a spread pattern around the larger craft, with two ahead of the vessel, two amidships (one port and one starboard), and two astern.⁸ The small boats began setting their gear once they were outside the swing range of the anchored banking vessel.⁹ (See diagram)

The French were not alone. Vessels from other countries, most notably the United States, Newfoundland, and later Nova Scotia and Portugal, were also there.¹⁰ These foreign fishing vessels added another dimension to the Newfoundland fishing economy: they purchased bait which they often paid for in cash, or in reasonably priced goods.¹¹ Supplies of fresh bait often proved crucial to the success of bank fishing ventures, so bait was a much sought after commodity.¹² Cash served as the primary currency in this business although sometimes Newfoundland bait fishers accepted goods in trade. This cash placed Newfoundland fishers on a different footing with the local Newfoundland merchants.¹³ Instead of having to accept credit, fishers paid cash for certain items. To some extent, they were able to reduce their dependency on local merchants for supplies or markets for fish. The cash also provided surplus capital to local fishers and local

merchant firms.¹⁴ In many cases these funds enabled Newfoundland fishers to later expand their fishing activities from the bait fishery into the bank fishery where they competed with French, American, and Canadian banking fishing fleets.¹⁵

Newfoundland firms participated in the bank fishery at a much reduced level up to 1844, and apparently only sporadically from then until the mid-1870s.¹⁶ An 1844 Newfoundland government document, "Report of the Committee Appointed to Enquire into the State of the Fisheries on the Banks and Shores of Newfoundland," provides a snapshot on the condition of the Newfoundland bank fishery at that time.¹⁷ Robert Pack, a Carbonear fish merchant whose firm made several bank fishing voyages until the mid-1830s, appeared before the committee. Pack pointed out that his company pulled out of this fishing venture because of the high costs of outfitting and crews' wages, coupled with low prices for salt cod on international markets.¹⁸ According to Pack, the failure of the British government to provide a subsidy to Newfoundland bank fishing vessels contrasted with the French government strategy which saw its Newfoundland fishery as a training ground for the French Navy. Pack contended that the French provided a direct subsidy on the price of fish. This permitted their bank fishery to supply salt cod to their own domestic market and to salt fish markets in other countries, thereby unfairly competing with Newfoundland salt cod producers.¹⁹ Pack argued that the British Government no longer viewed or needed the Newfoundland fishery as a nursery for sailors.²⁰ He reasoned that the expansion of the British coastal trade, needed to ship coal from the collieries to the industrial centres, employed large numbers of sailors. Hence,

DIAGRAM: Fishing Pattern of Banking Schooner
and Dories - Top View



in the British view, Newfoundland's role as a key component of British naval strategy had diminished.²¹ Pack also identified another barrier to a strong Newfoundland bank fishery: United States import duties of \$1.00/quintal²² prevented Newfoundland firms from gaining access to the expanding American market.²³ Richard Howley, another merchant appearing before the committee, pointed to the outmigration of young fishers to the United States where they sought employment on larger American banking schooners.²⁴

One Newfoundland firm did make voyages to the bank fishery and incorporated the latest technological advancements. Mudge and Co., a St. John's firm that annually prosecuted the bank fishery up to 1845, outfitted itself with bultows similar to those used by the French.²⁵ Bultows, while expanding the fishing capacity of banking vessels, also increased the risk to life and limb as they required crew members to fish from small boats away from the banking vessel.²⁶

As a result of the inquiry, the Newfoundland government moved to rejuvenate the bank fishery. In 1845 it passed the Act to Encourage the Bank Fishery.²⁷ This legislation, enacted for a three year period, provided a three shilling per ton subsidy to each vessel participating in the bank fishery. These incentives were apparently not lucrative enough and failed to attract the interest of local firms. A similar intervention by the Newfoundland government would not re-occur for 20 years.²⁸

While the fish merchant-administered Newfoundland bank fishery operated on a marginal basis in this period, another bank fishery operated from Newfoundland ports.

Commencing as early as the 1830s and continuing for over one hundred years, Newfoundland fishers employing "western" or "jack" boats participated in the bank fishery.²⁹ These relatively small 30-50 ton schooners fished out of harbours and coves along the east coast of the Avalon Peninsula and along the south coast of the island from Cape Race to Cape Ray. The brief mentions of the western boat fishery in nineteenth and early twentieth century newspapers provide only a sketchy reminder of its continued operation well into the middle of the twentieth century.³⁰

In 1865, the Newfoundland government made another attempt to re-establish a bank fishery by offering a \$4.00/ton bounty to vessel owners who wished to outfit for that fishery.³¹ The impetus for the bounty was a government initiative to promote industry. The Newfoundland government had good reason to take such an initiative at this time. During the early 1860s, the introduction of large, steam powered vessels in the seal fishery had resulted in a sharp decline in the number of sealers and sailing vessels taking part in this industry.³² This caused a loss of 5-6000 seasonal jobs in the outports in sealing, and shipbuilding and repair.³³ The seal and shore fisheries of 1864 both experienced failures, while the Labrador fishery was below average.³⁴ The declines in these fisheries exacerbated the chronically high numbers of people receiving poor relief.³⁵ To offset these employment losses and alleviate the economic hard times, the Newfoundland government implemented programs to encourage industrial diversity.³⁶ In this process the government looked to the bank fishery as an area with potential for expansion.³⁷

The financial initiative of a bounty garnered some initial response. Four vessels, the "Leo," the "Prince of Wales," the "Phoca," and the "Excel," apparently owned and supplied by St. John's fishing firms, took advantage of the offer and went bank fishing. These vessels recorded mediocre fish landings.³⁸ The following year only one schooner, the "Pioneer," owned by Job Bros. & Co., went to the bank fishery. To improve its chances of success, the company brought in a bank fishing captain, Israel Bartlett, from Boston. Nevertheless, this effort proved a failure as the vessel required extensive repairs during the trip and had difficulty securing bait.³⁹ The ensuing loss of precious fishing time produced the obvious result -- a low paying trip. Job Bros. & Co., smarting from this loss, decided not participate the following year. The government bounty programme remained in place until 1867 with only one small schooner availing of the fund.⁴⁰

The next attempt by the Newfoundland government to encourage a local bank fishery came in 1876. It occurred in the aftermath of the 1874 election in which pro-confederate Frederick B.T. Carter⁴¹ formed a new government. Carter and his successor, William Whiteway,⁴² saw the need to broaden Newfoundland's economic base beyond the shore and Labrador fisheries and their few ancillary activities.⁴³

Several factors influenced their decision to attempt yet again to re-establish a Newfoundland-based bank fishery. Over the previous two years the Newfoundland fishery enjoyed high landings, particularly in 1874 when 1.4 million quintals of dried salt-cod had been exported, the highest amount for the century.⁴⁴ In addition, average overall prices for dried salt cod had risen steadily over the previous few years.⁴⁵ On a

more pressing front, employment losses due to technological innovations which occurred in the sealing industry in the 1860s, were not regained.⁴⁶

One newspaper attempted to make the connection between population increase and the need for a domestic bank fishery. According to the Public Ledger, the population of Newfoundland doubled from 80,000 in 1812 to over 160,000 in 1875 while exports of salt cod during this same period remained approximately the same at 1.2 million quintals annually.⁴⁷ Unfortunately, the assumptions made by The Ledger regarding the relationship between increased population and increased cod landings failed to consider other fisheries and other economic activities undertaken in Newfoundland over this period.

In the ten years from 1866 to 1876 the international bank fishery off Newfoundland grew. The expanded use of bultows produced substantially increased landings and required greater quantities of bait. The French fishing fleet operating out of St. Pierre, the American fleet based in New England, and the Canadian fleet based in Lunenburg, Nova Scotia, all depended on Newfoundland shore fishers for a constant supply of herring, mackerel, squid, and caplin.⁴⁸

The potential employment available in the bank fishery became apparent with the increased presence of these American and Canadian fishing schooners in Newfoundland waters. After the repeal of the United States cod fishing bounty in 1866, American vessels began carrying higher percentages of non-American crews, many of whom were Newfoundlanders.⁴⁹ Craft from all these countries scouted east and south coast

Newfoundland bays and coves for bait and additional crew members.⁵⁰

Bank fishing vessels also used a different approach to fishing: vessels went looking for fish instead of waiting for the fish to come to shore.⁵¹ This fishery was mobile. If fish did not show up in a particular area, then it was simply a matter of hauling in the gear, loading the dories aboard the schooner, and heading to another part of the banks to try again. This contrasted greatly with the Newfoundland shore fishery. The failure of cod to migrate to a particular area for any number of environmental reasons, ranging from winds or cold water to variations in the migration patterns or stock size of various food fishes, meant a poor fishery and hard times for the people in those communities affected.

Commencing in 1876 the Newfoundland government initiated the re-establishment of a bank fishery with the introduction of a series of Bank Fishery Encouragement Acts and Shipbuilding Acts. The Bank Fishery Encouragement Acts, passed in 1876, 1879, and 1880, subsidized the cost of outfitting new or existing vessels for the bank fishery.⁵² All vessels greater than 25 tons engaged in the bank fishery for a period of three months or more received a bounty of \$6.00 per ton.⁵³ The outfitter received one half the bounty: the crew, including the captain, received the other half.⁵⁴ The act stipulated that Customs Officers inspect these vessels before they departed for the banks to ensure they were adequately provisioned and outfitted.⁵⁵ In addition, it required the captains of these banking vessels to report the quantity of the catch and other particulars of the voyage to the local Customs Officer upon returning to port. The government included within the

1876 legislation a definition of "bank fishery" as a fishery prosecuted at a distance of at least 40 miles from the coast of Newfoundland. Three years later the legislature changed the act to shorten this to 30 miles.⁵⁶ Total enforcement of these limits was impossible: what they did prevent was rampant abuse of the programme. The legislation was also amended to reduce the possibility of owners of poor quality vessels gaining subsidies, fishing within a few miles from shore, and competing for fish with the smaller inshore boats.

In 1874 the Newfoundland government began subsidizing domestic vessel construction. Initially it introduced a \$1.00 per ton vessel construction bounty.⁵⁷ Within six years the program had expanded to the point where it required the passage of a bill - the 1880 Shipbuilding Act -- which provided a subsidy of \$3.00/ton for all vessels over 30 tons, with an additional \$2.00 per ton for vessels that participated in the bank fishery for one three-month fishing season.⁵⁸

Even with the incentives outlined above, Newfoundland fishing firms entered the bank fishery tentatively. In the five years from 1876 to 1880 the number of vessels engaged in this fishery increased steadily from 4 to 33.⁵⁹ [See Table 1.1]

Landings within the bank fishery increased steadily, growing from 1704 quintals to 25,734 quintals in five years. Not only did the numbers of vessels and landings increase, but the landings per vessel also grew from an average of 426 quintals per vessel in 1876 to 780 quintals per vessel five years later. The average vessel's size also increased 35 percent from 45 to 69 tons,⁶⁰ and the landings per vessel increased from

TABLE 1.1

BOUNTY PAID FOR OUTFITTING VESSELS FOR THE BANK FISHERY 1876-80

Year	No. of Vessels	Bounty Paid (\$)	Tonnage /Av. Tonnage per Vessel	Landings (quintals)	Average Landings per Vessel (quintals)	Average Overall Price per Quintal (\$)
1876	4	1356*	226/57	1702	426	4.81
1877	7	2472	412/59	4180	597	4.10
1878	10	3420	570/57	7181	718	3.90
1879	24	6815	1152/48	16743	697	3.20
1880	33**	10903	2267/69	25734	779	3.20

Source: Newfoundland, "Miscellaneous" Journal of the Newfoundland House of Assembly, Appendix, St. John's, Newfoundland, 1881, pp.638-42.

* Bounty of \$6.00/ton paid to outfit vessels for bank fishing.

** Bowring Brothers' 311 ton steamer "Falcon" outfitted for the bank fishery under this programme.

7.5 quintals per ton in 1876 to 11.4 quintals in 1880. Based on average overall prices bank fishery landings in 1876 yielded gross earnings of \$2049.00 while five years later the earnings increased moderately to \$2492.00.

$$[426 \text{ quintals} \times \$4.81 = \$2049.06]$$

$$[779 \text{ quintals} \times \$3.20 = \$2492.00]$$

Vessel owners cautiously increased their participation in the bank fishery, probably to reduce the potential impact of poor returns from the shore and Labrador fisheries. In

1880 Moses Harvey⁴¹ offered this explanation of the reluctance of Newfoundland firms to engage in the bank fishery:

What was the cause of this slowness in taking a great natural advantage which lies at our very doors? The system of supplying fishermen, who carried on their advocations in small punts around the shores, had gone on for generations, and the traditions of the elders declared that this was the only method that suited the "peculiar people" who catch cod here and who could never be induced to go out on the Banks. Besides the Bank fishery required larger vessels and an expensive outfit and "would never pay." So the Banks were left to the French and Americans who were able to come thousands of miles and fish with profit on fishing grounds that lay close by. It is far from being complimentary to the intelligence and enterprise of our leading businessmen that this state of matters continued until necessity caused by failures of the shore fishery and growing population caused a few to make the experiment.⁴²

Harvey aimed his comments primarily at those fishing firms operating out of St. John's and along Newfoundland's northeast coast who prior to this had shied away from the bank fishery. The presence of American bank-fishing fleets provided evidence of the viability of the enterprise. In Harvey's view, the increases in landings over the five year period obviously made some take notice of the bank fishery as a potential risk spreading option.

The 1877 Halifax Fishery Commission hearings dispelled any reservations Premier F.T.B. Carter or any of his colleagues in the Newfoundland government had about the decision to encourage participation in the bank fishery. The Commission's establishment resulted from dissatisfaction with the 1871 Treaty of Washington which granted the United States fishing rights in Newfoundland in return for access to markets for Newfoundland fish in the United States.⁴³ The Commission was to ascertain the

amount of compensation, if any, to be paid by the United States government to both the Canadian and Newfoundland governments for American fishing privileges along the shores of Newfoundland and Canada.⁶⁴ Newfoundland attended these hearings as an affected coastal state, as a fish exporter, and as an inshore, Labrador, bait, and bank fishery participant.

Sir William Whiteway, Newfoundland's Attorney-General in the Carter government, represented the colony at the hearings. He made a strong case, pointing out the importance of Newfoundland's role in providing bait, which was crucial to maintaining the stability and viability of the international fishery on the Grand Banks in which the United States was a significant participant. More critical to his presentation, however, was his ability to demonstrate how little Newfoundland had benefited economically from this treaty. In his presentation to the Halifax Commission, Whiteway offered the following example:

...the question of free market in the United States for fish and fish oil. The principal markets for Newfoundland cured cod fish are the Brazils, West Indies, and Europe. The American market is very limited. From 1851 to 1876 including 12 years under the Reciprocity Treaty, the average annual export from Newfoundland to the United States amounted to \$323,728.00 against \$6,043,961.00 in exports to other countries. It appears also that the U.S. market is decreasing. For seven years between the Reciprocity Treaty and the Washington Treaty, the figure was \$348,281.00 to the United States against \$6,876,080.00 to other countries. Under the Treaty of Washington 1874-6, the figure was \$222,112.00 to the United States and \$7,792,859.00 to other countries, falling from \$285,250.00 in 1874 to \$155,447.00 in 1876.⁶⁵

Due to Whiteway's efforts, the Newfoundland government received lump sum compensation of almost \$1 million from the United States -- on a per capita basis the largest amount rendered to any country represented at the Halifax Award. Both Houses of the Newfoundland government responded by giving Whiteway a "Vote of Thanks" in 1879.⁶⁶

W. A. Munn,⁶⁷ a Newfoundland businessman, amateur historian, and the son of 1880s bank fishing merchant Robert S. Munn,⁶⁸ credited the Halifax Award and the 1887 Bait Act⁶⁹ for the successful re-establishment of the bank fishery. Both events he said "created a national feeling that spread to every harbour in Conception Bay."⁷⁰ While Munn found it difficult to obtain statistics, he estimated over fifty vessels prosecuted the bank fishery from Conception Bay ports during the 1880s.⁷¹

While native pride or business confidence may have played some role in attracting local fishing firms, other factors influenced various interest groups to re-establish and participate in the bank fishery. Fishing families, merchants, and vessel owners engaged in the Labrador, the Newfoundland shore or the bait fisheries saw the bank fishery as a risk spreading mechanism to buffer failures in these other fishing ventures.⁷² Local historian, Melvin Rowe, commenting on the beginnings of the bank fishery in Hearts Content, Trinity Bay, supports the notion of the Newfoundland bank fishery being a risk spreading option when he states:

With such a heavy concentration of men fishing on the Labrador coast, the people at home felt that there was too great an emphasis being placed on this part of the fishery and they began to clamour for some of the

businessmen to get larger schooners which would be suitable for the Grand Bank fishery....In 1879, John and Nathaniel Jilliard of Harbour Grace opened a branch store at Heart's Content and sent the vessel W. RODGERS in command of Ebenezer Legge to the Grand Banks to initiate the deep-water fishery out of Heart's Content.⁷³

Prior to the re-establishment of the bank fishery, vessel owners in St. John's and along the northeast coast engaged in the annual spring seal fishery and then re-deployed their vessels to the freighting and coasting trade or the Labrador fisheries at the end of the seal fishery season. The re-birth of a domestic bank fishery offered these individuals another employment option for their craft. E.H. Hall, writing in 1882, on the burgeoning relationship between sealing and the bank fishery stated:

The crews which have returned from the Arctic hunting grounds, transfer themselves into the small brigs and schooners used for fishing on the banks, while others return to the coves and creeks to which they belong and fish from the shore. In June the fleet leaves St. John's and remains away three or four months, as the case may be. Cod-fishing does not possess any of the excitements of seal hunting. It must on the contrary, be a most dreary and tedious occupation.⁷⁴

Similarly other non-seal fishery vessels based in St. John's or along the island's south coast which were employed in the bank fishery in the May-October period often found work in Placentia and Fortune Bays in the winter months carrying frozen herring from those areas to Gloucester, Massachusetts.⁷⁵ On the return trips to Newfoundland these vessels ferried foodstuffs, supplies and other general cargo.

Others moved into the bank fishery to expand beyond the coasting and freighting trade, or to extend their fishing season on the often ice-free fishing grounds off the south coast. Later, the practice would work both ways as vessel owners experiencing poor bank

fishing voyages would deploy their vessels to the freighting and coasting trade or the Labrador fishery.⁷⁶

The Newfoundland bank fishery at its peak (1885-9) operated from Twillingate.⁷⁷ King's Cove, Catalina, Trinity, Hearts Content, New Pelican, Bay De Verde, Carbonear, Harbour Grace, Bay Roberts, Spaniards Bay, Brigus, Harbour Main, Holyrood, St. John's, Bay Bulls, Witless Bay, Ferryland, Renewes, St. Mary's, Salmonier (St. Mary's Bay), Placentia, Oderin, Burin, St. Lawrence, Lamaline, Fortune, Grand Bank, Stone's Cove, Belleoram, St. Jacques, English Harbour West, Harbour Breton, Gaultois, Hermitage, Ramea, Burgeo, Rose Blanche, Port aux Basques,⁷⁸ and other ports. (See Map 2).

Participation in this fishery varied considerably depending on vessel size, fish migration patterns, regional environmental conditions, and particular geographic advantages. Two-masted schooners comprised the vast majority of Newfoundland bank fishing vessels, although as mentioned above several firms also used underemployed sealing vessels in bank fishing voyages.⁷⁹ The two-masted schooners ranged in size from 30 to 120 feet in length, and in tonnage from 20 to over 100 gross tons.⁸⁰ Crew sizes ranged from five to seven aboard smaller western boats to crews of 24 on the larger bankers.

Smaller bank fishing vessels or western boats ranging from 20 to 50 tons prosecuted the cod fishery in the Ramea-Port aux Basques region during the winter when cod migrated to this area.⁸¹ With the fishing grounds within ten miles of shore, these

craft found these areas accessible even in winter. Of all the various cod fishing methods tried in that area, the longlines or trawls proved the most effective.

Schooners from Placentia and Fortune Bays began bank fishing in March at the end of the frozen herring fishery⁶² and continued until curtailed by stormy weather in October or November.⁶³ Vessels deployed from these bays included the smaller western boats based primarily in Placentia Bay. These usually fished on the nearshore banks off the southern end of the Avalon Peninsula, frequently in the vicinity of Cape St. Mary's⁶⁴ and occasionally ventured out to the Grand Banks in the summer months.⁶⁵ The larger salt bankers, concentrated mainly in south coast ports such as Belleoram, Burin, Fortune, Grand Bank, and Harbour Breton, fished from the Gulf of St. Lawrence and Western Bank off Nova Scotia in the west to the Grand Banks and the Flemish Cap in the east.⁶⁶

Bank fishing vessels operating from harbours on the eastern side of the Avalon Peninsula or from ports along the northeast coast fished in areas similar to or the same as schooners from Fortune and Placentia Bays. The western boats fishing from communities such as Renews, Tors Cove and Bay Bulls along the eastern Avalon Peninsula fished on Ballard Bank 12 to 14 miles off Renews.⁶⁷ The larger banking vessels on the eastern Avalon and the northeast coast joined the south coast bankers on the Grand Banks, at the Flemish Cap,⁶⁸ or in the Gulf of St. Lawrence as soon as spring ice conditions permitted. The presence of ice determined the length of the bank fishery season along this coast. Vessels usually commenced bank fishing with the departure of the Arctic pack ice which, depending on climatic conditions, varied from

mid-April to early June. The season for these bankers continued until late fall when poor weather forced a cessation of operations.

Throughout the 1880s the bank fishery offered itself as an example of change and progress. The number of vessels increased from 4 in 1876 to 330 in 1889.⁸⁹ Landings increased from 1702 quintals in 1876 to 236,812 quintals in 1889. In the 1880s the number of bank fishers rose from 1,098 in 1884 to 4,400 in 1889.⁹⁰ Various factors contributed to this increase. Generous shipbuilding bounties found in the Shipbuilding Act of 1883⁹¹ and good catches in the bank fishery, fuelled by an ample and consistent supply of bait, combined to make the bank fishery attractive.

While the Newfoundland bank fishery prospered and grew steadily in the 1880s, its political architects experienced disgrace and defeat by mid-decade.⁹² In 1885 F.T.B. Carter's successor, Sir William Whiteway, retired from politics under a cloud of sectarian controversy. In the election which followed, the populace voted along sectarian lines. The Reform Party, dominated by St. John's fish merchants and led by Robert Thorburn,⁹³ won this election, while a combination of the Catholic Liberal Party and one independent Whiteway supporter made up the opposition.⁹⁴

The Reform Party campaigned on a return to the mythical "good old days" of frugal government. At the same time, they inherited ten years of Carter's and Whiteway's economic diversification policies in which government played an active role in stimulating and directing the economy. In that period, Newfoundland had changed. Despite continuous outmigration, the population increased from 161,374 in 1874 to

197,335 a decade later.⁹⁵ While governments made various attempts to diversify the economy away from the fishery, participation in it rose from 45,845 in 1874 to 60,419 in 1884, an increase of almost 25 percent.⁹⁶ Despite the bright prospects for the bank fishery outlined above, the Thorburn administration, while attempting to maintain a go-slow policy on expenditures, found itself in the middle of an economic crisis. In the period from the early 1880s to the late 1890s the international price for salt cod declined by 32 percent.⁹⁷

The environmental disasters which befell the Labrador fishery during the mid-to-late 1880s further exacerbated the deteriorating economic position of Newfoundland. In 1885, two storms rocked the foundations of the Labrador fishery and lessened the appeal of that venture.⁹⁸ The first occurred on 7 June 1885 along Newfoundland's northeast coast. It struck just as many vessels in Trinity Bay and Conception Bay were preparing for another season on the Labrador coast. The storm was severe. Newspaper reports described it as the worst storm to hit the area since 1845.⁹⁹ From Holyrood north along the west side of Conception Bay to Old Perlican on the east side of Trinity Bay, it destroyed between 14 and 24 vessels.¹⁰⁰ Only a few of these were insured, although for what amount remains unknown.¹⁰¹ Others were a total loss. It is not clear who absorbed the losses for this disaster or if those intending to go to Labrador on those vessels subsequently made the voyage.¹⁰² Nonetheless, while it served as a tough blow to those involved in this fishery, it paled in comparison to the devastation which occurred that same autumn.

The second storm slammed the coast of Labrador on 10 October 1885 at the end of the fishing season. This tempest, considered by many as the most tragic of all Newfoundland marine disasters, resulted in great loss of life, and damaged or destroyed numerous vessels, fishing rooms and premises, and wharves all along the coast. At its peak, the arctic winds reached an estimated 120 miles per hour creating huge waves, accompanied by sleet and snow. Approximately 90 vessels foundered and went down in the gale. The death toll placed initially at 300, was later reduced to 70, although the actual number probably was never determined.¹⁰³

Government efforts to alleviate the hardship of the victims met with mixed responses. Immediately upon taking office the Thorburn government faced the task of looking after the survivors in the aftermath of the second gale. It appointed a committee to travel to various communities along the northeast coast to organize relief efforts for those left destitute from the storm. The committee, however, received an unwelcome surprise. In December, persons attending a relief committee sponsored meeting in the Twillingate, Notre Dame Bay area, placed the question of destitution and relief among rural Newfoundland fishers in context. While they recognized the tragic situation surrounding the Labrador Gale, they pointed out that people living in other parts of Newfoundland, most notably in Fogo, Burgeo, and Lapoile all experienced difficult times, as bad, if not worse, than those endured by the survivors of the Gale.¹⁰⁴

While the Labrador Gale provided a single spectacular example of loss of life and

destitution, little if any information is available on the hundreds if not thousands of members of fishing families who died of starvation or malnutrition on a yearly basis because of poor fish prices or the failure of fish to appear on their part of the coast. The grinding poverty experienced by some communities because of failures in the Labrador fishery, sporadic failures in the shore fishery, and low prices paid for salt fish placed the Thorburn government in a difficult position. It had to spend money on public relief to provide assistance for those without any means to support themselves. Elected on a platform of fiscal responsibility, the Thorburn government actually spent more on poor relief than the preceding Whiteway administration.¹⁰⁵

Catches in the Labrador fishery dwindled for the three years following the gales of 1885. An 1886 report of the St. John's Mutual Insurance Scheme, a local marine insurance organization, indicated owners had not replaced many vessels lost in the Labrador Gale the previous October.¹⁰⁶ While this marine insurance programme covered 733 vessels in 1885, this decreased by 269 to 464 vessels in 1886.¹⁰⁷ It appears the Labrador Gale and the reduced landings from that fishery in the years following caused many to reconsider their options.

In the aftermath of the two 1885 storms and the subsequent poor landings in the years following, many individuals and firms from St. John's and ports located along the northeast coast who had traditionally engaged in the Labrador fishery now looked to the bank fishery as a plausible alternative. In the late 1880s firms operating in communities such as Fortune Harbour (Notre Dame Bay), King's Cove (Bonavista Bay), Catalina, Old

Perlican, and Hearts Content (Trinity Bay), and Bay Roberts, Brigus, Harbour Main, and Holyrood (Conception Bay), all sent vessels to the bank fishery.¹⁰⁸ The results of their specific ventures remain unclear: while certain merchants, captains and fishers reported fair to good results, others fared not so well.¹⁰⁹

The Newfoundland bank fishery expanded rapidly in the 1880s, but several events in the latter part of the decade highlighted the occupational hazards of the industry. Middle-class reformers and bank fishers tried to address and reform government policy in these areas. Leaky and unseaworthy bank fishing vessels,¹¹⁰ poor treatment at the hands of bank fishery merchants,¹¹¹ and the considerable loss of life¹¹² in the 1887 bank fishery created social unrest among bank fishers.¹¹³ The loss of life and sporadic bank fisher-initiated protests and petitions persuaded some liberal, reform-minded members of the Newfoundland middle class to lobby for improved working conditions. Their efforts were partially successful. The House debated several issues concerning the bank fishery in the late 1880s including the government sponsored renewal of the Shipbuilding Act,¹¹⁴ the opposition initiated Bank Fishermen's Insurance Fund Act¹¹⁵ and the Bank Fishery Agreement bill.¹¹⁶ While the Shipbuilding Acts and Bank Fishermen's Insurance Act passed, the third which proposed to regulate the written bank fishing agreements between owners and the crews, failed to pass the legislature.¹¹⁷ Debate on these bills revealed shortcomings prevalent in the bank fishery. Discussion on the renewal of the Shipbuilding Act disclosed the poor quality of many Newfoundland government subsidized vessels and the regulatory and inspection deficiencies of existing

legislation.¹¹⁸ Passage of the Bank Fishermen's Insurance Fund Act provided certain minimum standards for bank fishing and a state administered death benefit fund. These debates, coming in the late 1880s, reflected the Newfoundland legislature's efforts to enhance a fishery it viewed as expanding.

By newspaper accounts, the 1888 Newfoundland bank fishery was successful.¹¹⁹ Estimates placed the number of Newfoundland schooners and jackboats participating for the year at 400.¹²⁰ The United States bank fishing fleet was also well represented that year having 339 vessels on the grounds.¹²¹ The following year the Newfoundland bank fishery recorded its highest numbers in terms of participation of vessels, crew members, total tonnage, total landings, and bank fishery landings as a percentage of total Newfoundland salt cod exports¹²² (See Table 1.2). In 1889, 330 bank fishing schooners, with a total tonnage of 18,890 tons and carrying 4401 crew members, caught 236,821 quintals, or 22 percent of the total exports of Newfoundland salt cod for that year.

Yet local newspapers that summarized the fishery's performance concluded it was a failure.¹²³ Most consistently the blame fell on the shortage of bait, both on the banks and in the coves around Newfoundland.¹²⁴ Similarly, overall salt cod exports in the Newfoundland fishery for the years 1889 and 1890 were the lowest for the 20 year period 1880-1900.¹²⁵ While the 1889 bank fishing voyages produced the highest overall landings for that fishery, the catch per vessel and per crew member proved relatively low. The average catch per vessel was 718 quintals while the average catch per crew

member was 54 quintals.¹²⁶ Crew members working under the 1888 St. John's bank fishery agreement shared half the balance of the earnings after deducting operating expenses.¹²⁷ Assuming bank fishers received the average overall price of \$4.20/quintal,¹²⁸ the average gross earnings of a bank fisher prior to deducting operating expenses stood at \$109.20.¹²⁹ It is quite conceivable that many bank fishers ended the season with little if any real cash earnings.

The next two years produced even worse results. In 1890 the average catch per vessel dropped to 530 quintals and the average catch per crew member fell to 40 quintals, with average gross earnings per crew member at \$74.00.¹³⁰ In 1891 average catches rose slightly to 628 quintals per vessel and 47.5 quintals per crew member, producing average gross earnings of \$92.63.¹³¹ These figures compare miserably with average catch levels in 1884 when the average catch per vessel amounted to 1646 quintals while the average catch per crew member stood at 89.9 quintals, producing average gross earnings of \$170.81.¹³² Not until 1896 did average landings for Newfoundland bank fishing crew members climb to the 1884 levels and even then average gross earnings lagged, reflecting lower average prices for salt cod. [See Appendix 1.1]

Declining catch rates in 1889 drove firms, vessels, and fishers out of the bank fishery. Commencing in 1889 the Labrador fishery rebounded.¹³³ Many who had switched to the bank fishery in the late 1880s returned to the Labrador fishery in the 1890s.¹³⁴ Others probably moved back into the coasting and freighting trade or sold their vessels out of Newfoundland.

In 1889, Sir William Whiteway came out of retirement to lead the Liberal Party to victory at the polls¹³⁵ assisted by the highly unpopular policies and legislation of the Thorburn administration. The 1887 Bait Act had prohibited the sale of bait fishes by Newfoundland fishers to the French fishing fleet at St. Pierre.¹³⁶ A report prepared by a Joint Committee of the Legislative Council and the House of Assembly on the capture and sale of bait recognized the impact of French bounties and the need to retain bait fishes for the local bank fishery.¹³⁷ The St. John's Chamber of Commerce also supported the government's efforts to prevent the sale of bait to the French.¹³⁸ In their eyes hampering the French banking fleet's access to bait meant lower volumes of French-produced salt cod appearing on southern European markets, resulting in potentially better markets for the Newfoundland-generated product.

But those engaged in the bait trade opposed the act for several reasons. While the act prohibited the sale of bait to the French, it permitted bait sales to the American bank fishing fleet which in turn could and did re-sell it to the French.¹³⁹ The dissatisfaction of south coast fishers was exacerbated by low returns from their own bank fishery.¹⁴⁰

In the 1889 election all south coast Newfoundland ridings elected Liberals to the House of Assembly¹⁴¹ except for Burgeo-Lapointe which returned Independent James Murray.¹⁴² In the first Newfoundland election to use a secret ballot, Whiteway returned to power capturing 28 of the 36 seats.¹⁴³

In 1890, the newly elected Whiteway Government appointed Judge T.R. Bennett¹⁴⁴ to examine the St. Pierre bait trade. Bennett, who enjoyed previous

mercantile ties with Fortune Bay, examined trade with St. Pierre in 1888, a year after the Bait Act restricted the trade. That year Newfoundland fishers sold approximately \$120,000 worth of bait to the French, plus 35,000 quintals of cod.¹⁴⁵ Estimates of total sales of both salt fish and bait to the French island exceeded \$200,000.¹⁴⁶ These figures failed to include the purchase of goods from St. Pierre, on which no Newfoundland customs duty was paid, or the exchange of goods for bait which was sometimes the practice. Neither did the figures contain evidence on other goods, such as lumber and firewood, sold or exchanged in St. Pierre.

Given the apparent high volume of trade between St. Pierre and various south coast Newfoundland ports, it is not difficult to see how the bait trade generated surplus capital. These funds provided a springboard to permit merchants and fishers along this coast to purchase or construct larger vessels to enter the bank fishery, the coasting trade, and overseas shipping.¹⁴⁷ Some south coast Newfoundland merchants traced their origins to this business.¹⁴⁸ Burin Peninsula fish merchants, such as Thomas Farrell of St. Lawrence and Simeon Tibbo of Grand Bank, moved into the bank fishery and became established merchants with the capital they generated from the St. Pierre bait trade.¹⁴⁹ Farrell, who emigrated to St. Lawrence from Ireland, arrived in Newfoundland with some capital that he invested in a medium sized schooner. As the largest vessel owner in St. Lawrence, he began prosecuting the bait trade with St. Pierre, and with American and Canadian fishers.¹⁵⁰

While the Whiteway government launched an investigation into the bait trade,

it made few gestures to improve the economic conditions in the bank fishery. Unlike the previous fish merchant-dominated Thorburn administration, it paid scant attention to improving safety conditions or to expanding the Bank Fishermen's Insurance Fund. The 1889-93 Whiteway administration offered no subsidies to bank fishing firms or bank fishers suffering hardship. Instead, it looked to the construction of a trans-insular railway as the economic panacea for Newfoundland. As earnings in the bank fishery fell, newspapers carried more reports of bank fishers deserting vessels prior to the end of the voyage. Representatives of Whiteway's government, who as opposition members a few years earlier had proposed mitigating the oppressive bank fishery agreements, now fell silent. The only visible move Whiteway's administration made was to reinforce the existing, crude Masters' and Servants' Act not only by retaining sections making desertion from bank fishing vessels a criminal offence, but also by increasing the jail term for that crime from 30 to 60 days.¹⁵¹

The 1889-93 Whiteway government, like previous administrations, also did not attempt to regulate the quality or develop a collective marketing strategy for Newfoundland salt cod exports. In 1883, Ambrose Shea,¹⁵² an early supporter of the Newfoundland government's attempts to re-establish the bank fishery, reflected on the experience seven years after the initial venture: "There were many reasons why the bank fishery had been not as successful as it might be. The fish caught on the banks had not been taken care of; it had been badly handled and badly salted. There was no bounty that could cure evils of that description."¹⁵³ As early as 1887 fish merchants and vessel

suppliers purchased dried salt cod from banking schooners on a "tal qual" or flat rate basis.¹⁵⁴ Fish merchants or brokers usually paid bank fishers after the shore crew dried or made the salt cod-fish and after the merchant graded it by quality and size. To avoid the slow process of separating fish by grade and size, known as culling, the fish merchants introduced the tal qual system of paying bank fishers one across-the-board price for the catch, regardless of quality. Faced with overall declining international prices, merchants and brokers often preferred the tal qual system because it downplayed the quality of the finished product and focused instead on high volume sales. Despite the decline in earnings in the bank fishery, efforts to improve quality or to examine overall market potential simply remained off the Whiteway administration's political agenda. The Newfoundland business community regarded such issues as "private troubles" which they alone would resolve, but never did.¹⁵⁵ The attempts to open new markets for fish products in the United States served as Whiteway's political response, and led to the Blaine-Bond negotiations.¹⁵⁶

A.W. Harvey¹⁵⁷ and Robert Bond¹⁵⁸ served as the power brokers in the 1889-93 Whiteway Government. Harvey, who apparently supported both parties in the 1889 election, received a coastal steamship contract from the Whiteway Government.¹⁵⁹ He was probably the most powerful individual in Newfoundland at the time, given his status as a prominent businessman, the Chairman of the Newfoundland Fisheries Commission, a member of the Legislative Council, and an influential Whiteway advisor. Bond, who became Premier in 1900, served as a quasi-Minister of External Affairs in the

Newfoundland government's attempt to negotiate a separate trade agreement with the United States through the 1890 Blaine-Bond negotiations (Newfoundland, as a member of the British Empire, did not control its own foreign policy). Harvey supported the move and accompanied Bond during the negotiations to open the American market to greater Newfoundland fish exports.

The Whiteway government's bait policy in the early 1890s shifted the focus away from France and St. Pierre in an apparent effort to dovetail with the Blaine-Bond negotiations. The government permitted the sale of bait to the French islands through the provision of licences that restricted quantities.¹⁶⁰ It also reduced fisheries patrols in that region, facilitating a clandestine trade. Control over bait was one of the levers to negotiating better trade terms with the Americans.¹⁶¹ Canada objected to these dealings, claiming that Newfoundland, as part of the British Empire, was not following the normal practices of Imperial foreign policy. The British Government, wishing to maintain its position within the Empire as the foreign relations representative, refused to ratify the Blaine-Bond agreement. Instead, it attempted to settle the disagreements between Newfoundland and Canada. The Newfoundland government correctly perceived that it had little room to manoeuvre on the international level.

In March 1893, the Newfoundland government suspended the Bait Act as an electoral ploy to secure votes along Newfoundland's south coast.¹⁶² The suspension of this act permitted fishers on the south coast to sell bait to the French and Americans without licences or quantity restrictions. Unhindered passage to St. Pierre also meant cod

salted and dried in fish stages along the Newfoundland south coast could be sold to French fish merchants.

The bait fishery that supplied bank fishing vessels declined in the 1890s with the reduction of the Newfoundland and American bank fishing fleets. Similarly, the transformation of the French fleet from bank fishing to steam trawling in the early 1900s meant a move away from bait-based fishing technology thus further lessening the demand for bait. This reduction in bait requirements ultimately diminished, and in some cases removed, a source of cash income for these fishers. Given the often clandestine and generally unrecorded nature of the bait fishery, it remains unclear what happened to these bait fishers although some probably found employment in the winter herring fishery which operated in Placentia and Fortune Bays, and later in the Bay of Islands and Bonne Bay on Newfoundland's west coast.¹⁶³

The 1893 election and the ensuing series of political crises reflected the poor economic situation in Newfoundland. Attempts by successive governments to broaden Newfoundland's economic base through construction of the Newfoundland railway and other economic diversification programmes failed to stimulate the economy and create solid land-based employment opportunities. By 1894 the country found itself so indebted that the two major local banks crashed.

In the 1889-96 period the complexion of the Newfoundland bank fishery changed. Newfoundland merchants responded to the overall decline in international salt cod prices by increasing the practice of purchasing fish for the international markets on a tal qual

basis.¹⁶⁴ The fish merchants and brokers adopted a competitive market strategy of supplying a cheap product. The practice maintained markets, lowered prices paid to fishers, and reduced the quality of the product.¹⁶⁵ In the bank fishery, these low prices resulted in a narrowing of operating and profit margins and a lowering of bank fishers' incomes.

Low catch rates, a high volume low quality marketing strategy, and low prices resulted in a decline in Newfoundland bank fishing vessel participation in the 1889-96 period from 330 to 48 -- a drop of 85.5 percent, -- landings for the same period fell from 236,831 quintals to 54,802 - a decrease of 77 percent -- while total vessel tonnage in the fishery declined 86 percent from 18,890 gross tonnes in 1889 to 2652 gross tonnes in 1896. From an employment perspective the number of bank fishers decreased 86 percent from 4401 to 616. [See APPENDIX 1.1]

Vessel owners and suppliers based in St. John's and along Newfoundland's northeast coast looked to other fisheries and other industries to employ their vessels. Similarly, by the mid-1890s the banking vessels ceased to operate out of the fishing community of Placentia on the south coast. In this case it appears the two major bank fishery vessel owners opted to pursue other avenues. W. and J. Bradshaw opened a hotel in Placentia, presumably to service the railway-coastal boat service,¹⁶⁶ and Edward Sinnott, the other bank fishery operator, sold his vessels and became the local customs officer.¹⁶⁷

In 1894 the Newfoundland government asked its fisheries expert, Adolph Nielsen,

to write a comprehensive report on the Newfoundland fisheries.¹⁶⁸ Nielsen was hired in 1889 by the recently formed Newfoundland Fisheries Commission, as Superintendent of Fisheries. Recommended to the Fisheries Commission by J.W. Collins, a prominent member of the United States Fisheries Commission,¹⁶⁹ Nielsen had been an inspector with the Norwegian fishery and brought considerable qualifications to the post. His attempt to establish and operate a cod hatchery at Dildo, Trinity Bay made him a controversial figure during his tenure in Newfoundland. His 1894 report outlined many of the changes he desired for the Newfoundland fishery.

Part of Nielsen's report included an examination of the rapid decline of the Newfoundland bank fishery. According to him, many businesses suffered heavy losses and in some cases ruin because of their participation in that fishery. He also identified certain structural problems within the bank fishery, including poor industrial relations between crews and vessel owners and suppliers.¹⁷⁰

We find that the employer who has risked his capital in an enterprise and does his most to make a success of it, does not always meet with the cooperation and interest of his employees so the future welfare of themselves, their masters and the industry can be maintained, promoted and made to prosper. Due attention to the requirements of the employees and their welfare are not always displayed on the part of the employer. Where no harmony exists between the parties often there is no strength.¹⁷¹

Nielsen offered a one sentence comment on the draconian changes to Newfoundland's Masters' and Servants' legislation, which he viewed as detrimental to the industry. He saw attempts by government to punish desertion among the fishery workforce with

criminal penalties as ill-considered legislation and the want of proper protection as being "one" of the principal means of crippling and retarding this business.¹⁷² Despite his position as a high profile public servant, he remained an outspoken opponent of the truck system, as he saw it practised in Newfoundland,¹⁷³ and offered these comments on its evils:

The most of the firms who have been engaged in this risky business the last decade have made nothing out of it but loss (his emphasis); have sunk large sums of money; and have had the greatest struggle to meet all the difficulties such a system is sure to develop and involve. The system has become a take what you can get, and get what you can system, with no sound principle at the bottom for the welfare of that industry in the future on the part of those who catch, cure, or handle our fish.¹⁷⁴

In the bank fishery section of the report, however, Nielsen avoided expounding on the debilitating impact of the truck system. Instead he tempered his conclusions focussing only on the "positive" causes of its decline. He outlined 31 opinions of owners and former owners of banking schooners on the reasons for the decline in this fishery. The reasons included inexperience among the captains and crews, high costs of operating banking vessels, excessive amounts of provisions consumed on board vessels, poor access to bait supplies, and low prices received for fish.¹⁷⁵ Nielsen also asked bank fishing captains and crew members why the bank fishery declined. Their 26 reasons included a general scarcity of fish on the banks, low prices paid for fish, poorly outfitted vessels, loss of experienced crews to other labour markets, and inexperienced or poorly trained captains.¹⁷⁶

Nielsen also addressed the presumed superiority of the American bank fishing

fleet. He contacted the Secretary of the Boston Fish Bureau to gain information on the status of that fleet. Excepting the Gloucester based vessels, he found that the American banking fleet and landings were in decline mainly because of more lucrative employment available on shore in the traditional Massachusetts bank fishing communities.¹⁷⁷ While the Gloucester fleet's landings remained higher on average than catches recorded from Newfoundland banking vessels, Nielsen's assessment pointed out that Newfoundland vessels were as a rule smaller, not as well equipped, and did not fish as much gear as their American counterparts.¹⁷⁸ He noted that American fishers received comparatively better prices for their catch which they regularly sold green -- salted but not dried -- which meant they were not liable for possible spoilage in the final curing process.¹⁷⁹

Nielsen identified good quality vessels and equipment combined with close supervision and economical spending as crucial to the success of any bank fishing venture.

The success of the bank fishery depends on having good vessels and gear and on the skipper and men. [Unless] good thrifty, reliable, industrious skippers and men are found who look after the owners interest as well as their own, nine chances out of ten the fishery will turn out a failure. Many Newfoundland men owned and went master on their own bankers in days gone by. As soon as they stopped going to the banks and put inexperienced masters on board they lost money year after year and many became totally ruined.¹⁸⁰

From 1889 to 1901, most St. John's firms engaged in the bank fishery moved into other enterprises or went out of business in the wake of the 1894 bank crash.¹⁸¹ At the end of the century only one St. John's firm, R.H. Prowse & Sons, remained active in the bank fishery.¹⁸² By 1901, the Census Reports show the banking fleet in St. John's,

which twelve years earlier boasted a fleet of 60 vessels employing 869 fishers, had disappeared.¹⁸³ The focal points for the bank fishery now shifted to Trinity Bay on the northeast coast and to the Burin Peninsula and the south coast.¹⁸⁴

While the bank fishery continued to operate from certain northeast coast ports until 1914,¹⁸⁵ the geographical position of the southern Newfoundland communities offered certain distinct advantages which sustained their bank fishery until the middle of the twentieth century. Little if any ice found its way into the harbours and bays of the south coast during the early spring. Placentia and Fortune Bays provided ample supplies of bait. Particular communities and fishing firms in this region embraced the bank fishery and organized production around it. These communities were successful in sustaining participation in the bank fishery for a number of reasons. The proximity of south coast communities to St. Pierre and the French bank fishing fleet offered the opportunity to supply bait and trade in other commodities.¹⁸⁶ The presence of American and Nova Scotian bank fishing vessels from the mid-to-late nineteenth century onwards afforded south coast residents another market for their bait fishes. A long standing western boat fishery operated from southcoast ports to the region bounded by Cape St. Mary's to Ballard Bank in the summer months, and off the southwest part of the island in the area from Ramea to Port Aux Basques in the winter months.

Various communities including Belleoram, Burgeo, Burin, Fortune, Grand Bank, Harbour Breton, and Ramea participated in the post-1900 bank fishery. Of these, Grand Bank emerged as the largest bank fishing port on the island. A physically compact locale

nestled around a diminutive harbour at the south-eastern end of Fortune Bay, it appears as an unlikely base for an offshore fishery. Fishers and fishing firms in the community had moved into the bank fishery in the early 1880s after participating in the bait fishery for approximately 50 years.¹⁸⁷ They preferred larger fishing schooners than those normally used by Newfoundland firms. Those who captained these vessels in the early bank fishery later went on to establish fishing and other commercial firms in Grand Bank.¹⁸⁸ From the early 1890s until the 1940s it was the major bank fishing port in Newfoundland.¹⁸⁹ Average catch rates per vessel and per crew member remained consistently higher than for the whole bank fishing fleet.

Shortly after the end of World War I salt cod prices declined, as did the economies of many Newfoundland fishing communities.¹⁹⁰ While Grand Bank's position as the major player in the Newfoundland bank fishery remained, it too experienced an economic downturn¹⁹¹. The fate of Grand Bank reflected the condition of the Newfoundland bank fishery. Like the Nova Scotia bank fishery, it failed to recover from the significant decline in salt cod prices that plagued the fishing industry throughout the 1920s and 1930s.¹⁹²

After the outbreak of World War I, the Newfoundland government once again intervened in the Newfoundland bank fishery by passing The Bank Fishery Act in

TABLE 1.2

NEWFOUNDLAND BANK FISHERY AS A PERCENTAGE OF TOTAL DRIED

SALT COD EXPORTS 1876-1880, 1884, 1889-1920

Year	No. of Vessels	Total Tonnage	Avg. Ton./ Vessel	No. of Crew	Avg. Crew /Vessel	Catch (qtls)	Percent Total Salt Cod Exports
1876	4	226	57	NA	NA	1702	> 1%
1877	7	412	59	NA	NA	4180	> 1%
1878	10	570	57	NA	NA	7181	1%
1879	24	1152	48	NA	NA	16743	2%
1880	33	2267	69	NA	NA	25734	2%
1884	60	2507	41	1098	18.3	98757	7%
1889	330	18890	57	4401	13.3	236821	22%
1890	279	15212	55	3719	13.3	147948	14%
1891	165	9838	60	2175	13.1	103688	12%
1892	100	6270	63	1392	13.9	90467	NA
1893	71	4409	62	957	13.4	58494	5%
1894	58	3516	61	785	13.5	54541	5%
1895	43	2537	59	565	13.1	46984	4%
1896	48	2652	55	616	12.8	54802	4%
1897	66	3684	56	872	13.2	58762	5%
1898	74	4222	57	1000	13.5	74002	6%
1899	90	4722	52	1163	12.9	97399	8%
1900	112	5757	51	1400	12.5	116278	9%
1901	118	6282	53	1531	12.9	113841	9%

1902	110	5964	54	1444	13.1	131102	10%
1903	100	5529	55	1386	13.8	89321	6%
1904	87	5039	58	1215	13.9	70872	5%
1905	83	4838	58	1161	13.9	71330	6%
1906	97	5783	60	1378	14.2	75153	5%
1907	83	4286	52	1261	15.2	88086	6%
1908	107	5976	56	1433	13.3	120000	8%
1909	100	5818	58	1377	13.7	131452	8%
1910	101	6630	66	1567	15.5	144524	10%
1911	122	8281	68	1924	15.7	149924	13%
1912	124	8696	70	2065	16.6	155517	11%
1913	104	7551	73	1830	17.5	152374	11%
1914	105	7790	74	1892	18.0	124067	10%
1915	102	7526	74	1806	17.7	170390	16%
1916	87	6762	78	1645	18.9	151888	11%
1917	78	5334	68	1298	16.6	134298	9%
1918	56	3904	70	940	16.7	97300	5%
1919	41	2770	68	732	17.8	94770	6%
1920	50	3154	63	793	15.9	95484	5%

Sources: Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884.

Newfoundland, "Bank Fishery Returns," Journal of the Newfoundland House of Assembly, Appendices, St. John's 1890-1902.

Newfoundland, "Bank Fishery Returns," Newfoundland Customs Returns, St. John's, 1901-17.

Note: Statistics for years 1881, 1882, 1883, 1885, 1886, 1887, 1888, not available. Columns 2 & 3 above outline the number and size of vessels participating in the bank fishery in the period 1876 - 1920.

1915¹⁹³ and The Trawl Fishery Act in 1916.¹⁹⁴ Both focused on establishing improved safety standards and practices aboard Newfoundland bank fishing vessels. Table 1.2 profiles the bank fishery from its re-establishment in 1876 to 1920. The failure of the Newfoundland government to maintain bank fishery statistics in the 1880s prevents examining its meteoric rise especially during the years 1885-8 when landings and participation increased significantly.

After participation crested at 330 vessels in 1889, the number of vessels fluctuated from lows in the 1890s and late 1910s to highs at the turn of the century and at the beginning of the 1910s. Average vessel size remained in the low 50 to low 60 ton range until the start of the 1910s when average vessel tonnage increased to the low-to-mid 70 ton range. Column 4 indicates the number of crew members engaged in bank fishing activity. Changes in the average crew size parallel the transformation in the average vessel size, with the crew sizes increasing from 13.4 in 1889-1909 to 17 in 1910-20.

Column 5 indicates the total annual bank fishery landings. Again, 1889 reveals itself the best year with total landings of 236,821 quintals, or 22 percent of the 1,076,507 quintals exported that year. In the other years examined, bank fishery landings never ventured above 16 percent of total exports and from 1889 to 1920 averaged 8.5 percent.

The much higher catch rates and higher prices, particularly after 1900, failed to attract the participation rates of the late 1880s. While the average vessel size increased slowly between 1900 and 1920 from 50 to 70 tons, the annual number of bank fishery vessels remained between 80 and 125. The numbers of vessels active in the bank fishery

during World War I declined while average overall prices rose significantly and catch rates remained strong.

Despite the high fish prices experienced during World War I, the number of bank fishing vessels decreased from 78 in 1917 to 56 in 1918 and would not rise above the latter number for the remainder of the fishery's existence.¹⁹⁵ If any bank fishing companies were considering expanding their fleets in the late 1910s the decline in the overall average prices for Newfoundland salt cod commencing in 1920 probably made them rethink that business decision. In the period from 1920 to 1938 the overall price for Newfoundland salt cod fell from \$12.68 a quintal to \$3.28.¹⁹⁶

In addition 1920 marked the defeat of the Coaker regulations in Newfoundland. These regulations, put forward by William Coaker who was at the time Minister of Fisheries, proposed, among other things, the establishment of an international marketing cartel for Newfoundland salt cod. The subversion of these regulations by local exporters apparently undermined Newfoundland's international marketing strength and exacerbated the problem of international low salt cod prices.¹⁹⁷

While Grand Bank assumed its role as Newfoundland's largest bank fishing community, the arrival of new deep-sea fishing technology in the form of otter trawlers - steam-powered side or beam trawlers¹⁹⁸ also known as "side draggers" -- in the 1890s obviously made the Newfoundland government reconsider any further bank fishery development plans. The first two decades of the twentieth century saw the French, the Americans, and the Canadians, all make attempts to introduce steam trawlers to the

offshore banks in the western North Atlantic, with varying success.¹⁹⁹ Starting in 1904, the French began replacing most of their bank fishing fleet with steam powered side draggers.²⁰⁰ The Americans began using near-shore beam trawlers as early as the 1880s to land fresh fish for the Boston market, and by the 1910s employed steel hulled steam powered side draggers to fish on the offshore New England and Nova Scotia banks.²⁰¹ Canadian fishing firms made several attempts to use side draggers, but they failed to take a solid foothold until the latter part of the 1910s when a few operated successfully out of Halifax and Canso.²⁰²

Reasons for the change and explanations of the rate of change varied from country to country. Many condemned the new technology and fishing methods as destructive. However, productivity and crew safety were important considerations. The vessels caught thousands of pounds of fish in a single haul. The crews remained aboard these new vessels, eliminating the inherent bank fishing dangers of dory crews becoming separated from the vessel, or of dories being overloaded and capsizing.²⁰³ Steam-powered trawlers could also ride out storms without depending on sails for stability.

In the early 1900s Edward Morris,²⁰⁴ a prominent member of the Newfoundland House of Assembly, expressed interest in steam trawling technology, after the arrival of the French beam trawler fleet in St. Pierre. During his first term in office as Premier (1909-11), he compiled a file on steam trawling.²⁰⁵ Correspondence in his Papers includes a letter written to George Fearn, a Newfoundland businessman and politician, from Mr. Kestrell-Cornisch, the British Consul in St. Pierre, about the French trawler

fleet. In the letter Kestrell-Cornisch commented on the safer conditions inherent in this fishing method. "The comparatively large powers of mobility of the steam trawler and the fact that with it, no fishing from dories (with the consequent risks) is required, are clearly strong points in favour of the steam vessel herein referred to."²⁰⁶ The size of the steam trawling file indicates Morris entertained thoughts of creating or supporting a fleet of Newfoundland side trawlers.²⁰⁷

However, the arrival of William Coaker,²⁰⁸ and his Fishermen's Protective Union (FPU), with its political wing, the Union Party, quickly altered the political agenda of the Newfoundland fishery. Coaker and the FPU claimed to represent the fishermen of Newfoundland, but in their most dominant period, 1908-1920 they made virtually no reference to the Newfoundland bank fishery or Newfoundland bank fishers. While Newfoundland's northeast coast served as the base of Coaker's and the FPU's power, the Union basically ignored the bank fishery as it functioned there, or on the south coast. And while Coaker and the FPU remained non-committal towards the bank fishery, Coaker offered some strong opinions about steam trawling.

Coaker apparently examined steam trawling technology, pronounced it destructive, and through the Union Party, attempted to have it banned in the north-west Atlantic.²⁰⁹ The full extent of his opposition remains unclear. Was his opposition a reflection of the opposition to steam trawling being expressed in New England and Maritime Canada? Various examinations of the FPU's newspaper The Fishermen's Advocate reveal no mention of steam trawling debates. Similarly, accounts of the annual meetings of the

FPU in the 1910s fail to indicate any discussion on this question.²¹⁰

Coaker's remarks on steam trawling probably reflected the 1915 organizing drive on the Burin Peninsula completed by one of his chief organizers and the Union Party's member in the House of Assembly for Trinity, John G. Stone.²¹¹ While Coaker discussed the ominous presence of steam trawlers, he neglected to mention the bank fishery. Stone's efforts were to be one of the last organizing drives completed by the FPU.²¹² In 1916 the FPU established Port Union on the Bonavista Peninsula as its headquarters for Newfoundland's northeast coast. From then on the FPU made no further attempts to organize fishers in other parts of Newfoundland and apparently never returned to the Burin Peninsula. Within three years Stone split from the FPU to join Michael Cashin's government, assuming the Minister of Marine and Fisheries portfolio, a position he held in four separate administrations.²¹³

Some individuals within Newfoundland expressed interest in using side draggers. In St. John's, Bowring Brothers, a major Water Street firm, used a steam trawler with little success in 1901.²¹⁴ In Grand Bank the firm of John D. Patten apparently negotiated for the purchase of two British side draggers. With the outbreak of World War I, however, these vessels and many other side draggers were sold to the British navy and pressed into service as minesweepers.²¹⁵ This ended Newfoundland's early attempt to employ otter trawl technology. In the post-World War I period the Newfoundland government made no interventions to encourage the introduction of steam trawling into the Newfoundland offshore fishery even though it was recognized as being safer for the

fishing crews. For the next twenty years only two steam trawlers operated out of Newfoundland. In the mid-1920s Harvey and Company sent the "Cape Agulhas" and in the mid-1930s Crosbie and Company employed the "Imperialist III" in the offshore fishery.²¹⁶ It was not until the end of World War II that the Newfoundland government and Newfoundland fishing firms would look again at other types of offshore fishing technology.

The examination of government policy towards the bank fishery and the efforts to improve bank fishers' working conditions finds the Newfoundland government making several attempts in the nineteenth century to re-establish a domestic bank fishery. The government's agenda centered on finding methods to diversify and broaden the Newfoundland economy as a means to create employment for the often high numbers of persons out of work and to relieve the subsequent pressure for relief payments. Re-establishing the bank fishery was one of many avenues it pursued. To achieve that goal it provided subsidies to construct and outfit vessels.

For various reasons, the government incentives offered in 1846 and 1865 failed to attract enough interest from Newfoundland fishing firms to sustain their participation. Yet by the early 1870s the continuing presence of the French banking fleet, coupled with increasing numbers of American and Nova Scotian bank fishing vessels frequenting Newfoundland's bays, harbours, and coves in search of bait, once again piqued the Newfoundland government's interest in promoting the economic potential of domestic bank fishing ventures. High overall prices offered for dried salt cod in the 1870s and the

high landings experienced in 1874 all placed the fishery in a positive light.

As the Newfoundland government made efforts to re-establish a domestic bank fishery in the nineteenth century, parallel and ancillary fisheries developed without government assistance. The western boat or jack boat fishery operated on many of the nearshore banks during the nineteenth and twentieth centuries. These locally built vessels were smaller and did not have the range or capacity of the larger bank fishing schooners. However, these craft performed many of the same tasks as the larger vessels. Newfoundland fishers engaged in the bait trade with French, American and Nova Scotian banking schooners through ongoing contact became familiar with the operations of those vessels particularly regarding their bait requirements. Consequently, when Newfoundland firms began expanding into the bank fishery in the early 1880s, they had a trained workforce at their disposal.

The rapid increase in participation in the Newfoundland bank fishery in the 1880s reflected the initial high catch rates and stable prices in the first half of the decade. During the second half of the 1880s, participation in the bank fishery increased even further with the collapse of the Labrador fishery. Attracted by the high catch rates, firms previously engaged in the latter fishery moved to the bank fishery.

Following the incentive programs of the late 1870s, the Newfoundland government made other attempts to enhance the attractiveness of the bank fishery to both merchants and bank fishers. Complaints in the late 1880s about the poor quality of Newfoundland-built schooners operating in the bank fishery led to efforts to improve

construction and inspection standards, with the ultimate goal of building safer, more seaworthy vessels for the bank fishery. In the same period, the Newfoundland government introduced the Bank Fishermen's Insurance Fund to provide a death benefit program for bank fishermen's families.

By the end of the decade, participation in the bank fishery reached an all time high. While bank fishery landings in 1889 accounted for over 20 percent of overall Newfoundland exports, catch rates per vessel and per crew member plummeted to almost one-half of what they were five years earlier. Participation in the bank fishery declined in the post-1889 period. The continuing low catch rates and lessened fishing effort suggests several potential reasons beyond the shortage of bait. These included low economic returns, over-fishing, poor year class recruitment in the cod stock, or other unknown environmental reasons. Poor average earnings²¹⁷ for both vessels and crew members because of excess effort on the accessible fishing grounds²¹⁸ appear as the main reason for the decline. Low levels of regeneration among the cod stocks or some other unknown environmental factors may have resulted in the decline in the numbers of cod on the banks in the early 1890s. Unfortunately the absence of scientific investigation and data prevents evaluating that possibility. Using exports as a reflection of landings reveals that shipments for 1889 and 1890 were the lowest for the twenty year period from 1880 to 1900.²¹⁹ Yet even with increased exports in 1891, catch rates for the bank fishery fell even lower and recovered slowly over the next few years as participation decreased.

Newfoundland fishing firms responded to the situation by steadily withdrawing their vessels from the bank fishery and placing them in the Labrador fishery, in the freighting and coasting trade, or selling them out of Newfoundland. Throughout the 1890s, many Newfoundland ports recorded declines in the numbers of vessels outfitting for the bank fishery.

By 1900 the main activity of the Newfoundland bank fishery was on the south coast. Environmental conditions plus the presence of long-standing bait and western boat fisheries provided south coast merchants and fishers with a solid base from which to operate. The spring ice floes which blocked the bays and harbours along the northeast coast rarely appeared on the south coast. The winter herring fisheries in Fortune and Placentia Bays provided supplies of fresh frozen herring for an often early start of the bank fishery in late February or March. South coast fishing firms with a long tradition of participating in the bait and western boat fisheries obviously had learned how to operate successful bank fishing ventures.

Grand Bank emerged in the 1890s as the dominant bank fishing community on the south coast. This community consistently employed larger vessels and enjoyed better returns, and maintained its position as the dominant bank fishing community until the eventual demise of the fishery in the 1940s.

In the post-World War I decades the dried salt cod bank fishery in the northwest Atlantic endured a long slow decline. Newfoundland occupied a weak position in the dried salt cod industry during that period. Ultimately the reduced activity in the bank

fishery in the 1890s delivered a sobering message to the Newfoundland government. In the 1890s with low catch rates and declining prices, the fishery stumbled and many firms retreated. However the Newfoundland government's original policy thrust succeeded: a domestic bank fishery was re-established in Newfoundland.

In the wake of the retreat of the bank fishery to the south coast, the Newfoundland government did little to explore other options for an offshore fishery. Steam-powered beam trawlers or side draggers appeared as the obvious choice at the time, but the Newfoundland government made scant attempts to encourage this technology. The period from 1914-19 buoyed by the high fish prices should have sparked some interest in upgrading Newfoundland's offshore fleet, yet the fish merchants and traders based in St. John's and other major Newfoundland fishing ports showed little interest in re-entering the bank or any other type of Newfoundland offshore fishery. The decline in fish prices beginning in 1920 combined with the defeat of the Coaker regulations undermined any Newfoundland fisheries development strategy. The absence of any offshore fisheries development strategy dictated the future of the Newfoundland bank fishery. In the face of declining prices and a loss of policy direction the Newfoundland government failed to take the initiative to encourage new technology and move towards upgraded modern offshore fishing vessels. Instead the Newfoundland bank fishery was allowed to fizzle and eventually fade away over the following two decades.

Once again when facing adverse conditions the Newfoundland government and those involved in power positions within the fishery made few if any efforts to reform

or change conditions in the bank fishery. While Newfoundland governments in the 1910s acted to improve health and safety aboard banking schooners, little if anything was done to change the method of offshore fishing. Other countries experimented in this period of change, but the Newfoundland bank fishery remained tied to the traditional schooner technology until the post-World War II transition to the deepsea otter trawl fishery.

APPENDIX L.1

NEWFOUNDLAND BANK FISHERY AVERAGE CATCH RATE FOR VESSELS
AND BANK FISHERS 1884, 1889-1929

Year	Landings (Quintals)	No. of Vessels	Average Catch per Vessel (qts.)	No. of Bank Fishers	Average Catch per Bank Fisher (qts.)	Average Overall Price per Quintal (\$)
1884	98,757	60	1645	1098	90	3.80
1889	236,821	330	718	4401	54	4.20
1890	147,948	279	530	3719	40	3.70
1891	103,688	165	628	2175	48	3.90
1892	90,467	100	905	1392	65	3.45
1893	58,494	71	824	957	61	3.60
1894	54,541	58	940	785	69	3.29
1895	46,984	43	1093	565	83	2.92
1896	54,802	48	1141	616	88	2.99
1897	58,762	66	890	872	67	2.46
1898	74,002	74	1000	1000	74	2.82
1899	97,399	90	1082	1163	83	3.62
1900	116,278	112	1038	1400	83	4.19
1901	113,841	118	964	1531	75	4.19
1902	131,102	110	1181	1444	91	4.27
1903	89,321	100	893	1386	64	3.94

1904	70,872	87	814	1215	58	4.37
1905	71,330	83	859	1161	61	5.14
1906	75,153	97	775	1378	55	5.31
1907	88,086	83	1062	1261	70	5.53
1908	120,000	107	1121	1433	83	5.10
1909	131,452	100	1315	1377	96	4.20
1910	144,524	101	1430	1567	92	4.08
1911	149,924	122	1228	1924	78	5.54
1912	155,517	124	1254	2065	75	5.07
1913	152,374	104	1465	1830	83	5.66
1914	124,067	105	1181	1892	66	5.80
1915	170,390	102	1670	1806	95	6.70
1916	151,888	87	1745	1645	92	7.31
1917	134,298	78	1722	1298	103	8.21
1918	97,300	56	1737	940	104	10.33
1919	94,770	41	2311	732	129	14.46
1920	95,484	50	1910	793	120	12.68
1921	94,461	41	2304	697	135	9.78
1922	132,699	53	2503	934	142	7.35
1923	69,732	51	1360	939	74	6.83
1924	70,013	36	1945	607	115	6.71
1925	101,384	41	2473	753	135	8.97
1926	116,477	47	2477	872	134	8.83
1927	99,633	41	2431	740	135	7.58
1928	123,675	51	2425	932	133	7.33
1929	106,995	56	1911	1033	104	9.14

Sources: Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884, p.207.

Newfoundland, "Returns showing the Number of Vessels fitted out in Newfoundland for the Bank Fishery," Journal of the Newfoundland House of Assembly, Appendices, St. John's, 1890-1920.

Newfoundland, Annual Reports of the Department of Marine And Fisheries, 1914-30, St. John's, Newfoundland.

Shannon Ryan, Fish Out of Water, St. John's, Newfoundland, 1986, p. 263.

ENDNOTES

1. Harold Innis, The Cod Fisheries: The History of an International Economy. Toronto, 1940, 1954, 1978, pp. 10, 17, 48.
2. Ibid., pp. 306-8.
3. Ibid., pp. 307-9.
4. Charles de La Morandiere, Histoire De La Peche Francaise De La Morue Dans L'Amérique Septentrionale, Vol.III, Paris, 1966, pp. 1085-6.
 Bultow or baited trawl - a term used to denote a fishing method employing hundreds of baited hooks on short lines or snoods attached at regular intervals (4-6 ft.) to a heavier longline or backline. See G.M. Story, W.J. Kirwin, & J.D.A. Widdowson, Dictionary of Newfoundland English, Toronto, 1980, 1992, p. 73.
 Chaloupes - wooden boats originally used by the French bank fishing fleet. See La Morandiere, Histoire De La Peche Francaise, Vol.III, 1966, pp. 1041-1042. Commencing in 1878 "dories" replaced "chaloupes" on French bank fishing vessels.
 Dories - small flat-bottomed boats with flaring sides and a sharp bow and stern, providing both stability in the water and easy stowage in stacks on deck. See Story, Dictionary, p. 146.
5. Not all countries engaged in utilizing bultows on the Grand Banks at the same time. The American bank fishing fleet continued to fish from the decks of banking schooners. In the mid-1850's they commenced using dories with one or two fishers handling using two or three baited handlines. The first appearance of the combination of schooners, dories and bultows occurs in the early 1860's. See G.B. Goode, The Fisheries and Fishery Industries of the United States, Section V, Vol. 1, Washington, D.C., 1887, pp. 148-161.
6. La Morandiere, Histoire De La Peche Francaise, Vol.III, 1966, pp. 1085-7.
7. Dories -- Flat-bottomed boats with high flaring sides, sharp bow, and deep V transom (stern board). Usually 12-18ft. in length. Simeon Lowell of Amesbury, Massachusetts invented the dory around 1793. See Otto Kelland, Dories and Dorymen, St. John's, Newfoundland, 1984.
8. When standing on the deck of a vessel and facing the bow, starboard is the right side of the vessel and port is the left.

9. This is the distance the schooner would swing on the anchor in the event that the wind changed. If this was not done then the schooner could end up sitting on top of a line of gear making it impossible to retrieve.

10. United States - The actual number of American bank fishing vessels operating on the Grand Banks before 1850 remains unclear. G.B. Goode in his article on the bank hand-line fishery places no American bank fishing vessels on the Grand Banks off Newfoundland prior to the introduction of dories in 1856-8. Several Newfoundland fish merchants appearing before the Committee Appointed to Enquire into the State of the Fisheries on the Banks and Shores of Newfoundland in St. John's, Newfoundland, in 1844 clearly identify the presence of American bank fishing schooners operating off the Newfoundland coast in the pre-1844 era. Wayne O'Leary in his work The Maine Sea Fisheries estimates that between 100-200 New England fishing vessels annually prosecuted the fishery on the Grand Banks in the period 1815 to 1869. See G.B. Goode, The History of the Fisheries and Fishing Industry of the United States, Section V, Vol. 1, Washington, D.C. 1887, p. 124. Newfoundland, "Report of the Committee Appointed to Enquire into the State of the Fisheries on the Banks and Shores of Newfoundland," Journal of the Newfoundland House of Assembly (JNHA), Appendix, St. John's, Newfoundland, 1845, pp. 228, 229, 232. Wayne M. O'Leary, The Maine Sea Fisheries 1830-1890, Orono, Maine, 1981, pp. 119-23. Newfoundland - See Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," JNHA, Appendix, St. John's, Newfoundland, 1845, pp. 216-34.

Nova Scotia - B.A. Balcom asserts that Nova Scotia bank fishing vessels did not fish on the Grand Banks off Newfoundland until post-1870. T.F. Knight supports Balcom's point indicating that bank fishing occurred on the Scotian Shelf off Nova Scotia in the spring and then moved into all parts of the Gulf of St. Lawrence in June, July, and August, including the western side of Newfoundland and the Straits of Belle Isle. See B.A. Balcom, A History of the Lunenburg fishing industry, Lunenburg, Nova Scotia, 1977, pp. 18-19. T.F. Knight, Report on the Fisheries of Nova Scotia, Halifax, Nova Scotia, 1867, pp. 3-6.

Portugal - See Shannon Ryan, Fish Out of Water, St. John's, Newfoundland, 1986, pp. 97-8.

11. William Reeves, "Our Yankee Cousins": Modernization and the Newfoundland-American Relationship, 1898-1910," Unpublished PhD. Thesis, University of Maine, Orono, Maine, 1987, p. 227.

12. Use of fresh bait as opposed to salted bait frequently resulted in substantial increases in fish landings. See Balcom, A History of the Lunenburg fishing industry, pp. 20-1.

13. Reeves, "Our Yankee Cousins," p. 158.

14. In the early 1890's at least one St. John's firm, R.H. Prowse & Sons, sent vessels to Archentia Bay in January to participate in the winter herring fishery. See Provincial Archives of Newfoundland and Labrador (PANL) MG 483, R.H. Prowse Collection, Letterbook, Letter to Peter Chidley, 18 November 1891 re his application to "skipper" the "Jubilee" in the winter herring fishery. p. 251.

15. For a study on the bait trade and its connections to the bank fishery see W.G. Reeves, "The Fortune Bay Dispute: Newfoundland's Place in the Imperial Treaty Relations under the Washington Treaty, 1871-1885," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1971.

Most notable of these bait fishers was Samuel Harris, recognized as a pioneer of the bank fishery in the community of Grand Bank. Harris, who was engaged in the bait trade in the 1870's, cited increased competition in this business as one of the major reasons he went into the bank fishery in 1880. While few bank fishing merchant records survive, it's apparent that Harris and others, as a result of their contact with French, American, and Canadian banking fishing captains, recognized and capitalized on the expanded economic potential offered by the bank fishery. See Garfield Fizzard, Unto the Sea: A History of Grand Bank Newfoundland, Grand Bank, Newfoundland, 1987, p. 110; and Judge T.R. Bennett, Report of Judge Bennett on the Bait Protection Service, 1890, St. John's, Newfoundland, 1891, p. 176. Approximately 600 of the 1086 bank fishers listed in the 1884 Newfoundland Census came from the electoral district of Harbour Main. This district was known for its participation in the bait fisheries particularly for the large volumes of squid and caplin which appeared regularly in the communities of Holyrood and Harbour Main. See Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884, p. 206.

16. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," JNHA, Appendix, 1845, pp. 216-33. Mudge and Co., St. John's, report consistent small scale participation in the bank fishery from 1815 to 1844. Thomas Bennett, St. John's Chamber of Commerce reports one vessel operating from that port in 1844. Robert Pack, Carbonear commented that his firm last participated in the bank fishery in 1836-7. See also A.F. Buffett, "Grand Bank: Flourishing Fishing Capital of Fortune Bay - Haven of the Banker Fleet," Typescript, Grand Bank, 1941, p. 8. Buffett remarks that vessel owners and firms in Grand Bank made spasmodic efforts to engage in the bank fishery in the 1860's and 1870's.

17. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," JNHA, Appendix, 1845, pp. 203-49.

18. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," JNHA, Appendix, 1845, pp. 220-1.

19. In 1851 the French government paid a subsidy of 30 francs to every man fishing on the Grand Banks, 20 francs for every quintal of fish exported to the French colonies and 16 francs for every quintal carried to French or other southern European ports. See Ryan, *Fish Out of Water*, p. 91.

Explanatory Note: While the impact of French subsidies on Newfoundland's nineteenth century international markets remains unclear, the salt cod produced aboard French, Newfoundland, or any other country's bank fishing vessels had the potential to compete with Newfoundland shore cured or Labrador soft cured salt cod. Producing high quality salt cod depended upon a number of factors, including the initial gutting, heading, splitting, and salting of the fish; the protection the fish received from the elements while in salt; and the care taken by the shore crew whose job included drying the fish on beaches or on large wooden platforms known as flakes. In this latter part of the process leaving the cod too long in the sun would cause it to burn. Similarly, the shore crew needed to maintain a vigilant watch over the fish in case it rained and spoiled the fish. In addition, other environmental factors pertinent to the northwest Atlantic could act to spoil the product. Weeks of cold, damp, foggy weather often undermined the best salt cod fish-handling practices and precautions and resulted in an inferior quality product.

20. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," *JNHA*, Appendix, 1845, p. 223.

21. *Ibid.*

22. A quintal (pronounced ken-tal) is the measurement used for 112 lbs. of light salted dried cod. As an approximate rule of thumb measurement, 500 lbs. of live cod will yield one quintal of light salted dried product. Personal interview with Con O'Brien, Witless Bay, September, 1992, former cod trap skipper and retired fish buyer.

23. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," *JNHA*, Appendix, 1845, p. 221.

24. *Ibid.*, p.212. Apparently similar conditions functioned within Nova Scotia. Prior to 1865 attempts to initiate a bank fishery there failed because of the method of payment. In Nova Scotia merchants sold the cured fish on the international market before paying the crew, a practice also common in Newfoundland. This frequently involved a wait of several months. In New England, the vessel owners paid the crew shortly after landing the catch in port. See Ruth Fulton Grant, *The Canadian Atlantic Fishery*, Toronto, 1935, pp. 8-9.

25. N. Mudge, appearing before the Committee, gives a detailed explanation of the operation of bultows in the bank fishery. See Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," *JNHA*, Appendix, 1845, pp. 216-7.

26. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," INHA, Appendix, 1845, p. 222.
27. Newfoundland, "An Act for the Encouragement of the Bank Fishery" Statutes of Newfoundland, St. John's, Newfoundland, 1845, p. 28.
28. One of the problems identified by Mudge & Co. centered on the inexperience of the crews in using bultows and small boats. Unfortunately the fishing backgrounds of these crew members remains unknown. See Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," INHA, Appendix, 1845, pp. 220-1.
29. The term "jack" in seamen's usage applies to anything smaller or shorter than the normal; hence "jack" staff for a short staff, and "jack" rope for a short rope attached to some part of the vessel. Therefore "jack schooner" would imply a short schooner or one with its stern shortened, leaving its rudder out-of-doors. See J.D. Rosborough, "Nova Scotian Presents More Facts on Converting, Building Jackboats," National Fisherman, September, 1965, p. 34. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," INHA, Appendix, 1845, pp. 230, 233. Two individuals appearing before the Committee, Richard Howley and N. Mudge, identify the jack boats employing four-seven crew as the major Newfoundland presence in the bank fishery. D. Millar and J.A.F. Luttrell, "Report on the Newfoundland and Labrador Fisheries," INHA, Appendix, 1874, pp. 767, 769-70. J.E. Erskine, "Report on the Newfoundland and Labrador Fisheries," INHA, Appendix, 1876, p. 439.
- Western or Jack-Boat – schooner rigged fishing vessels usually 15-30 tons with a 40-50 ft. keel. See Story, Dictionary, p. 604.
30. These vessels were not officially recorded as part of the bank fishing fleet until 1938 when 190 western boats were listed as participating in the bank and deep sea fishery. See Newfoundland, Report of the Newfoundland Fisheries Board and General Review of the Fisheries for the Years 1939 and 1940 with Statistical Survey, St. John's, Newfoundland, September 1941, p. 24.
31. Newfoundland, INHA, Appendix, 1866, p. 217. Public Ledger(PL), St. John's, Newfoundland, 28 March, 1876, p. 2.
32. Chesley W. Sanger, "Technological and Spatial Adaptation in the Newfoundland Seal Fishery During the Nineteenth Century," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1973, pp. 17-21.
33. PL, 28 March 1876, p. 2.
34. PL, 31 January 1865, p. 2.

35. Ibid.
36. Ibid.
37. Ibid.
38. Newfoundland, INHA, Appendix, 1866, pp. 217, 541-4.
39. Newfoundland, INHA, Appendix, 1867, pp. 730-3.
40. Newfoundland, INHA, Appendix, 1868, p. 27. \$4,000.00 allotted for encouragement of the bank fishery and only \$150.00 spent.
41. Bertram G. Riggs, "Sir Frederick Bowker Terrington Carter," Encyclopaedia of Newfoundland and Labrador, Vol. I, J.R. Smallwood (ed.), St. John's, Newfoundland, 1981, pp. 363-5.
42. J.K. Hiller, "Sir William Valance Whiteaway," Dictionary of Canadian Biography, Vol. XIII, Ramsay Cook (ed.), Toronto, 1994, pp. 1089-94.
43. J.K. Hiller, "A History of Newfoundland," Unpublished PhD Thesis, Cambridge University, Cambridge, Great Britain, 1971, p. 39.
44. 1.4 million quintals - the present day equivalent of 342,109 metric tonnes live weight (1,400,000 quintals X 112 lbs./ quintal X 4.8 conversion factor). Ryan, Fish Out of Water, p. 259. For conversion factors see Department of Fisheries and Oceans, Statistical Co-ordinating Committee for the Atlantic Coast: Standard Conversion Factors: All Species, Document No. 2, Revision No. 1, June 1984, p. 1.
45. Ryan, Fish Out of Water, p. 262.
46. PL, 17 March 1876, p. 2.
47. PL, 28 March 1876, p. 3. The Ledger's statistics mislead the reader as they project fish exports as constant next to an increasing population base. This assumption was problematic at best as there appears to have been little correlation between Newfoundland's nineteenth century population and the size of the fish catch. Nevertheless, this newspaper represented the view of the government of the day and made a case in favour of the encouragement of the bank fishery.
Shannon Ryan projects a more realistic view of fish exports indicating the sometimes wide variations that occurred from Newfoundland. Newfoundland's population did more than double in this period, but fish exports varied dramatically. See Ryan, Fish Out of Water, pp. 258-9. According to Ryan's findings, Newfoundland, with a summer

population of 55,000, exported 1,182,661 quintals in 1815. In 1874 Newfoundland's population stood at 161,374 persons. That same year Newfoundland exported 1,595,827 quintals of fish. During the 1815-1914 period Newfoundland's salt cod exports ranged from an 1834 low of 674,988 quintals to the 1874 high of 1,595,827 quintals.

48. Ambrose Shea, a prominent Newfoundland politician at the time, credited the trade in supplying the American bank fishery with bait and other supplies as a major support to the re-establishment of the Newfoundland bank fishery in 1876. See Morning Chronicle, St. John's, Newfoundland, 21 October 1879, p. 2.

49. W.M.P. Dunne, "An Irish Immigration Success Story: Thomas Francis McManus," unpublished Ph.D. thesis, SUNY, Stony Brook, N.Y., 1990, p. 89. The removal of the U.S. cod fishing bounty probably meant cod fishing was less financially attractive for northeastern U.S. fishers, hence the incentive to recruit fishers from Nova Scotia and Newfoundland. For more discussion on the U.S. cod fishing bounty see Wayne M. O'Leary, The Maine Sea Fisheries, Orono, Me., 1981, pp. 57-114. One of the original purposes for the bounty was to use this fishery as a training ground for naval crews. By the mid-1860's this was no longer seen as necessary. Raymond McFarland, A History of the New England Fisheries, New York, 1911, p. 163.

50. PL, 28 March, 1876, p. 1.

51. Reeves, "Our Yankee Cousins," 1987, p. 211.

52. Newfoundland, "An Act for the Encouragement of the Bank Fishery," Statutes of Newfoundland, St. John's, Newfoundland, 1876, 1879, 1880.

53. In addition the Newfoundland government apparently refunded duties paid by shipbuilders on imported materials and goods used in the construction of bank fishing vessels. Times and General Commercial Gazette, St. John's, Newfoundland, 3 April 1880, p. 1. Apparently some individuals thought this policy remained in force into the 1890's. See PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, letter dated 3 January 1890, to Mr. O'Dwyer, Receiver-General from R.H. Prowse & Sons requesting duty exemption on dories imported for bank fishing vessel "W. Rodgers."

54. For example the total bounty for a 50 ton vessel would be \$300.00 (\$6.00 X 50 tonnes). The outfitter received \$150.00 and the captain and crew shared \$150.00 among them. In all probability the captain received two or three shares, depending on his experience.

55. To date no evidence appears which indicates that customs officers ever prevented a bank fishing vessels from going to sea because it was inadequately outfitted or provisioned.

56. Newfoundland, "An Act for the Encouragement of the Bank Fishery," Statutes, 1876, pp. 106-7, and Newfoundland, "Bank Fishery Encouragement Act," Statutes, 1879, pp. 89-91.
57. Newfoundland, INHA, Appendix, 1875, pp. 576-576a.
58. Newfoundland, "An Act for the Encouragement of Shipbuilding and for Other Purposes," Statutes, 1880, pp. 77-8. Participation in the bank fishery had to occur within two years of the vessel's registration for the owner to qualify for the addition \$2.00/ton subsidy. Newfoundland, "An Act for the Encouragement of Shipbuilding," Statutes, 1880, p. 77.
59. Newfoundland, INHA, Appendix, 1881, p. 642.
60. The presence of Bowring Brothers' 311 ton steamer "Falcon" alters the average tonnage. With this vessel removed the average bank fishing vessel size for 1880 stood at 61 tons.
61. Presbyterian clergyman, essayist, historian, and naturalist, Moses Harvey emigrated to Newfoundland from Northern Ireland in 1852 and remained until his death in 1901. See F.A. Aldrich, "Moses Harvey," DCB, Vol. XIII, Toronto, 1994, pp. 455-6.
62. Moses Harvey, "Our Newfoundland Letter," Montreal Gazette, 19 August 1880.
63. Treaty of Washington, Section XIX, London, Great Britain, 1871, p. 6.
64. Record of the Proceedings of the Halifax Commission, Protocol I, Halifax, 1877.
65. PANL, MG 213, Box #2, File Folder 19, The Sir William Whiteway Collection, See Final Arguments on Behalf of Her Britannic Majesty No.VII Argument made by William V. Whiteway.
66. Newfoundland, "Vote of Thanks Recorded by Both Branches of the Legislature of Newfoundland to the Hon. William Vallance Whiteway Q.C. Premier and Attorney-General of Newfoundland for his Services upon the Halifax Fishery Commission," St. John's, Newfoundland, 1879.
67. Robert H. Cuff, "Munn, William Azariah," Encyclopaedia of Newfoundland and Labrador, Vol.III, Cyril F. Poole (ed.), St. John's, Newfoundland, 1991, pp. 651-2.
68. Ibid.

69. Newfoundland, "An Act to Regulate the Exportation and Sale of Herring, Caplin, Squid, and Other Bait Fishes," Statutes, 1887, pp. 5-9.
70. W.A. Munn, "Harbour Grace History," The Newfoundland Quarterly, 38, 3, December, 1938, p. 5.
71. Ibid., p. 5.
72. Melvin Rowe, I Have Touched the World's Greatest Ship, St. John's, Newfoundland, 1976, pp. 180-1.
73. Ibid.
74. E.H. Hall, The Home Colony, London, 1882, p. 33.
75. Evening Telegram(ET), St. John's, Newfoundland, 8 February 1888, p. 4.
76. Daily Colonist(DC), St. John's, Newfoundland, 3 March 1891, p. 2; DC, 24 March, 1891, p. 4. Bank fishing voyages operating under a signed agreement between the crew and the supplying merchant could not be abandoned or altered during the time period laid out in the agreement. Altering or abandoning voyages could only occur on board vessels where the crew and suppliers had not signed bank fishing agreements or where both parties agreed to end the voyage by mutual consent. See discussion of Masters and Servants legislation in Chapter 3.
77. R.P. Rice, "Report on the Fisheries," JNHA, Appendix, 1887, p. 707; also Innis, The Cod Fisheries, p. 456; and Evening Mercury (EM), St. John's, Newfoundland, 15 June 1885, p. 2.
78. Daily Colonist (DC), Evening Herald (EH), Evening Telegram (ET), St. John's, 1885-92, Harbour Grace Standard (HGS), Harbour Grace, 1885-91, Trinity Weekly Record (TWR), Trinity, Trinity Bay, 1886-93.
- 79: Bowring's outfitted their 311 ton, steam-powered sealing vessel the "Falcon" employing a crew of forty to prosecute the bank fishery in 1880. See Newfoundland, JNHA, Appendix, 1881, p. 638. Later, in 1887, Job Bros. and Co. outfitted the "Alert," another steam powered vessel for service in this fishery. See ET, 31 August 1887, p. 1.
80. Gross tons - the carrying capacity of a ship or vessel. See Shorter Oxford English Dictionary, Oxford, 1964, p. 2209.
81. Three salt bankers from the Burgeo-Lapoile district, averaging 41.6 tons, and carrying a total of 26 crew among them, landed a total of 2100 quintals of salt cod in

1884. See Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884, p. 207.

In 1891 the Burgeo-Lapoile district had nine salt bankers, carrying a total of 86 crew, with an average vessel size of 45.7 tons, and 7004 quintals of salt cod. See Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1891, p. 278.

82. A frozen herring fishery operated in both Fortune and Placentia Bays during the latter decades of the nineteenth century. See ET, 8 February 1888, p. 4.

83. Garfield Fizzard, Unto The Sea: A History of Grand Bank, Grand Bank, Newfoundland, 1986, pp. 126-9.

84. D. Millar and J.A.F. Luttrell "Report on the Newfoundland Fisheries," JNHA, Appendix, 1874, pp. 767-70.

85. EM, 29 August 1887, p. 4.

86. Fizzard, Unto the Sea, p. 107.

87. ET, 18 November 1887, p. 4, and ET, 8 August 1891, p. 1.

88. DC, 25 September 1891, p. 4.

89. Newfoundland, JNHA, Appendix, 1881, p. 642. and Newfoundland, JNHA, Appendix, 1889, pp. 94-5. These numbers do not include western boats which often fished the mid-shore banks in the summertime.

90. Newfoundland, Census of Newfoundland and Labrador, 1884, pp. 206-7; Newfoundland JNHA, Appendix, 1890, p. 95.

91. Funds for these bounties probably came from the Halifax Fishery Commission monies awarded to Newfoundland in 1878.

92. Bertram G. Riggs, "Elections," Encyclopaedia of Newfoundland and Labrador, Vol.1, 1981, pp. 695-7.

93. R.H. Cuff, "Thorburn, Robert," Dictionary of Newfoundland and Labrador Biography, R.H. Cuff (ed.), St. John's, Newfoundland, 1990, pp. 338-9.

94. Riggs, "Elections," Encyclopaedia of Newfoundland and Labrador, Vol. 1, pp. 694-6.

95. Newfoundland, Census of Newfoundland and Labrador, 1884, p. 204.

96. Ibid., p. 206.
97. Internationally, prices for salt cod fell from \$3.82/quintal to \$2.89/quintal. See David Alexander, "Newfoundland's Traditional Economy and Development to 1934," Newfoundland in the Nineteenth and Twentieth Centuries, Hiller and Neary (eds.), Toronto, 1980, p. 23.
98. Clara Murphy, "The Labrador Gale of '85," Them Days, Vol. 11, No. 1, September 1985, pp. 3-27.
99. ET, 10 June 1885, p. 4.
100. ET, 10 June 1885, p. 4.
101. EM, 9 June 1885, p. 1.
102. Apparently some vessels damaged in the storm were rebuilt a few years later. See PANL GN 1/3/A Governors Miscellaneous and Local Correspondence 1849-1890, Schooners and Sailing Vessels, File 37.
103. H.M.S. Cotter, "The Great Labrador Gale," The Beaver, Winnipeg, Manitoba, September 1932, pp. 81-4. Murphy, "The Labrador Gale of 1885," Them Days, 11, 1, 1985, pp. 3-23. Michael Harrington, "Labrador Disaster," Encyclopaedia of Newfoundland and Labrador, Vol.III, 1991, p. 224.
104. Twillingate Sun (TS), Twillingate, Newfoundland, 12 December 1885, p. 2.
105. Total expenditures of Poor Relief for the 1882-5 Whiteway Administration amounted to \$469,600; for the 1885-9 Thorburn Administration the sum was \$606,700. See Newfoundland, "Estimates and Public Accounts," JNHA, Appendices, St. John's, 1883-90.
106. Many of these vessels were damaged not destroyed. In the late 1880's owners made various requests to have some of these now repaired vessels inspected and re-registered. See PANL GN 1/3/A Governors Miscellaneous and Local Correspondence 1849-1890, Schooners and Sailing Vessels, File 37.
107. DC, 10 September 1886, p. 4.
108. DC, February-July, 1886-9.
109. HGS, May-June, October-November, 1886-8; DC, September-November, 1886-8. The Daily Colonist reported some bank fishers earning as high as \$300.00 each in 1887

for their season on the banks. See DC, 11 November 1887, p. 4. The crew of one vessel the "Souris Light" shared \$360.00 a crewmember in 1887. See DC, 10 January 1888, p. 4.

110. DC, 6 July 1887, p. 4; DC, 28 November 1887, p. 4.

111. St. John's-based supplying merchants based in the bank fishery introduced a repressive bank fishery contract in 1888 which severely reduced provisions to the crews and restricted their earnings. See DC, 13 January 1888, p. 4; DC, 11 February 1888, p. 4; DC, 7 March 1888, p. 4. DC, 23 March 1888, p. 4.

112. In 1887, 56 Newfoundland bank fishers died at sea, with the disastrous August Gale of that year claiming over 40 of them. See DC, 15 May 1888, p. 4.

113. DC, 3 October 1888, p. 4.

114. DC, 23 April 1889, p. 4; DC, 2 June 1888, p. 3. The disasters in the 1887 bank fishery illuminated concerns raised by Captain Philip Cleary during the 1887 Shipbuilding Act renewal debate. See DC, 10 June 1887, p. 3 and DC, 11 June 1887, p. 3.

115. DC, 10 April 1888, p. 4.

116. DC, 26 March 1889, p. 4.

117. Originally introduced as a petition to the House in 1888. It reappeared as an opposition sponsored bill in 1889 but failed to gain enough support in the House. See DC, 23 March 1888, p. 3; DC, 26 March 1889, p. 3.

118. DC, 8 May 1888, p. 3.

119. DC, August-December 1888. ET, August-December, 1888.

120. DC, 27 April 1888, p. 4.

121. Newfoundland, Annual Report of the Department of Marine and Fisheries, 1894. (Adolph Neilsen's Fishery Report), St. John's, 1894, p. 70. This figure represents all U.S. vessels fishing east of Georges Bank.

122. Newfoundland, "Customs Returns," INHA, Appendix, St. John's, 1890, pp. 94-5. The definition of banking schooner becomes murky especially with vessels between 30-50 tons and it is possible that some vessels recorded as banking schooners were western boats. A.F. Martin in his 1935 description of the bank fishery also finds the distinction between banking schooners and western boats unclear. See A.F. Martin, "The Economic

Geography of Newfoundland," Unpublished PhD. Thesis, Oxford University, Oxford, 1938, pp. 118-9.

123. DC, 16 September 1889, p. 4; DC, 19 September 1889, p. 4; DC, April-December, 1889; ET, April-December, 1889; EM, April-December, 1889.

124. DC, July-September 1889. By September both Carbonear, Conception Bay, and communities in Placentia Bay reported the bank fishery a failure. See DC, 6 September 1889, p. 4 and DC, 13 September 1889, p. 4.

125. Ryan, Fish Out of Water, p. 260.

126. Newfoundland, "Bank Fishery Returns," JNHA, Appendix, 1890, p. 95.

127. See Chapter 3, Appendix 3.1, Section 14.

128. Ryan, Fish Out of Water, p. 263.

129. In normal circumstances the firm deducted the operating expenses first. This included the captain's share, which was usually a percentage of the gross earnings, the first mate's percentage, the cook's wage, the food, bait, salt, and other incidental expenses.

The figure offered here represents the total vessel earnings less the boat share (usually one half the total vessel earnings) divided equally among the total number of crew members. The operating expenses which firms deducted off the top are not calculated. Consequently, the actual earnings of a bank fisher would have been even lower. [54 quintals X \$4.20 = \$218.40 ÷ 2 = \$109.20]

130. The average overall price for a quintal of dried salt cod fell to \$3.70. See Ryan, Fish Out of Water, p. 263.

131. Newfoundland, JNHA, Appendix, 1907, pp. 258-9.

132. Newfoundland, Census of Newfoundland and Labrador, 1884, p. 207.

133. DC, 21 August 1889, p. 4; DC, 3 March 1891, p. 2.

134. DC, 24 March 1891, p. 4; DC, 5 August 1891, p. 4. By 1891 no bank fishing vessels operated from King's Cove, Bonavista Bay. See DC, 21 November 1891, p. 4. It remains unknown how many returned to the Labrador fishery or the coasting and freighting trade or how many vessels were sold to buyers outside Newfoundland.

135. Riggs, "Elections," Encyclopaedia of Newfoundland and Labrador, Vol. 1, 1981, pp. 696-7.
136. Originally the Newfoundland government passed the Bait Act in 1886 but failed to receive final approval from the British government that year. In 1887, the Newfoundland government once again passed the act and succeeded in having it proclaimed. See Newfoundland, JNHA, 1886, p. 246; DC, 16 February 1887, p. 4.
137. DC, 19 February 1887, p. 4.
138. Newfoundland, JNHA, Appendix, 1886, p. 738.
139. DC, 4 July 1889, p. 4.
140. DC, 11 July 1889, p. 4; DC, 14 August 1889, p. 4.
141. Riggs, "Elections," Encyclopaedia of Newfoundland and Labrador, Vol. 1, 1981, p. 697.
142. Robert H. Cuff, "Murray, James," Encyclopaedia of Newfoundland and Labrador, Vol. III, 1991, p. 657. Murray, himself a St. John's merchant, proved to be an exception. A progressive, he represented the interests of male fishers and workers much more vigorously than Whiteway's Liberals. See DC, 19 June 1890, p. 3.
143. Riggs, "Elections," Encyclopaedia of Newfoundland and Labrador, Vol. 1, pp. 696-7.
144. Bertram G. Riggs, "Bennett, Thomas R.," Encyclopaedia of Newfoundland and Labrador, Vol. I, pp. 177-8.
145. Bennett, Report, p. 36.
146. Ibid.
147. Ibid., p. 167.
148. Ibid.
149. Personal Interview with Aubrey Farrell, St. Lawrence, Newfoundland, July 1992, grandson of Thomas Farrell.
150. Ibid.

151. Newfoundland, "An Act to amend Title XXVIII, Chapter 109 of the Consolidated Statutes entitled 'Of Masters and Servants,'" Statutes, 1890, p. 101; Newfoundland, "An Act to amend 53 Vic. Cap.14, entitled 'An Act to amend Title XXVIII, Chapter 109 of the Consolidated Statutes entitled Of Masters and Servants,'" Statutes, 1891, pp. 5-7.
152. Frank Galgay, "Shea, Ambrose," Dictionary of Newfoundland and Labrador Biography, pp. 309-10.
153. ET, 8 March 1883, p. 4.
154. Ryan, Fish Out of Water, p. 44.
155. One of the first public recognitions of the marketing problem in this period occurs in 1897 with a letter written to the Evening Telegram by James Murray. ET, 19 July 1897, p. 4. Murray by this time was a bankrupted fish merchant, his business destroyed by the 1894 bank crash.
156. David J. Davis, "The Bond - Blaine Negotiations, 1890 - 1891," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1970, p. 19.
157. A businessman and politician, born in Bermuda and emigrated to Newfoundland in 1853 and died there in 1903. Melvin Baker, "Augustus William Harvey," DCB, Vol.XIII, 1994, pp. 451-3.
158. Bertram G. Riggs, "Bond, Sir Robert," Encyclopaedia of Newfoundland and Labrador. Vol.I, 1981, pp. 218-222.
159. Hiller, "A History of Newfoundland," p. 207.
160. Newfoundland, "Foreign Fishing Vessels Act," Statutes, 1892, pp. 209-10; and Newfoundland, "Foreign Fishing Vessels Act," Statutes, 1893, pp. 24-7.
161. Hiller, "A History of Newfoundland," p. 210.
162. Ibid., p. 259.
163. Newfoundland, Annual Report of the Department of Marine and Fisheries, St. John's, Newfoundland, 1894, 1902, 1907-20. Newfoundland fishers engaged in the Bay of Islands and Bonne Bay frozen herring fishery as early as 1901. See Newfoundland, "Herring Fishery," Annual Report. Marine and Fisheries, St. John's, Newfoundland, 1902.
164. Ryan, Fish Out of Water, p. 255.

165. Ibid.
166. PANL, MG 83, The Bradshaw Collection.
167. Ibid., File No. 8.
168. Newfoundland, Annual Report -- Marine and Fisheries for the Year 1894, St. John's, 1894.
169. PANL, GN 2/2, Minutes of Newfoundland Fishery Committee, 17 April 1888. Letters of Recommendation from Capt. J.W. Collins, and A.W. Harvey supported Adolph Nielsen's application for Fisheries Superintendent position.
170. Sometimes the owner of the vessel played no role in outfitting or supplying the vessel for the fishing season. In those situations the owner leased the vessel to a fish merchant for the season. The merchant in turn outfitted and supplied the vessel.
171. Newfoundland, Annual Report -- Marine and Fisheries, 1894, p. 59.
172. Ibid.
173. An arrangement by which a fisherman and his family are supplied by a merchant with provisions, gear, etc., against the seasons catch. See Story, Dictionary, p.585.
174. Ibid., p. 46-7.
175. Ibid., pp. 60-4.
176. Ibid., pp. 65-7.
177. Ibid., pp. 67-8.
178. Ibid., pp. 71-2.
179. Whether many Newfoundland bank fishing firms engaged in this practice remains unclear. In January, 1892 R.H. Prowse & Sons dispatched Captain Day to Boston with a load of "green" fish. Unfortunately the schooner went down en route and the vessel was lost with all hands. See PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, pp. 266, 294.
180. Newfoundland, Annual Report -- Marine and Fisheries, 1894, p. 72.

181. Moses Monroe, a major bank fishery supplying merchant in the late 1880's, lost his business in the 1894 bank crash. See Gavin M. Will, "Monroe, Moses." Encyclopaedia of Newfoundland and Labrador. Vol. III, 1991, p. 599.
182. PANL, MG 483, Robert H. Prowse & Sons Collection.
183. Newfoundland, Census of Newfoundland and Labrador. Vol. 2, 1901, pp. 2.8.
184. Communities participating in the 1900 bank fishery included Catalina, New Perlican, and Heart's Content in Trinity Bay; Bay Bulls on the Eastern Avalon; Burin and St. Lawrence in Placentia Bay; Fortune, Grand Bank and Belleoram in Fortune Bay; and Harbour Breton, Burgeo and Ramea on the remainder of the southwest coast. See Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1901.
185. Newfoundland, "Annual Report of the Department of Marine and Fisheries for the Year 1914," INHA, Appendix, St. John's, Newfoundland, 1915, p. 550.
186. Grand Bank's participation in the bait fishery can probably be traced back to the time of the introduction of bultows by the French banking fleet at St. Pierre in 1818. By the mid-1830's the trade proved so extensive that the Newfoundland House of Assembly passed legislation banning it. However, this attempt to prevent the sale of bait to foreigners proved futile. See Fizzard, Unto the Sea, pp. 82-3.
187. Fizzard, Unto the Sea, pp. 82-3, 110.
188. Names such as Buffett, Forsey, Grandy, Harris, Hickman, and Tibbo later became part of the business elite in Grand Bank. See Fizzard, Unto the Sea, pp. 110-5.
189. Grand Bank led all other communities in terms of overall landings, total tonnage, and numbers of bank fishers engaged annually.
190. The average prices received for dried salt cod fell from a high of \$14.46/quintal in 1919 to \$7.35 three years later. See Newfoundland, "Codfishery," Annual Reports of the Department of Marine and Fisheries, St. John's, Newfoundland, 1920-3.
191. Fizzard, Unto the Sea, pp. 159-64.
192. The price of a quintal of dried salt cod fell from \$14.46 in 1919 to \$4.34 in 1940. See Newfoundland, Annual Report of the Department of Marine and Fisheries, St. John's, Newfoundland, 1919-32; Newfoundland, Report of the Newfoundland Fisheries Board and the General Review of Fisheries, St. John's, Newfoundland, 1941. For the similar decline in salt cod prices in Nova Scotia see Ruth Fulton Grant, The Canadian Atlantic Fishery, Toronto, 1935, p. 82.

193. Newfoundland, "An Act Respecting the Bank Fishery," Statutes, 1915, p. 95.
194. Newfoundland, "An Act for the Protection of Persons Engaged in Trawl Fishing," Statutes, 1916, p. 174.
195. Government statistics for the period prior to 1938 failed to include western boats and jack boats engaged in the bank fishery. The figures for 1938 reveal 236 vessels and one steam trawler participating in the Newfoundland bank and deepsea fishery. Of these, only 46 are greater than 50 tons; 190 vessels are western or jack boats ranging from under 25 tons to 49 tons. See Newfoundland, Report of the Newfoundland Fisheries Board, 1941, p. 6.
196. Newfoundland, Annual Report -- Marine and Fisheries for the Year 1919, 1920, p. 10; Newfoundland, Report of the Newfoundland Fisheries Board, 1941, p. 7.
197. Ian MacDonald, "W.F. Coaker and the Fishermen's Protective Union in Newfoundland Politics, 1908-25," Unpublished Ph.D. Thesis, University of London, London, 1971, pp. 220-63.
198. This method of fishing involved towing a large bag-like net held open by two metal wings or doors across the ocean floor using a 40 metre or greater steam powered vessel.
199. Bowring Brothers, a firm prominent in the Newfoundland fishery, attempted to use a steam trawler in 1901. See La Morandiere, Histoire De La Peche Francaise. Vol.III, 1966, p. 1043. For information on early steam trawlers operating off the east coast of Canada see Frederick William Wallace, The Canadian Fisheries Manual, Part II, Gardenvale, P.Q., 1944, pp. 22-24.
200. La Morandiere, Histoire De La Peche Francaise, Vol. III, 1966, pp. 1043.
201. Andrew German, "Otter Trawling Comes to America: The Bay State Fishing Company, 1905-1938," American Neptune, Vol. 44-5, Salem, Massachusetts, 1984, pp. 114-131.
202. Wallace, The Canadian Fisheries Manual, pp. 22-4.
203. German, "Otter Trawling," p. 118.
204. Wade Colbourne, "Morris, Edward Patrick," Encyclopaedia of Newfoundland and Labrador, Vol. III, 1991, pp. 622-4.

205. Morris had previous exposure to conditions prevalent in the offshore fishery. In the late 1880's he was instrumental in establishing the Bank Fishermen's Insurance Fund, a death benefit insurance programme for the families of bank fishers. Additionally, he had supported Captain Philip Cleary in his attempts to improve construction standards for Newfoundland-built banking schooners.
206. PANL, GN 8/1, Sir Edward Morris Collection, File # 56, Letter to George Fearn, St. John's, from Mr. Kestrell-Cornisch, H.B.M. Consul, St. Pierre, 3 December 1909.
207. Ibid., File 56.
208. Catherine F. Horan, "Coaker, William F.," Encyclopaedia of Newfoundland and Labrador, Vol. I, 1981, pp. 457-61.
209. Daily News (DN), St. John's, 28 April 1916, p. 10.
210. William Coaker (ed.), Twenty Years of the Fishermen's Protective Union of Newfoundland, St. John's, Newfoundland, 1930, pp. 1-198.
211. Coaker, Twenty Years, p. 82.
212. Ibid., pp. 107, 118. Coaker visited the Burin Peninsula in the winter of 1917, but apparently attempted no further organizing efforts.
213. S.J.R. Noel, Politics in Newfoundland, Toronto, 1971, pp. 290-4. Stone first served as Minister of Marine and Fisheries in the 1917 National Government headed by Richard Squires.
214. La Morandiere, Histoire De La Peche Francaise, Vol. III, p. 1043.
215. DN, 28 April 1916, p. 10.
216. Newfoundland, Report of the Commission of Enquiry Investigating the Seafisheries, St. John's, Newfoundland, 1937, p. 23.
217. Obviously, higher overall average prices would have mitigated the reduction in participation levels, although to what extent remains unclear.
218. The limitations of the existing technologies restricted fishing activity to those areas of the banks where the ocean floor was less than 40 fathoms deep (240 ft. or 73 m.). In addition, navigation was much less sophisticated with positioning being determined by the use of a compass and time piece, otherwise known as dead reckoning.

219. Ryan, Fish Out of Water, p. 260.

CHAPTER II

The Work Processes in the Bank Fishery

"In forty-five ten, you will catch fish as big as men."¹

During the nineteenth century bank fishers in the north-west Atlantic sailed to the offshore fishing grounds in wooden sailing vessels ranging from 20 to over 250 tons. These vessels were schooners, brigantines, and occasionally in Newfoundland's case, underutilized steam powered sealing vessels. Americans, Nova Scotians and Newfoundlanders preferred two-masted schooners while the French favoured three-masted square-rigged ships and three-masted schooners.²

Schooners, developed in New England in the eighteenth century, offered certain advantages. Adaptable for various uses including yachting, ocean-going cargo carrying, coastal freighting, and fishing, these easy to manoeuvre craft earned a reputation among seafarers as stable and reliable boats.³ Since the sails could be hoisted and lowered from the deck, fewer crew were required so schooners' labour costs were less. By the mid-nineteenth century most northwestern Atlantic fishing nations had adopted the schooner as the preferred bank fishing vessel.⁴ The date of their introduction to Newfoundland is unclear but they were in common use by the early nineteenth century.⁵

Nineteenth century bank fishers used handlines, cod jiggers, and bultows to catch fish. Handlining was done in a dory or other small boat or next to the gunwale on the deck of the schooner using a long weighted line of up to thirty to forty fathoms (fifty-five

to seventy-five meters)⁶ with one to three baited hooks. After baiting the hooks with caplin, herring, mackerel, or squid, a fisher lowered the line into the water until he felt it hit bottom. He then raised the hooks approximately six feet off the ocean floor and commenced tugging the line in an up-and-down motion. A strong erratic tug on the line signalled a fish on the hook. The fisher pulled the fish to the vessel, removed it from the hook, rebaited, and continued the process.

An American journalist, W.V. Wells, provided a snapshot of handlining aboard an American fishing schooner.

Cod-fishing was now commencing in good earnest. Every man had his allotted berth or station (three feet and a half of rail), where the cleat for his line and a space on deck for the coils of his gear was considered inviolate. These rails were but three feet high, and over these we bent and commenced catching as fast as we could haul in and throw. The lines are allowed to run out until the lead strikes bottom (say in thirty or forty fathoms), which is then just raised enough to allow the gear to clear the bottom; for cod, unlike mackerel, do not often shoal at the surface, but swim at a great depth. The bait used is either soft shelled clams (salted and barrelled) or squid. These last are caught by means of a "squid-jig" - a piece of pewter run on a paper of hooked pins. Squid are scarce and valuable and are only taken at night.⁷

Wells' 1861 article captures the work experience of a bank fishing method rapidly in decline. Within a few years only the occasional American banking vessel still used this method.

A second method involved using a cod jigger.⁸ This fishing tool has two hooks placed back to back and held together by with a heavy lead weight (often in the shape of a fish) attached to a line 50-60 fathoms in length.⁹ As with the handline, fishers

working from small boats or the deck of a bank fishing vessel lowered jiggers to approximately one fathom from the bottom and commenced a series of sharp upward jerks. A stiff erratic downward tug indicated a cod or some other fish on the jigger, and the line was pulled to the surface and the fish taken aboard.

The third technology was bultows. As mentioned in Chapter 1, the French migratory bank fishery operating out of St. Pierre¹⁰ began using bultows early in the nineteenth century.¹¹ Originally, fishing crews set out these bultows by attaching one end to the ship and using a large row boat or "chaloupe"¹² to place the gear on the fishing ground. A crew member attached the head rope or buoy line to the vessel and the crew in the row boat began rowing away from the ship. Moses Perley described the French bultow fishery in his 1848 report on the Gulf of St. Lawrence fisheries:

The French fishing vessels chiefly anchor on the grand bank of Newfoundland in about 45 fathoms of water, veer out one hundred fathoms of cable, and prepare to catch cod with two lines, each 3000 fathoms in length. The snoods¹³ are arranged (six feet long and twelve feet apart) and the hooks being baited, the lines are neatly coiled in half bushel baskets, clear for running out. The baskets are placed in two strong built lug-sail boats (chaloupes), and at three o'clock in the afternoon both make sail together at right angles from the vessel on opposite sides. When the lines are run out straight they are sunk to within five feet of the bottom. At daybreak next morning the boats proceed to trip the sinkers at the extremities of the lines, and while the crew of each boat are hauling in line and unhooking the fish, the men on board heave in the other end of the lines with a winch. The fish are cleaned and salted onboard and stowed in the hold in bulk; the livers are boiled to oil which is put in large casks secured on deck. In fine weather the largest class of vessels frequently run out three or four bultows in different directions from the ship and thus fish 10,000 fathoms of line or more at one time with a proportionate number of hooks.¹⁴

By the 1830s the French varied their bultow fishing by often not fastening the gear to the vessel.¹⁵ In the late nineteenth century they replaced "chaloupes" with dories.¹⁶

The Americans introduced dories to the bank fishery in the 1850s when their vessels began using dories to handline on the Grand Bank, especially in the area around the Virgin Rocks.¹⁷ By the 1870s American vessels began fishing with a combination of dories and bultows.¹⁸ In the same decade Nova Scotian and Newfoundland banking fleets also incorporated schooners, dories and bultows.

The bank fishery generally operated from March until October, but fishing schedules and areas varied from country to country,¹⁹ and as outlined in Chapter 1 from region to region within Newfoundland. While fishing strategies varied, the actual work processes were similar. Once vessels arrived on the fishing grounds, the captains tested the depth and the quality of the ocean floor with a lead line (pronounced led line). The more sophisticated of these lead lines often contained a small device for sampling the ocean bottom, although frequently they used a greased piece of lead to retrieve rocks and shells from the bottom – frequently an appealing habitat for cod. Once the captain determined a favourable location, the crew moored the schooner using the cable anchor. Most banking schooners carried two anchors and cables. A rope cable used for mooring at sea offered greater flexibility for riding large rolling waves, while a chain cable used for anchoring in harbours held the vessel close to its mooring.²⁰ At anchor, the crew baited the gear, launched the dories, and set the trawl or bultows.

Ruth Fulton Grant offers a description of this fishing method:

Cod trawl lines consist of two parts, the ground line and the ganglings. The latter are about two feet long, made of tarred cotton, and attached at intervals of three and one half feet to the ground line. The ground line is a small [approximately one quarter inch thick] tarred cotton line. The hooks are baited before the men leave the vessel and the trawls are coiled in tubs of 500 hooks each. One man pays out the line from the dory as the other rows. One end is attached to a small anchor and buoy and when the long line with its five hundred short lines and hooks is paid out the other end is also fastened to an anchor and buoy. A complete set of trawls, with the seven or eight dories carried by the schooner covers a circular area with a radius of about one mile from the schooner. The "underrunning" method of trawl fishing consists of removing the fish, rebaiting the hooks and continuing operations in the same location without re-setting.²¹

Frank Thornhill of Anderson's Cove, Newfoundland, describes setting and hauling trawl lines from a banking dory:

When we set the gear, we'd row a little ways from the schooner, far enough that if the wind changed the schooner wouldn't take the buoys when she swung around. Then you'd set your four tubs of gear out tying them together so you'd end up approximately a mile and a quarter from the schooner. If you had the tide going with you, you'd set from the schooner, but if the tide was against you, you'd have to row out a distance you thought the gear would be [extend] and then set back toward the schooner.

If you had your gear on the run that's what we called having the gear moored, then you'd underrun your gear. If you had your gear set like they did early in the spring then you'd start to take your gear in. Say you hauled two tubs of gear and got a load of fish, well then you'd have to pull aboard with that load, go back and pick up your buoy again to finish hauling your gear in. If you were anchored on any fish you wouldn't take up your gear sometimes for days. What you'd do was haul your dory under it, take the fish off the hooks, bait it and go on again. If the dories weren't getting enough fish to satisfy the skipper after a day or two everybody would take up their gear and the skipper would move the schooner to another place and everybody would set their gear again.²²

Occasionally, in windy weather, the schooner hauled up the anchor and sailed over the fishing grounds dropping off the dories and their crews at their appointed locations.

These "flying sets" saved the dory crews from wasting time rowing against a head wind or over high rolling seas. Frank Thornhill describes the procedure:

When the weather was bad we'd fish under sail and set our dories all one way. The schooner would tow all dories and drop one after the other. Everybody would set their gear [to] the looard [leeward]. Then the schooner would come down around and pick up the dories on the looard end and beat up to the windward again while the men were having dinner. Then, he'd [the schooner captain] would drop them on their buoys one after another and then you'd haul your gear in. This was known as the flying set.²³

The cod, after being caught, were landed aboard the schooner from the dories.

Ruth Fulton Grant describes processing the catch aboard the schooner:

The cod are taken by the throater who cuts the throat of each fish and splits it half-way down. The header then takes the fish, places it at one end of the splitting table, removes head and entrails and at the same time separates the liver, which is placed in a tub to be processed for the extraction of oil. He passes the fish to the other end of the table, where the splitting operation is completed to the tail fin; the bone being cut through at the upper end of the anal fin next to the tail. The fish are then placed in the hold where the salter stacks the fish in layers, heavily salting each layer. The layers are built up in such a manner that the pickle will drain off and not remain in pockets or hollow areas.²⁴

When vessels returned to their home port, the crew landed the green²⁵ cod to the vessel supplier or owner²⁶ for drying or "making."²⁷ Garfield Fizzard describes the activity:

As the schooners arrived in port with their fish they set in motion the second stage of the process: the cleaning and curing. As soon as the schooner tied up to the wharf the work began. First to remove the surface salt, the fish were taken from the holds of the schooner and put in pounds – open crates about 10 to 12 feet square with spaces between the floor boards. Two or three men or young boys stood in each half-submerged pound and used mops to scrub the salt from the fish as the water flowed

through the openings in the bottom. The fish were taken in dories to the pounds [located] at the shoreline.

After it was washed, the fish were taken by horse and cart to a beach [or flake] where they were placed in large piles and left to drain and if necessary to wait for good drying weather.²⁸

Sometimes vessel suppliers completed this task on their own flakes,²⁹ employing shore labour. Other times the vessel suppliers contracted the making of fish to an individual who in turn hired others to carry out the job.³⁰ Once dried, the vessel owner or supplier then examined or "culled"³¹ the salt cod to determine the product's quality and international market destination. While salt cod produced from a banking vessel required more salt than shore-cured cod, it apparently retained the potential to generate a similar quality product.³²

The vagaries of curing were the weak links in producing a high quality product. Crews might land their salted or green cod at the wharf in good condition, but the failure of the fish merchant or those contracted to properly dry the fish could result in a poor quality final product. Likewise, bank fishing crews who failed to properly gut, split, or salt their catch might land poor quality salted fish and defeat the shore crew's efforts to cure a top quality product.

In Newfoundland, the practice of fish merchants marketing the product at a low price resulted in poor quality. The failure to employ rigid standards on a consistent basis led to a general deterioration in the quality of Newfoundland salt cod in the late nineteenth century³³ and this resulted in low and unstable prices to Newfoundland fishers.

The hiring and payment systems associated with the work process were often

closely linked. American bank fishing vessels recruited fishers from Canadian and Newfoundland ports. G. Brown Goode and J. W. Collins offer the following assessment:

Vessels going from Gloucester, Provincetown, and elsewhere on long trips to the Grand Bank carry a considerable number of inexperienced men -- young men trained up in the shore fisheries of the British Provinces and Maine, who have not yet learned the routine of the vessel, and who can be hired at a low price. In fitting out vessels from Gloucester, four or five men, who as sharesmen in the voyage, often get the vessel ready and take her down to the Canadian coast, where at some of the ports they hire the remainder of their crew.³⁴

The lucrative earnings and longer fishing season offered by the New England bank fishing fleet attracted many Nova Scotian bank fishers. B.A. Balcom assesses why Lunenburg Nova Scotia bank fishers were attracted to Gloucester:

Lunenburg fishermen would have been lured across the border by the larger earnings of fishermen there, since fishing was less seasonal. Lunenburg bankers fished slightly over four months of the year while their Gloucester counterparts fished eleven months and in some cases twelve. The average annual earning of a Lunenburg bank fisherman was less than two hundred dollars while Gloucester fishermen made three to four times that amount.³⁵

This outmigration resulted in a shortage of bank fishers for Nova Scotia fishing firms. To compensate for the loss, Nova Scotia firms recruited fishers from Newfoundland. In Nova Scotia fishing communities such as Lunenburg, Newfoundland fishers became a common sight from the late nineteenth century onward.³⁶

The Newfoundland captains, vessel owners, and supplying merchants engaged in the bank fishery used both informal and formal hiring practices. Prospective crew members approached captains and stated their intention. Captains in need of replacements

would hire new crew members for the coming year. The following year the captain would contact crew members he wanted for that season. Crew members not contacted understood that the captain viewed their performance as not up to par and their services were not wanted.³⁷ Similarly, captains who had poor voyages³⁸ with low catches had trouble attracting good crews the following year.³⁹

Bank fishers looking for work on vessels based in St. John's in the 1890s could be hired by a captain from their own or nearby community,⁴⁰ be engaged by the outfitting merchant through correspondence,⁴¹ or travel to St. John's to personally solicit employment.⁴² Sometimes vessel owners or supplying merchants helped captains locate personnel, especially cooks.⁴³

In spring, fishers from outside St. John's travelled there to prepare vessels for the coming voyage. In many cases, they found their ships uninhabitable and themselves seeking accommodation with family or friends, on failing that, in one of the town's many lodging houses. Apparently these arrangements often proved unsatisfactory. With the bank fishery rapidly expanding in the mid-1880s, a group of prominent local merchants including A.W. Harvey, C.R. Ayre, Charles Bowring, James Murray, John Syme and then Prime Minister, Robert Thorburn, organized the Fishermen's and Sailors Home Joint Stock Company Limited.⁴⁴ The committee wanted to provide clean and sober accommodation for sealers, fishermen, and sailors. Their efforts came to fruition in December 1886 with the opening of the Fishermen's Home in downtown St. John's.⁴⁵

Many supplying merchants operating out of Placentia Bay, the Avalon Peninsula

and the northeast coast of the island often required crews to sign bank fishery agreements,⁴⁶ which legally bound merchants and crews for a fixed period – usually from May to October. The agreements set out the conditions of employment and remuneration.⁴⁷ Bank fishers signing these contracts were obliged by law to remain with their employer for the time specified. The Masters and Servants Act, which provided the legal framework for the bank fishery agreements, labelled as criminals fishers who left to seek work or gain better pay elsewhere prior to the end of the contract. Under the law, these individuals could be charged with desertion, brought before court, and, if found guilty, sentenced to jail.

Bank fishing records in this period for Burin Peninsula firms are virtually non-existent. Interviews with older individuals in Grand Bank and most other ports around the Burin Peninsula uncovered no memory of a requirement to sign a written bank fishing crew agreement.⁴⁸ The reasons why are not obvious or clear. Banking vessel owners in the area had a much longer experience in the variations of this type of fishery and may have found other, informal means of maintaining and disciplining a labour force. Most likely, they realized the abundant labour supply meant they did not have to spend time worrying over such matters. The absence of a written agreement meant they could deploy their vessels into other economic activities and were not bound by law to maintain employees for a set period – the duration of the fishing voyage – which probably gave them greater operational flexibility. However, this system did have its shortcomings. A letter written to the Colonial Secretary from George Forsey in August 1889 complained

that desertion among crew members disrupted the bank fishery business, but little could be done because the agreements between the crews and the company were verbal not written and not covered by the Masters and Servants Act.⁴⁹

Aboard the vessel, the captain's rule was law. The crew's respect for him centered on his ability to find fish. All other considerations were secondary since the failure to find and catch fish meant poor earnings and, for some crew members and their families, impoverishment for the long winter. Vessel captains used different payment structures, depending on the composition of the crew. Unknown or untried crews were paid according to the 'count' -- the actual number of fish each fisher or dory crew caught.⁵⁰ On vessels carrying experienced crews, or crews where the captains were familiar with everybody's ability, pay was based on the 'share' -- an equal share of the total catch less expenses.⁵¹

There were certain basic principles in the payment structure or "lay" system⁵² involving the supplying merchant, the captain, and the crew but the details varied from region to region and often from company to company. Ruth Fulton Grant describes the lay system aboard Lunenburg banking schooners:

Each trip is settled as the cargo is sold. The captain's commission is two and a half percent of the gross returns of the voyage, and one man's share of the returns. Half of the captain's commission is paid by the vessel owners and half by the crew. There are three paid employees, the cook, the header, and the throater. The salter is entitled to a share. The captain's commission, the wages of the header and the throater, the cost of bait and ice, and the charges for fish making and delivering are deducted from the gross receipts. Half of the remainder goes to the crew, from which fund is paid the cook's wages, fuel, marine insurance, and

other expenses incidental to the voyage. The other half goes to the vessel owners who pay the major costs of outfitting, including provisions salt and fishing gear. The amount received by each sharesman fluctuates widely depending on the quantity of fish caught, prices, and expenses of the voyage.⁵³

The system outlined by Grant is similar to the Newfoundland bank fishery agreements of the late 1880s (see Appendices 3.1 and 3.2) and that used in the R.H. Prowse and Sons account books of the late 1890s.⁵⁴ The captain's commission varied widely, given the individual skills of bank fishing captains.⁵⁵ Some captains, noted for their prowess in locating fish, commanded twice that commission and more.⁵⁶ From the evidence available it appears that Newfoundland vessels did not carry an additional crew of headers, throaters, and salters. Newfoundland dory crews usually gutted, split, and salted their catches.⁵⁷ Despite these variations, the essence of the lay system was that certain expenses were deducted from gross earnings and others from shared earnings. The supplying merchants structured the lay system in part to adhere to traditional practice, but primarily to make the venture profitable for them.

Everyone taking part in the northwest Atlantic bank fishery began preparing for the voyage in late winter or spring, depending on the locale.⁵⁸ Early March found bank fishers in communities from as far south as Gloucester, Marblehead, and Provincetown, Massachusetts to Newfoundland communities such as Burin, Fortune, Grand Bank, Belleoram, and Harbour Breton overhauling gear and preparing schooners. In Catalina, Hearts Content, Harbour Grace, Carbonear, Bay Roberts, and St. John's outfitting began in early April. Ice was the main impediment along the northeast coast. Depending on ice

conditions, most banking vessels from these ports put to sea in late April or early May.

Newfoundland bank fishing vessels made four trips to the fishing grounds during the voyage. The first ran from March-April to early June. Referred to as the frozen trip, it was named for the bait used -- frozen herring. Bait fishers caught these herring during the winter in Placentia and Fortune Bays, freezing them on racks and storing them in ice until spring. On the first trip fishing was conducted mainly in the Gulf of St. Lawrence off the west coast of Newfoundland, along the eastern side of Cape Breton Island, and along the southern coast of Newfoundland from Port aux Basques east to Placentia Bay.

The second trip, referred to appropriately as the caplin trip, used caplin as bait and lasted from mid-June to August. Newfoundland vessels headed for various locations on the Grand Bank and the Flemish Cap in search of the prized cod. The third and fourth trips occurred from the first of August until mid-October and covered the same grounds as the second trip. The arrival of squid in early August made it the preferred bait for these two trips. Poor weather prohibited fishing beyond October.

In 1887, John W. Froude of Twillingate, one of those fishers who came to St. John's to fish on the bankers, offered this succinct description of his season bank fishing.

In the spring I got a chance in the schooner Iris with Captain Ned White for a voyage on the banks of Newfoundland we got the vessel ready and went to St Johns and took our out fit for the summer. leaved twillingate on the 20 of May 1887. we leaved St. Johns and on the first of June we let go our anchor on the grand bank latude 46 North or (on) lontida 50 West we made fast our sails set our storm trisail and put out our bulatoes we stayed on the bank about two weeks and leaved with a good trip of fish and went into catalina and discharged our fish took our bait and ice and went to the banks again for another trip we set our gaze (gear) took

in our dories and cleared away for the night and each man had to stand 2 hrs on deck in his turn all threw the night we had it rough and tumble for about 3 weeks when we leaved and came into St. Marys bay we took our ice and bait and went on the bank the third time we stayed there about three weeks when a gale of whind came on and we parted our cable and lost all our gear. o we was adrift 24 hours there was several vessels lost in the gale some hove on their beamends some sank and we ran pass one french vessel bottom up we hove in our cable when the whind moderated and headed for hom and arived at Twillingate September 15. we discharged our fish and put it out to make we cleared out the vessel and finished up the voyage.....there was 9 pounds due me after paying all my expense for the summer supply and I turned over that to my mother to lay it out to her own disposal. not much after a long toilsome summer but a little better than usual as I had a fair trile on the fishing line now I was 3 summers fishing out from home 2 summers on the french shore and 4 summers on the labradore and 1 summer on the grand bank and was not very successful in all my undertakings so i thought it was time to leave it off and try something else for my money.⁵⁹

In the 13 year period from 1876 to 1889 the number of Newfoundland vessels engaged in bank fishing rose from four to 330.⁶⁰ In the same period employment grew from approximately 60⁶¹ to 4400. The rapid increase can be attributed in part to an experienced workforce. Newfoundland fishers' experience in the shore fishery, the Labrador fishery, the western boat fishery, the bait trade, and employment aboard foreign bank fishing vessels provided the fledgling local industry with a trained workforce capable of successfully launching a domestic offshore fishery. Of these, employment aboard foreign bank fishing vessels, the western boat fishery, and the bait trade offered the most contact and familiarity with the work processes in the bank fishery.

Within Newfoundland, fishers in the early nineteenth century combined the

schooner with their existing fishing boat, the shallop, to create a small schooner known as the "jack" or "western" boat.⁶² Official reports note these "western" or "jack" schooners were involved in the bank fishery in the 1840s, although they most likely had frequented these nearshore fishing grounds previous to this.⁶³ It is possible they handlined as early as the 1790s.⁶⁴ Reports from the 1840s indicate at least two varieties of jack boats. Fifty quintal boats were a common sight along the western shore and the south coast of Newfoundland, while thirty quintal boats fished out of coves on the southern shore of the Avalon Peninsula.⁶⁵ In all probability the fifty or thirty quintal denotation refers to the amount of fish they carried.⁶⁶

Distinctive because of their predominately green or black hulls and reddish tan sails,⁶⁷ these small (30-60 ft.) vessels were a local adaptation of schooner technology for Newfoundland fishers' needs.⁶⁸ Fishers usually built their own boats using local skills and materials. The bent or bow-shaped softwood trees which grow in the thin rocky soil along Newfoundland's coast provided the wooden frames and knees. The protected valleys and hillsides supported the softwood trees appropriate for sawing into boards for the planking and decking needed to cover the craft.⁶⁹ In the winter months, crews and often whole families went to their winterhouses⁷⁰ to cut and saw this material.⁷¹ Women and children cut firewood, cooked meals, and maintained a camp, while the men worked in the woods using axes, buck saws, and pit saws.⁷² Once the wood was cut, the men skidded it out over the snow to an appropriate place along the shore where the fisher, with the help of his neighbours, built his "jack-boat." Few communities had

sawmills, so boat building crews used pit saws to manually cut the planking, framing and decking. Boat builders also used manual single bit wood drills to bore all the holes needed to fasten planking and decking to the frame.⁷³

Once planked and decked, the builders caulked⁷⁴ the hull. As a final touch to ensure a tight unit, they applied white lead and portland cement to seams below the water line. The deck was rendered watertight by sealing the joints of its planking with pitch after caulking.⁷⁵ The result was a stout, low maintenance hull and deck capable of withstanding a considerable degree of rough treatment while retaining its integrity. The construction of a jack-boat or a larger full-sized schooner was a considerable labour-intensive investment.

Another feature particular to these craft was the use of exterior rudders, or the "rudder out of doors" as it was known. Outside assembly avoided the problem of freezing and eliminated potential leaks commonly experienced with inside rudder ports in winter months. The "rudder out of doors" proved especially practical for vessels fishing late in the year or fishing in the winter months along the western part of Newfoundland's south coast.⁷⁶

The western boat's longevity contributed to its popularity. Its solid construction meant it required little maintenance, and what was necessary could be done with existing resources and technology. The average life of a western boat was between 30 to 40 years,⁷⁷ much longer than other softwood planked vessels which usually lasted 10 to 25 years.

Western boats carried crews of four to seven, often members of an extended family. Using one to three dories, they fished with bultows, cod seines, handlines, and jiggers on the nearshore fishing banks along the east and south coasts of Newfoundland and during the summer months on the Grand Banks.⁷⁸ An 1874 report on the Newfoundland fisheries⁷⁹ found approximately 60 to 70 jack boats fishing out of Lamaline on the Burin Peninsula. Other fishery reports place western boats in the region between Cape Pine on the Southern Shore of the Avalon Peninsula and Cape St. Mary's at the mouth of Placentia Bay.⁸⁰

They also engaged in small scale coastal freighting, carrying dried salt fish to larger centres and returning with supplies to their home communities.⁸¹ Owners of western boats located, cut, and transported firewood, timber, and saw logs. Sometimes this wood was used for domestic purposes. Other times it was sold in other Newfoundland communities or in St. Pierre if the western boat owner happened to call the south coast home.⁸² They caught and supplied bait to the French, American, Canadian, and Newfoundland banker fleets.

Newfoundland fishers brought many fishing skills with them when they sought employment with vessel operators in St. Pierre, Gloucester, or Lunenburg. Some Newfoundland fishers travelled to the home ports of various banking fleets to gain a position or "sight" and often emigrated and settled in these ports.⁸³ Others preferred to remain in Newfoundland, travelling occasionally to seek employment when work opportunities in their own communities dried up. Still others found temporary work

aboard these banking vessels due to death, illness, or labour shortages within the existing crew. Instead of heading back to home port to hire another crew member, captains of foreign banking vessels often employed Newfoundland fishers who had the skills and might know of good fishing grounds.

Newfoundland fishers participated in the bank fishery through the bait trade. The origins of the bait trade can be traced to the start of the French bultow fishery in the 1810s. By the 1830s that fishery required large quantities of bait fish such as herring, caplin, squid, mackerel, and even mollusca such as clams and periwinkles, to sustain it.⁶⁴ The introduction of bultows and dories to the bank fishery especially after 1870 meant that bank fishers required large quantities of bait.⁶⁵ In the spring, herring was the most available bait. By early summer, caplin replaced herring as the choice cod bait. Late July and early August marked the appearance of squid, recognized by all as the most preferred bait for catching cod. Depending on the year, squid could appear and remain around the shore for the remainder of the fishing season from August to November or materialise for only a short period.

The success of fishing voyages hinged in great part on the availability of bait, and many times banking vessels sailed from cove to cove and bay to bay in search of an adequate supply.⁶⁶ The sale of bait often fetched good prices as French, American, Canadian, and Newfoundland banking fleets vied with each other to gain a good supply. Generally, the American vessels offered the highest prices or largest quantity and best quality goods as exchange for bait, while the Newfoundland vessels usually paid the

lowest. In a situation where the supply of bait was limited, foreign banking vessels would get their bait and set sail for the fishing grounds while the Newfoundland vessels and crews had to wait.⁸⁷

The uncertainty, which plagued all species harvested for the bait fishery, sometimes resulted in conflicts which had both domestic and international implications. Sometimes foreign banking fleets sought to by-pass Newfoundland fishers and catch their own bait. When this occurred there was conflict between Newfoundland fishers and the crews of foreign banking vessels. Several incidents of this nature took place, the best known being the "Fortune Bay Dispute," in which Newfoundland fishers destroyed fishing gear belonging to an American schooner.⁸⁸

St. Pierre and the French bank fishery played an important role in the economy of Newfoundland's south coast and in the revival of the Newfoundland bank fishery in that area. The presence of French banking fleet of almost 300 vessels and a large seasonal population offered an inviting market.⁸⁹ Trade in contraband with St. Pierre meant goods purchased were cheaper, because Newfoundland customs duties were not paid.

The proximity of St. Pierre to the south coast of Newfoundland requires explanation to clarify its position to those unfamiliar with the locale's geography. On rare occasions when northwest breezes push the fog off Newfoundland's Burin Peninsula, St. Pierre and its companion islands Miquelon and Langlade are visible from a number of locations. When standing on the shore at Point May, on the southern tip of the peninsula,

it is possible to see clearly the windows in the St. Pierre houses. For many fishers on Newfoundland's south coast, a trip to St. Pierre to sell bait or trade in other goods represented a short jaunt, not a major excursion.

The St. John's fish merchants frowned upon the bait trade. It eroded their power in political, social, and economic relations with Newfoundland fishers. Many in Newfoundland viewed the selling of bait to the French as providing ammunition to the enemy because the French were a major competitor in the southern European salt fish markets.⁹⁰ Others thought the export of inferior quality product, not Newfoundland caught bait or French subsidies, was the main reason Newfoundland lost salt fish markets to the French.⁹¹

The merchants' efforts to control trade with the French culminated with the passage of the 1887 Bait Act. The Act did more than simply prevent the sale of bait to the French banking fleet. It also attempted to control Newfoundland fishers,⁹² particularly those operating along the south coast of Newfoundland.

Despite the penalties imposed by the Bait Act, the St. Pierre trade presented apparent and attractive opportunities. Skippers of western boats or other vessels engaged in selling bait or salt cod to the French as part of their yearly living saw the Bait Act as class legislation. Trade with the French helped them secure a better standard of living for their families. The 1887 Bait Act narrowed the window of opportunity to earn surplus capital for re-investment in other fisheries and marine activities. Newfoundland's economic system, especially the many variations of the credit system, offered fishers

little opportunity for mobility or advancement. Trade with St. Pierre provided one alternative in a world where few were available.

While the Newfoundland bank fishery expanded quickly after 1876 Newfoundland banking schooners remained smaller than their American or French counterparts.⁹³ Two of the four Newfoundland banking schooners which made the voyage to the banks the first year were the "Silver Spring" and the "J.W. Roberts." The "Silver Spring" was 64 feet long with a beam⁹⁴ of 19 feet. Built in Bonne Bay two years earlier, it displaced 51 tons. The "J.W. Roberts," built in Essex County, Massachusetts, measured 76 feet in length, with a beam of 21 feet, and registered at 76 tons.⁹⁵

The crew size of many of the Newfoundland banking vessels matched the vessel size. The 1884 Newfoundland census reveals that the average size of a banking schooner was 42 tons, smaller than either of the two schooners mentioned above.⁹⁶ Bank Fishery Returns for the period 1889 to 1904, however, show that the average Newfoundland crew size was 13.3⁹⁷ and average vessel size was 56.5 tons, slightly larger than the "Silver Spring" mentioned above.

Adolph Neilsen addressed the issue of how vessel size affected performance in his 1894 examination of the failure of the Newfoundland bank fishery.⁹⁸ He said it was not the size of the vessels which prevented them from catching fish, but the failure of some firms to outfit the vessels adequately for the voyages. Neilsen offered the following remedy:

There can be no question but that the success of the bank fishery mainly

depends upon having good vessels and gear, and upon the skipper and men who are put on board. It is an industry which cannot stand any extravagance or unnecessary expenditures, but great economy and toil must be exercised in order to make it a success.⁹⁹

The living conditions on many of these smaller banking vessels were primitive at best.

T. Addison describes small fishing schooners on the Grand Banks in the mid-1880s:

The vessels are built to stand rough usage, everything else in their construction being subordinated to this end. The accommodation for the crew is of the plainest and most meagre description. The cabin is an ill-ventilated and generally a very dirty coop, 12 X 16 feet, fitted with from four to six hard uncomfortable bunks. A sea chest or two, a rusty draughtless stove, and a long shelf on which hooks, lines, sinkers, old knives, and miscellaneous odds and ends are gathered in a confused and apparently inextricable mass, are the only furniture which the cabin boasts. The sea chests do double duty as tables and chairs.

The "fo'castle" is similar in discomfort to the cabin; it is smaller, darker, and dirtier, and reeks with a compound of bad odors, principal among which is stale cabbage. The fo'castle contains four bunks, generally occupied by green hands, or by men rated as second-class.¹⁰⁰

Most complaints about the safety of banking vessels focused not on the living situations, but on the seaworthy condition of the vessels' hulls, on the running gear, or in particular cases, on the competency of a vessel's master.¹⁰¹

Several writers of the period comment on the dangers faced by bank fishing vessels in the northwest Atlantic and on the steps captains and crews needed to take to combat these situations. Two articles appearing in G.B. Goode's The Fisheries and Fishery Industries of the United States deal specifically with how to handle banking schooners in poor weather.¹⁰² G.B. Goode's article "Dangers of the Fisheries" outlines instances of vessels being disabled.¹⁰³ In particular, Goode singles out American built

schooners with a shallow draft. These craft were particularly susceptible to being "tripped" if caught in a sea trough when running before the wind.¹⁰⁴ Joseph W. Collins article "Management of the Vessels" offers detailed advice for safely "heaving to" or "lying to" in a gale, for bringing a vessel to anchor on the banks in rough weather, and for bringing a vessel to a drag in a heavy gale.¹⁰⁵ He also discusses the management of disabled vessels during and after storms.

Another danger in bank fishing was dory fishers becoming separated from their schooner in a storm or fog.¹⁰⁶ While the actual number of these separations remains unknown, it appears they occurred on a regular basis.¹⁰⁷ Another fear shared by dory fishers and banking schooner captains was the presence of large ocean liners on the southern Grand Banks in thick fog. These large steam-powered ships could run down an unsuspecting schooner or dory before the crews on any of the craft involved had time to react.

Medical treatment aboard bank fishing vessels was limited. A vessel usually carried a medical chest and the captain carried out whatever medical attention the crew required. Some may have received first aid training, but how many remains unknown because it was not a requirement of the position. The nature of the bank fishery exacerbated this situation. These vessels were at sea for weeks at a time, often over a hundred miles from a port with proper medical aid. Injured crew members often had to wait weeks until the vessel reached port before receiving medical attention. The combination of unseaworthy fishing vessels, dangerous working conditions, and poor

medical facilities all served to focus the attention of Newfoundland middle class reformers in the late 1880s on the plight of bank fishers and the need for reforms.¹⁰⁸ Unfortunately, these efforts at reform were stymied. In 1889 the St. John's bank fishery sputtered and eventually collapsed in the 1890s.

R.H. Prowse and Sons, a St. John's bank fishing firm, was one of the few to survive.¹⁰⁹ Records of this firm referred to hereafter as Prowse, offer a snapshot of how they managed to keep their operation afloat in this difficult period. The surviving documents consist of a letter book covering the period late December 1889 to late August 1895, and an account book listing the operations of their banking fleet from 1896 to 1899. The letterbook contains copies of correspondence sent to the various captains of Prowse's banking schooners throughout the year. These records provide a view, from the company's perspective, of how one firm carried on its bank fishery operations.

Letters written to bank fishing captains during the winter dealt mainly with preparations for the coming spring and clearing up any unfinished business left from the previous voyage. In December 1889, Prowse wrote to one of his bank fishing skippers, Captain James Day, a resident of St. Pierre, regarding the fate of the schooner "Helena May." Prowse informed Captain Day of the firm's decision to sell the vessel within the next two years and hence they would not replace the water tanks on board. Prowse viewed this vessel as too small for the coasting trade or the New England frozen herring trade, which operated during the winter months, so he decided to sell it.

In the next breath, Prowse advised Day that they had received a good price of

\$3.15 a hundredweight for green fish shipped that fall.¹¹⁰ Prowse requested Day to keep this information to himself. Day concurred, most likely because he owned a share of the "Helena May" and undoubtedly garnered windfall profits from the venture.¹¹¹ If Day had made known his windfall to others, particularly to those who sailed with him on the voyage which caught the fish, he would have been expected to share his good fortune. In addition, crews from other banking vessels fishing for Prowse who saw their catches shipped to the same market would have clamoured for similar additional monies. This was, in effect, the kind of class solidarity exhibited by St. John's fish merchants. If one company shared windfall profits with its crews or employees, this would place the expectation on others to follow suit. The letter sent to Day reflected the relationships between fish companies and favoured captains.

Two other letters sent by Prowse to Day in January and March of 1890 encouraged him to come to St. John's when he was ready to hire a crew for the season.¹¹² Because Day resided on St. Pierre, he travelled to St. John's to hire his crew. In this, Day operated like other banking captains. From previous experience, he knew who to hire and who to avoid.

In the winter and early spring of 1890, Prowse sent letters to another of the firm's banking captains, John A. Moore of Hearts Content, which contrasted sharply with the correspondence to Day. Prowse chastised Moore and his crew for leaving their schooner, the "W. Rodgers," in deplorable condition at the end of the voyage the previous year. Prowse stated that the terms of the previous year's bank fishing agreement would remain

the same for the upcoming year and presented the "agreement" as a final offer, threatening to tie all vessels to the wharf if any trouble ensued, using the availability of work on the railway and problems with the bait act as reasons.¹¹³

As winter moved toward spring, a series of letters between Prowse and Moore negotiated certain terms of the voyage. These included the wages of the cook and second hand (first mate) and the number of dories the vessel would carry.¹¹⁴ Initially, Prowse wanted this schooner to fish with eight dories. However, the crew refused to sail with Moore if the vessel had to carry eight dories. The reasons were not stated, but it probably had to do with the size of the schooner and the living space available to the crew. An 84-ton Lunenburg-built schooner, the "W. Rodgers" measured 80 ft. in length and 23 ft. wide.¹¹⁵ Carrying seven dories meant a total crew complement of seventeen including the captain, the cook, a young boy or "kedgy,"¹¹⁶ and 14 dory fishers – close quarters for a vessel that size. The addition of another dory and two more crew would overcrowd the vessel. Prowse finally backed down and agreed to sail with seven dories. The crew came to St. John's to prepare the vessel for the voyage and signed the bank fishery agreement on 22 April 1890.¹¹⁷ The terms outlined in the formal bank fishery agreement probably did not stipulate the number of dories the vessel would carry. The crew obtained this unwritten agreement by threatening to refuse to sail.

The "W. Rodgers," while owned by Prowse, operated out of the crew's home port of Heart's Content for the 1890 fishing season. The people of that community knew the "W. Rodgers" well as it had been the first schooner to prosecute the bank fishery

from there in 1879.¹¹⁸ George S. Young of Heart's Content served as Prowse's agent for the vessel. He dispersed cash advances to the crew and provided funds to the captain to buy bait.¹¹⁹

Prowse contracted with Gillard Young of Heart's Content to "make" or dry the salt fish. Young, in turn, employed a shore crew -- individuals from the Heart's Content area --to dry the codfish, landed split and salted from the "W. Rodgers."¹²⁰ Once the shore crew "made" or dried the salt cod, Young shipped the fish to St. John's. There, Prowse sorted or culled the dried salt cod for quality and shipped it to market. Prowse gave Captain Moore's father the shore job of rendering into oil the cod livers collected aboard the banking schooner.¹²¹ Young also ensured the oil was properly rendered and shipped to St. John's.-

The previous year Captain Moore had a poor voyage, and now Prowse closely scrutinized his activities. Less than two months after leaving port, Moore reported from Placentia that he had lost his chain anchor.¹²² Acting on his own initiative, Moore purchased one at Placentia, which Prowse frowned upon. Following up on this, Prowse sent an anchor to him from St. John's by train. Next, Prowse wrote Moore advising him to come to St. John's if he wished to purchase goods, indicating that supplies in the smaller ports were too expensive.¹²³ A few weeks later Prowse wrote George Young at Heart's Content requesting the name of a crew member who left the "W. Rodgers" so the company could initiate criminal proceedings against the individual for desertion. In addition, Prowse warned Young to restrict crew advances to \$6.00, pointing out that on

voyages with low catches, crews often demanded large advances.¹²⁴

In another letter sent to Young a short time later accompanying \$1500 to pay for bait, we discover that the "W. Rodgers" had put into St. John's for an anchor and cable. While in St. John's, Captain Moore discharged a crew member without the consent of the company and according to R.H. Prowse in violation of the bank fishery agreement.¹²⁵ This event worsened the already poor relationship between Moore and Prowse. These crewing problems occurred at a time of low landings and numerous incidents of desertion. The fervour by vessel suppliers to mete out punishment to those leaving bank fishing vessels apparently ran high in some quarters. Later in the decade, crew members left other vessels in the Prowse banking fleet prior to the end of the voyage, but avoided criminal charges if they departed by mutual consent between them and the captain. Replacement of these individuals occurred without much difficulty.¹²⁶

In early September 1890, Moore and other bank fishing captains received letters from Prowse about better fish handling practices. Prowse advised Moore to separate large cod over twenty-two inches long from the nape to the first joint in the back at the tail and to use 18 hogsheads of salt for each 100 quintals of large cod. For the smaller cod Prowse advised Moore to use 13 hogsheads of salt for every 100 quintals.¹²⁷ This advice was too little and too late.

In 1890, the captain and crew of the banking schooner "W. Rodgers" experienced what all banking fleets operating off Newfoundland that year did -- poor catches. The vessel landed 504 quintals¹²⁸ of apparently inferior quality salt cod.¹²⁹ The crew

shared \$35.95 each after deducting the vessel's expenses. Captain Moore was the only member of the crew not overdrawn at the end of the fishing season. In February 1891 Captain Moore received a letter from Prowse rejecting him for further employment with the firm.¹³⁰

The following year Captain Williams of Bay Bulls took over the "W. Rodgers." It is unclear if any of the crew from the previous year made the 1891 voyage. Most likely, Williams engaged a crew from his own community. In 1891 the "W. Rodgers" did not land its fish at Heart's Content. Instead Prowse made arrangements to have John Munn & Co. at Harbour Grace unload and make the fish and furnish the vessel with certain basic supplies such as flour, beef, pork, peas, molasses, vinegar, kerosene, and rope. Prowse chastised Williams early in the voyage for purchasing five pounds of apples, complaining of extravagance.¹³¹ A few days later, as the "W. Rodgers" lay in Holyrood taking on bait, one of the crew deserted. When informed of this, Prowse wrote to tell the captain not to take back the deserter. Instead, Prowse advised Williams to hire another bank fisher on wages of \$20.00 a month plus \$2.00 for each 1000 of fish he caught.¹³² Another Prowse letter written the following day noted the arrest, trial, and conviction of the deserter.¹³³

The "W. Rodgers" crew's earnings for that voyage remain unknown, but indications point to another poor trip. A letter Prowse wrote to a crew member in December 1891 pointed out that the company owed the crew member nothing on the settlement, but the crew member owed the vessel and the company, \$9.23.¹³⁴ Like his

predecessor, Captain Williams too found himself seeking employment elsewhere for the following season.

Other banking captains and crews besides Moore, Williams, and their crews ran afoul of Prowse. In 1891 the company hired Captain Patrick Keefe of Placentia to serve as master of the schooner "Helena May." Prior to leaving port that year there was an exchange of correspondence between Keefe and Prowse. Keefe's crew objected to a clause in the bank fishing agreement. It stated: "should some of the dories lose their gear when others recover it by creeping,¹³⁵ then the ones losing theirs would have to pay half the cost of new if the master considered it was their fault or want of energy in trying to get the sunken gear, but should the vessel part her cable and the trawls be lost thereby, the ship pays all." According to Prowse, they inserted the clause "so that the captain will be able to hold the threat over the crew if they don't get the gear he will have them charged."¹³⁶

In another letter to Keefe a few months later, Prowse offered advice on how to handle crew advances: "Don't give them much [money], it would be better for them to get nothing as it would give them more heart to work knowing that money is coming to them."¹³⁷ Keefe returned the following year as skipper of another of Prowse's bankers the "Charles F. Mayo." In a departure from standard practice, Prowse offered berths to the cook and one dory fisher directly.¹³⁸ What input Patrick Keefe provided in these decisions remains unclear as do Prowse's motives for hiring these particular individuals.

Crews participating in the 1892 Newfoundland bank fishery again experienced low

catches and in June several of Keefe's crew deserted. Local authorities arrested, convicted, and jailed them, with one individual receiving 120 days hard labour. In late September a letter to Keefe indicated that his days with Prowse were numbered. The company accused Keefe of negligence, pointing out that his gear expenses were twice as high as those of other banking captains. Prowse determined also that Keefe would have to bring in twice as much fish as the other skippers if he wanted to get paid.¹²⁹ It is not clear what the "Charles F. Mayo" landed for that year, but Keefe did not return.

Prowse maintained close rein on all their banking captains. Every spring they received letters from the company outlining their duties and responsibilities. These included the requirement that each captain write the company informing them of their location, the catch, and the costs of bait and ice each time the vessel arrived in port. The company outlined how to salt and group the split cod. The company used the postal and telegraph systems and the railway to full advantage. Schooners arriving at Placentia, Harbour Grace, or Holyrood requiring equipment or supplies informed the company by mail or telegraph and received them promptly by rail from the company's office in St. John's. Where possible, the company preferred to supply vessels from its own stores and discouraged captains from acting on their own. The R.H. Prowse & Sons letterbook provides a snapshot of how the company operated in difficult times, but little is known of the operations of other bank fishing firms in the same period. Consequently we are unable to compare the activities of R.H. Prowse with those of other bank fishing firms.

The other surviving records in the R.H. Prowse & Sons Collection includes the

bank fishing account books which provide evidence of how the firm paid crew members on its bank fishing vessels. Crews used four systems to determine their earnings: the share, the count, fixed wages, or some combination of the three. The share system meant all the dory crews shared equally in their percentage of the catch at the end of the voyage. The captain received a percentage of the total catch, less expenses for bait and ice, plus a crew share. The percentage of the total catch ranged from 2.25 per cent for inexperienced or poor skippers to 5 per cent for the highliners or top captains. The owner and the crew split the remainder of the catch equally with the expenses for the trip coming out of the owners' share. The crew divided their share equally, with the captain also collecting a full share. First mates and cooks received a share plus a bonus based on the schooner's landings. The young boy who performed various tasks on the schooner received a fixed wage or a half share. Sometimes the crew voted this individual a full share depending on the voyage and his performance.

The count system paid dory crews on the actual number of fish each dory landed. These crews used tally sticks, or other counting methods, to record the actual number of fish they landed. The percentage breakdown or lay system operated the same as the share system above. However, instead of sharing their percentage of the catch equally, the crew settled their accounts individually based on the actual number of fish landed by each dory crew.

Frederick William Wallace, from his experience aboard a Nova Scotian banking schooner in the 1910s, offered this explanation of two systems.

"We're fishing by the count," explained Captain Ross. This meant that the dorymates were credited for the number of marketable fish they caught during the trip, and when the catch was sold they received a percentage of the receipts in ratio to the number of fish they caught. Another system much in vogue was "even shares" whereby all hands shared equally without regard taken to the number of fish taken to each dory. Some skippers insisted on "by the count" because they believed it encouraged the fishermen to keep their lines and hooks in good order and to work harder. The partners catching the most fish were ranked as "high dory" or "high line"; those taking the least "low dory." Men who came "low dory" too frequently in the season were usually dismissed as lazy or incompetent. When shipping a new crew or a crowd of strangers of unknown ability, it was usually "by the count". When it was a "home town crowd" well known to the skipper as good conscientious fishermen it would be "even shares."¹⁴⁰

Payment in straight wages consisted of a fixed wage for the voyage regardless of the catch. Cooks and occasionally new or "greenhorn" dory fishers earned monthly wages, and young boys working on deck received a wage for the voyage. Vessels shipping wage-earning dory crew members invariably fished "by the count." Often the skipper provided incentives to these wage-earning dory fishers by increasing their earnings based on the amount of fish they landed. However, as a rule, they earned less than those fishing solely "by the count."¹⁴¹

The overall payment structure or "lay" system remained similar regardless of how the crew settled. A percentage of the total catch served as the basis of the captain's earnings, with the captain and the owner negotiating the actual percentage. The percentage garnered by the captain depended on several factors including his ability to find fish, to encourage the crew to fish aggressively on a consistent basis, and to keep operating costs as low as possible and yet maintain productivity among the crew.

Similarly, vessel owners or suppliers watched carefully the operating costs of the vessel, including provisioning. They paid for this out of their share of the catch so low costs maintained profitability. They restricted the kind and amounts of provisions aboard the vessels. Unfortunately, they often attempted to keep costs low by using old fishing and running gear and by not properly maintaining the vessels. This latter ploy reflected shortsightedness on their part: poor gear and equipment, while reducing costs, also diminished productivity.

The R.H. Prowse & Sons Collection contains bank fishery account books for vessels and individuals for the period 1896 to 1899.¹⁴² These account books reveal how the company determined the earnings of crews, and individuals within particular crews. While the account books document the earnings received by bank fishers for each voyage, they reveal little about the backgrounds of the individual fishers, such as their ages, place of residence, financial and marital status. Similarly, the actual earnings of these fishers remain open to interpretation. Did other merchants or family members draw on the cash settlements they received at the end of the voyage, and was bank fishing their only source of cash income? Despite these shortcomings, the account books offer an intriguing and enlightening profile on the yearly operation of various bank fishing vessels.

As outlined above, the "lay" system or method of payment operated under certain basic principles. The captain received a percentage of the total voyage ranging from 2.25 to 5 per cent. From what remained, the company received one half the catch and the

crew shared the remaining half. The crew distributed their half either equally on "shares" or by the "count." Bank fishing crews generally did not like this latter system because sometimes there was wide income variation. For instance the variation in low incomes shows that the dory crews of the "Jubilee" fished by the count for the 1896 voyage. Dorymates had similar earnings. The cook received a fixed wage of \$18.00 per month plus two cents for each quintal landed.

Two of the original crew on the 1896 voyage of the "Jubilee" became sick and left the vessel before the end of the voyage and two other individuals took their berths. One joined the vessel in June, fishing on the "count" similar to the other crew members, the other came aboard in late July and received wages of \$22.00 per month plus \$2.00 for every 1000 fish his dory caught. The former earned \$127.59¹⁴⁵ as his share of the voyage, while the latter earned \$82.99. The highest earnings of any dory crew on that voyage was \$195.07 per individual and the lowest \$67.46.¹⁴⁴

Only five of the twenty crew members of the "Jubilee" returned the following year, including the skipper, the second hand, and the cook. Three of the crew who made the voyage in 1897 were landed ashore sick.¹⁴⁵ Another two went astray from the vessel in their dory and were later picked up.¹⁴⁶ In August one replacement was found for the three who left the voyage. Again, fishing was based on the count. One crew member received a fixed wage of \$12 per month plus \$5 per thousand for large cod landed and \$3 per thousand for small cod. This individual, employed for three months and eleven days, landed 4350 large cod and 8700 small.¹⁴⁷ The "Jubilee's" crew did

not fare well in 1897 landings. The highest earnings by a crew member for the whole voyage was \$119.00, the lowest \$50.60. They received these low earnings despite landing 2,100 quintals of cod, only 35 quintals less than the previous year.

Six of the crew, including the captain who sailed on the vessel in 1897, returned for the voyage the following year. The new cook left by mutual consent after a few weeks and one of the new crew members left by mutual consent in September. One of the crew deserted in September. The skipper judged one dory crew negligent and charged them for one half the cost of a set of dory oars. Another crew member received an additional \$8 for splitting fish. Two of the fishing crew received wages of \$18 per month plus \$2 per thousand of cod landed. A third, who was the boy working on deck or kedgy, the one who caught the lines from the dories, received \$40 for the voyage. Highest earnings by a crew member completing the voyage was \$174.18, and the lowest \$126.38.¹⁴⁸

In 1899, nine of the crew returned to make the voyage. The second hand of the previous year returned, but this time as a dory fisher. A crew of 21 signed on that year. Three left the vessel in the course of the trip, one was sent to hospital, and two others left by mutual consent. A dory fisher from the previous year who was paid more to split fish became the second hand. One crew member who the previous year earned \$40 as a kedgy now made \$193.18 fishing as a member of a dory crew. Compared to the three previous years, earnings for the fishing crews were good. Highest earnings by a crew member completing the trip were \$246.47, and the lowest were \$171.48.¹⁴⁹

The "Jubilee" was the most consistent and successful of Prowse's vessels. Captain John Lewis, master from 1893 onwards, earned the reputation as the highliner of all Prowse's bank fishing captains. In 1906-7 Lewis served as an advisor on improved regulations for shipbuilding in Newfoundland. Later he became a Member of the House of Assembly, and later still in 1914, he introduced engines to banking schooners while fishing out of Harbour Breton.

The "C.F. Mayo," another Prowse vessel, shows account books for the same four years as the "Jubilee." The records for 1896 indicate that the vessel, with a total complement of 19, landed 140 quintals less than the 2135 landed by the "Jubilee," but the crew fished on shares and enjoyed earnings ranging from \$149.51 to \$158.83. The only person to leave the "Mayo" in 1896 was a crew member with sore hands. However, the company did note the names of two individuals who refused to sail one afternoon, delaying the departure of the vessel until 9 A.M. the next morning.¹⁵⁰

None of the crew, including the captain, sailed on the "C.F. Mayo" the following year. The landings from that voyage were mediocre to fair, but the crew's earnings were paltry. The vessel landed 1050 quintals of cod, yet the highest earnings for any dory fisher was \$68.15 and the lowest \$50.19. The cook was the highest paid at \$18.00 per month for seven months or \$126.00, over twice the \$60.19 which the second hand received.¹⁵¹

Five of the crew who sailed on the "C.F. Mayo" in 1897 returned for the 1898 voyage. These included the captain, the second hand, and the cook. Earnings for the

crew in 1898 improved as all dory fishers fished on shares, each having an income of \$94.20 for the season. The cook still managed to earn more than the second hand, \$130.20 compared with \$104.20. The kedgy was paid \$40 for the voyage. To add a further wrinkle to the trip, B. Snelgrove and Sons, a firm based in Catalina, made a claim against one of the bank fishers for the amount of \$17.37 with an additional claim of \$5.73 for an advance given to another individual in Catalina.¹⁵²

The following year, 1899, two crew members, plus the captain and the second hand returned. The vessel went through two cooks, the first leaving in late July by mutual consent. The combined wages of the cooks were \$82.80, considerably less than was paid the previous cook.

Records exist for other Prowse banking vessels for the same period. The "W. Rodgers" prosecuted the bank fishery in 1897 and 1898. Instability among the crew was reflected in the poor landings of 1897 and the use of the "count" system. Predictably, 22 different individuals worked aboard the "W. Rodgers" that year. In late June, probably resulting from poor landings on the first trip, the company replaced the original captain. One crew member became sick and was landed at Cape Broyle. A second transferred from another of Prowse's banker's, the "Helena May," to make one trip on the "W. Rodgers." His total earnings from bank fishing on both vessels that season came to only \$22.43. Another individual made the first trip but did not return for the second and for some reason was not charged with desertion. Three individuals did desert, however; two in May when the vessel was in Bonne Bay, and a third between July and

September. Earnings for those bank fishers who completed the voyage ranged from \$37.89 to \$68.34 for a vessel which operated on the count system and landed 700 quintals of salted cod. None of the crew, including the captain, returned for the next year.¹⁵³ The following year the vessel operated on a share system. No crew members became ill during the voyage, and nobody deserted or left the vessel. Earnings for the crew were \$102.95 apiece. Two individuals did have Writs of Attachment issued to Prowse on their accounts by Catalina, Trinity Bay merchant, Patrick Ryan.¹⁵⁴

The "Helena May," a banking schooner Prowse intended to sell in the early 1890s, was still in service several years later. The 1896 accounts show that on two separate occasions dory crews went astray from this schooner. One crew member left by mutual consent after 20 days and another came ashore sick after approximately two months. To replace these two, another bank fisher was hired for one month and paid \$22. At least one bank fisher working aboard this vessel was known to be operating under an assumed name as his real name and alias are both recorded in the accounts. That year the "Helena May" landed 930 quintals of salt cod. Earnings for the crew were based on the "count" system and ranged from \$145.09 to \$49.73 for those who completed the whole voyage.¹⁵⁵

The following year a different crew occupied the berths on the "Helena May." On that voyage the crew were paid on a share basis. Nine of the twelve dory fishers who made the whole voyage received a full share of \$62.40. Two of the remaining three received equal shares of \$23.19, with the third earning \$31.49. One crew member left

the vessel to make a trip on another Prowse banker, the "W. Rodgers," and another was discharged at Catalina. Despite landing 1050 quintals that year compared with 930 quintals the year previous, the earnings were substantially lower.¹⁵⁶

The account books show the banking schooner "J.W. Roberts" outfitting for a voyage to the banks for Prowse in 1897. The vessel, after passing inspection by the Lloyd's Surveyor, left St. John's for Placentia to get bait for the first trip. The vessel was leaky.¹⁵⁷ When it arrived in Placentia, the crew left the vessel and refused to sail in it, claiming it unseaworthy.¹⁵⁸ Finally, the captain and five of the crew brought the vessel back to St. John's where it had its sails and some of its rigging removed and was "hove out" -- rolled over on its side and the seams between the planking re-caulked. Apparently the company decided not to charge the crew with desertion.

Most, if not all, of these Prowse banking vessels operating in the period 1896-99 discharged their fish in places other than St. John's. Often they landed their cargo at the firm of B. Snelgrove and Sons in Catalina. It appears this firm operated under an agreement with Prowse to make the fish and to provide certain supplies to the vessels. Many of the bank fishing skippers and crew came from around Catalina. References to credit granted by Snelgrove and Patrick Ryan to bank fishers which appear on the Prowse ledgers reflect the close connections between these merchants and bank fishers. In this situation Snelgrove and Ryan partnered with Prowse as the supplying merchants.

At the beginning of the voyage bank fishers received a cash advance, usually between \$6.00 to \$10.00. Prowse charged 20 per cent interest on these advances. A crew

member who received an advance of \$6.00 actually owed \$7.20; one receiving \$10.00 wound up owing \$12.00.¹⁵⁹ It was a situation where the suppliers profited not only from selling goods, but from selling money to purchase goods. Then, of course, there were the profits garnered from the sale of the fish.

Vessels fishing under the "count" system experienced higher crew turnovers than those operating on "shares."¹⁶⁰ Banking vessels also had high crew turnovers from year to year — often as high as 100 per cent. The Prowse letterbooks and account books indicate health and safety were major concerns among bank fishers. The refusal of Captain Moore's crew to carry an extra dory crew stemmed from potential overcrowding. They viewed additional crew as both unhealthy and unsafe.¹⁶¹

The Prowse account books indicate the presence of medicine chests aboard these banking schooners and the deduction of fees for the Bank Fishermen's Insurance Fund and for the Lloyd's Surveyor's inspection of the vessel before it left for the fishing grounds in the spring. Crew members did sometimes refuse to sail vessels they viewed as leaky and unseaworthy — the "J.W. Roberts" crew's refusal is the best documented of these occurrences. The Prowse company records revealed more than simply the debts and credits associated with running any business. It provides an inside look at the administration of a bank fishing firm and the ongoing negotiations over working conditions between the owners and bank fishers.

Many technological changes which occurred in the nineteenth-century bank fishery contributed directly to its expansion. Commencing with the French introducing bultows

and small boats in the 1810s, the bank fishery witnessed changes in the work process. The system introduced by the French resulted in greater yields. By the 1870s other countries engaged in the Grand Banks fishery moved from fishing aboard one large vessel to employing small boats and modifying the methods introduced by the French. By the latter part of the nineteenth century the work process centred on fishing from dories utilizing bultows.

The Newfoundland government re-established the bank fishery as part of a policy to diversify the economy. The rapid expansion of the Newfoundland bank fishery in the 1880s heightened its profile within Newfoundland. The shore, Labrador, western boat and bait fisheries as well as employment aboard foreign bank fishing vessels all provided fishers with bank fishing skills needed in a dory and bultow fishery. Of these the western boat fishery served as a surrogate Newfoundland bank fishery until Newfoundland fishing firms began bank fishing in late 1870s. Once these firms decided to engage in this venture, they had at their disposal a trained and knowledgeable workforce.

The need for a steady supply of bait served as an economic base for some fishers and provided a point of contact with foreign vessels engaged in the bank fishery, and often offered an opportunity to those interested in working aboard bank fishing vessels. The practical skills gained from this contact, which in some cases probably ranged back to the 1810s, meant there was a competent workforce which understood the bank fishery work processes.

Many communities on the south coast of Newfoundland, in close proximity to St.

Pierre, particularly on the Burin Peninsula, utilized the sale of bait to the French as a means of having cash, which could be used to retain a modicum of independence from local merchants. The presence of cash in these south coast communities probably afforded local merchants some leverage with the larger merchants in St. John's. The possession of hard currency meant people had a choice of merchants when they bought goods.

The complex work process involved more than baiting and hauling bultows from dories precariously riding the seas on the Grand Banks. It often included perplexing sets of social and economic relations among owners, suppliers, captains, and crew members. Within small communities, gaining employment aboard bank fishing vessels meant participating in structured ritualistic behaviour patterns. In larger centres such as St. John's it involved developing ongoing relationships with vessel suppliers who occasionally found themselves in need of additional dory crews, first mates, or cooks.

Captains and crews, aware of their weak bargaining position, negotiated individually and collectively with vessel owners and suppliers, utilizing whatever strengths they had to improve their working conditions and incomes. The collective examples include bank fishers negotiating with R.H. Prowse on the number of dories and crew to work aboard the "W. Rodgers" to prevent overcrowding. The snapshot of the payment structure based on the "count," the "share" and wages included in the Prowse Collection indicates a less stable crew structure and wider income range when fishing by the count. This probably reflects the varied backgrounds of the crews who were often

strangers before they went to sea. In contrast, the share system produced relatively more stability.

High earnings, or the prospect of high earnings, provided one of the main incentives. The potential for earnings much higher than available in a land-based job was a significant attraction.¹⁶² For those with little if any formal education, work aboard a banking schooner offered an opportunity for upward mobility. Some who became proficient at bank fishing eventually advanced to second hand or even captain. Others applied their skills working aboard ocean going or coastal freighters, passenger vessels, and ferries. There was even potential for some to become vessel owners and merchants in the image of a Samuel Harris, Simeon Tibbo or Thomas Farrell.

Few, however, realized this dream. For many, bank fishing was only one of many jobs in their attempt to provide adequately for themselves and their families.¹⁶³ For others, such as John Froude, it served as short term employment tinged with a bittersweet ending resulting in either desertion or leaving the vessel with little if any money. The results of these exploits varied, but, for many the failure of the bank fishery to provide them with an adequate living meant emigration from Newfoundland to seek employment elsewhere, often never to return.

ENDNOTES

1. A location situated on the Grand Banks, southeast of Newfoundland, Latitude: 45 degrees 10 minutes north, Longitude: various locations on the Grand Banks. See Public Ledger (PL), St. John's, Newfoundland, 11 April 1876, p. 2.
2. Charles de la Morandiere, Histoire de la Peche Francaise de la Morue dans L'Amérique Septentrionale. Vol. 3, Paris, 1966, p.1040.
3. It is unclear when the schooner was first built and employed. H.I. Chapelle, American Fishing Schooners, Boston, 1973, p. 23 puts the date at approximately 1720. B.A. Balcom, The Cod Fishery of Isle Royale 1713-58. Ottawa, 1984, p. 34, claims French fishers at Louisbourg used schooners at approximately the same time. J.W. Collins, "Evolution of the Fishing Schooner," New England Magazine, May, 1898, p. 337 points to a "schooner" working in the fisheries off Cape Sable, Nova Scotia in 1716.
4. The French bank fishing fleet continued to use three-masted, square rigged brigantines in their bank fishing endeavours. See La Morandiere, Histoire de la Peche Francaise, Vol. 3, p. 1040.
5. Joseph Collins indicates that American banking schooners frequented the fishing grounds off Newfoundland by the middle of the eighteenth century. See Collins, "Evolution of the Fishing Schooner," p. 339.
6. L.A. Anspach, A History of the Island of Newfoundland, London, 1819, p. 445.
7. W.V. Wells, "Fishing Adventures on the Newfoundland Banks," Harper's New Monthly Magazine, 22 (1861), p. 459.
8. An unbaited hook or hooks set in a lead (heavy metal) sinker, pulled up sharply to take cod. Cod jiggers were in use as early as 1766. See George Story, William Kirwin & J.D.A Widdowson, The Dictionary of Newfoundland English, Toronto, 1982, pp. 105, 276-7.
9. Ibid., p. 276.
10. While St. Pierre served as the base of operations, the bank fishing fleet came from the French ports of St. Malo, Fécamp, Granville, and Cancale. See La Morandiere, Histoire de la Peche Francaise, Vol. 3, p. 1040.

11. La Morandiere, Histoire de la Peche Francaise, Vol. 3, pp. 1085-6. See also Newfoundland, "Report of the Committee appointed to enquire into the State of the Fisheries on the Banks and Shores of Newfoundland," Journal of the Newfoundland House of Assembly (JNHA), Appendix, St. John's, Newfoundland, 1845, p. 232.
12. La Morandiere, Histoire de la Peche Francaise, Vol. 3, pp. 1041-2.
13. Snoods - The hook and line fastened to a trawl back line. Also known as a ganging. See G.M. Story, W.J. Kirwin & J.D.A. Widdowson, Dictionary of Newfoundland English, Toronto, 1980, 1992, p. 211.
14. Moses H. Perley, "Report on the Fisheries of the Gulf of St. Lawrence," Great Britain, Papers Relative to the Fisheries of British North America, London, 1852, p. 374.
15. Newfoundland, "Report of the Fisheries on the Banks and Shores of Newfoundland," JNHA, Appendix, 1845, p. 212.
16. La Morandiere, Histoire de la Peche Francaise, Vol. 3, p. 1042.
17. Vessels engaged in handling rarely visited Newfoundland ports as they required only small amounts of bait which they caught themselves. The presence of numbers of American vessels in Newfoundland ports wanting to purchase bait marked their transition to bultows. G. Brown Goode and J.W. Collins, "The Bank Hand-Line Cod Fishery," The Fisheries and Fishery Industries of the United States, Section V, Vol. 1, G.B. Goode (ed.), Washington, D.C., 1887, pp. 123-4.
18. G. Brown Goode and J.W. Collins fail to identify the exact year when American bank fishing vessels begin using the combination of dories and bultows. Instead, they point to its recent arrival and document 200 American bank fishing vessels employing this technology in 1880. A more realistic date appears to be 1870 as the presence of the American banking fleet in the early 1870s influenced the Newfoundland government to make another attempt to re-establish its bank fishery in 1876. Henry L. Osborn provides an account of dory and bultow technology aboard an American bank fishing vessel in 1879. See Goode and Collins, "The Bank Trawl-Line Cod Fishery," The Fisheries and Fishery Industries, Section V, Vol. 1, pp. 148-61; also Henry L. Osborn, "A Report on a Cod-Trawling Trip to Grand Bank in 1879," The Fisheries and Fishery Industries of the United States, Section V, Vol. 1, pp. 161-7.
19. By the convention of 1818 French bank fishing vessels were not permitted to operate within 100 miles of the Nova Scotia coast, so they never ventured south or west of Banquereau Bank and centered most of their activity on St. Pierre Bank. Nova Scotia, and American bank fishing vessels frequently made their first trip of the year to Western

Bank approximately 70 miles southeast of Halifax, Nova Scotia. See Goode and Collins, "The Bank Trawl-Line Cod Fishery," The Fisheries and Fishery Industries of the United States, Section V, Vol. 1, pp. 148-9.

20. Personal Interview with John Douglas, Grand Bank, Newfoundland. Mr. Douglas is a retired bank fisher having worked aboard banking vessels in the 1930's.

21. Ruth Fulton Grant, The Canadian Atlantic Fishery, Toronto, 1934, p. 71. For an exhaustive description of bank trawl-line fishing see Goode and Collins, "The Bank Trawl-Line Cod Fishery," The Fisheries and Fishery Industries of the United States, Section V, Vol. 1, pp. 148-9.

22. Garfield Fizzard, Unto the Sea: A History of Grand Bank, Grand Bank, Newfoundland, 1987, pp. 128-9.

23. Ibid.

24. Grant, Canadian Atlantic Fishery, p. 72.

25. Cod that has been salted but not dried. See Story, Dictionary, p. 224.

26. Sometimes vessel owners did not outfit them for the bank fishery, but contracted the vessel to merchants engaged in the fishery to outfit and operate the bank fishing vessels for the duration of the voyage.

27. The process of preserving fish by salting and drying. See Story, Dictionary, p. 322.

28. Fizzard, Unto the Sea, p. 132.

29. Platforms built on poles and spread with boughs for drying cod-fish on the shore. See Story Dictionary, p. 187.

30. Provincial Archives of Newfoundland and Labrador (PANL), MG 483, R.H. Prowse and Sons Collection, "Letterbook," 24 March 1890. Letter to Gillard Young, Hearts Content, Trinity Bay, Newfoundland, from R.H. Prowse and Sons contracting the making of cod from the banking schooner "W. Rodgers" to Young and his group.

31. The act of sorting dried and salted cod-fish into grades. The criteria by which fish are sorted. See Story, Dictionary, p. 129.

32. The quality of the salt cod while onboard the banking vessel depended upon a number of factors. These included the vessel's hold being watertight and preventing

water from leaking through the deck or hull and spoiling the fish, and the performance of the crew in properly gutting, bleeding, heading, splitting, washing, and salting the fish. Shannon Ryan, while commenting that salt cod produced on banking vessels often required more salt offers no evidence that these vessels produced a product inferior to shore cured fish. See Ryan, Fish Out of Water, pp. 42, 55-6.

33. Ryan, Fish Out of Water, p. 252.
34. See Goode and Collins, "The Bank Trawl-Line Cod Fishery," The Fisheries and Fishery Industries, Section V, Vol. 1, p. 149. The tradition of Newfoundland fishers emigrating to New England to seek employment dates back to 1648. Newfoundland fishers in the nineteenth century had gained a certain notoriety in the New England fishing industry, especially around Gloucester Massachusetts. See G.B. Goode, The Fisheries and Fishery Industries, Section IV, pp. 17-20.
35. Balcom, Lunenburg fishing industry, p. 39.
36. Grant, Canadian Atlantic Fishery, p. 27.
37. Personal Interview John Douglas, retired bank fisher, Grand Bank, Newfoundland, April, 1992.
38. Enterprise or period of fishing. See Story, Dictionary, p. 596.
39. Ibid.
40. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letters to bank fishing captain John A. Moore, Heart's Content, Newfoundland, February-March 1890.
41. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, 2 April 1892 letter to John Power, Salmonier, St. Mary's Bay, from R.H. Prowse & Sons hiring him as cook on the banking schooner "Charlie F. Mayo" with a salary of \$20./month and \$2. for each 100 quintals of cod landed. Letter dated 2 April 1892 to frequent high dory fisher William Ryan, Salmonier, St. Mary's Bay, offering him a berth on the "Charlie F. Mayo."
42. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letters to Captain Boland of bank fishing schooner "J.W. Roberts" from R.H. Prowse & Sons dated 28th and 29th September 1893 regarding non-arrival and drunken condition of crew members hired by R.H. Prowse for Captain Boland.
43. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, 2 March 1892 letter to John Power, Salmonier, St. Mary's Bay, Newfoundland offering him position

of cook aboard schooner "Charlie F. Mayo" with pay based on \$20/month plus \$2. for every 100 quintals of fish landed.

44. Daily Colonist (DC), St. John's, Newfoundland, 14 August 1886, p. 4.

45. DC, 6 December 1886, p. 4.

46.46.46.46.46.46. The extent to which supplying merchants required bank fishing crews to sign agreements remains unknown. The subject of bank fishery crew agreements and their application under masters and servants legislation in Newfoundland is dealt with in considerable detail in Chapter 3.

47. See Appendices 3.1, 3.2, & 3.3 at the end of Chapter 3.

48. Mrs. Ella Morris, a fish merchant operating in the late nineteenth century at Burin, was one exception to this practice. A copy of her bank fishing agreement is provided in the Appendices at the end of Chapter 3. See Mrs. Ella Morris Collection, Burin Heritage House, Burin, Newfoundland.

49. PANL, GN 2/2, Colonial-Secretary's Incoming Correspondence, letter to Colonial Secretary from George Forsey, Grand Bank, Newfoundland, 29 August 1889.

50. Crew members hired in the middle of the voyage fished on the basis of the count plus wages. See PANL, MG 483, R.H. Prowse & Sons Collection, "Account Books."

51. Occasionally the captain and crew might start out fishing by the count and after a few days they may agree among themselves to abandon fishing by the count and to fish on even shares. Personal interview with Leo Pope, retired bank fisher, Grand Bank, Newfoundland, April 1992. See also Frederick William Wallace, Roving Fisherman, Gardenvale, Quebec, 1955, pp. 35-6.

52. The relationship or agreement between vessel owners and fishermen with regard to the proportionate shares of each in the catch. The lays of every type of vessel are different. Story, Dictionary, p. 710.

53. Grant, The Canadian Atlantic Fishery, p. 70.

54. PANL, MG 483, R.H. Prowse and Sons Collection, "Account Books."

55. The figure offered by Grant can only be viewed as an average.

56. PANL, MG 483, R.H. Prowse and Sons, "Account Book."

57. Fizzard, Unto the Sea, p. 129.

58. The western shore cod fishery operated from January to March along the Newfoundland coast from Ramea to Port aux Basques.
59. John W. Froude, On The High Seas: The Diary of John W. Froude, Twillingate, 1863-1939, St. John's, Newfoundland, 1983, pp. 14-5.
60. Newfoundland, INHA, Appendix, 1881, p. 642. Newfoundland, INHA, Appendix, 1890, p. 95.
61. Based on an estimate of 15 crew members per vessel.
62. Along the northeast coast of Newfoundland another small schooner rigged vessel known as a "galloper" was also in use. Unlike western boats, gallopers had no topsails. See J.W. Collins and D.E. Collins "Report upon the Operations of the U.S Fish Commission Schooner Grampus from March 15 1887 to June 30 1888," Nautical Research Journal(NRJ), Vol. 37, No. 4, December 1992, p. 236.
63. Newfoundland, "Report of the Fisheries," INHA, Appendix, 1845, p. 230.
64. C. Grant Head, Eighteenth Century Newfoundland, Toronto, 1976, p. 227.
65. Newfoundland, "Report of the Fisheries," INHA, Appendix, 1845, p. 239.
66. A fifty quintal vessel could probably carry twenty-five thousand pounds of round, live weight cod and a thirty quintal vessel could carry fifteen thousand pounds.
67. The tan or red colour of the sails comes from them being coated with a preservative. The actual reason for western boats having a green hull remains unclear. Personal Interview, Otto Kelland, Torbay, Newfoundland, November 1992. The author of the ballad "Let Me Fish Off Cape St. Mary's" grew up in the fishing community of Lamaline on the Burin Peninsula. At a young age Kelland became familiar with the preponderance of "jack" or "western" boats frequenting that community and later wrote the ballad as a dedication to those fishers. See also Collins and Collins, "Report of Schooner Grampus, Part I," p. 238.
68. A schooner rigged fishing vessel having a 40-50 ft. keel. See Story, Dictionary, p. 605.
69. Personal Interview, Otto Kelland, November, 1992. Mr. Kelland was familiar with the design and construction of western boats and built at least one model of the craft.
70. Calvin Evans, For Love of a Woman, St. John's, Newfoundland, 1992, p. 34.

71. Personal Interview with Len Brushett, boatbuilder and ships carpenter, Burin, Newfoundland, April 1992.
72. A saw six to seven feet long with a stationary handle on the top and a handle called a saw box that could be detached from the lower end. See Story, Dictionary, p. 437.
73. Personal Interview, Len Brushett, boatbuilder and ships carpenter, Burin, Newfoundland, April, 1992.
74. To stop up and make watertight the seams of a boat by filling with a waterproof compound or material (oakum). See Story, Dictionary, p. 86.
75. Personal Interview, Len Brushett, Burin, Newfoundland, April, 1992.
76. J.D. Rosborough, "Nova Scotian Presents More Facts on Converting, Building, Jackboats," National Fisherman/ Maine Coast Fisherman, September, 1965. p. 35.
77. Personal Interview with Otto Kelland, Torbay, Newfoundland, November 1992.
78. Victor Butler, L'il Nord Easter: Reminiscences of a Placentia Bayman, St. John's, Newfoundland, 1980, pp. 46-56.
79. D. Millar, and J.A.F. Luttrell "Report on the Newfoundland and Labrador Fisheries," INHA, Appendix, 1874, pp. 767, 769-70.
80. Butler, L'il Nord Easter, pp. 46-56, 67.
81. Personal interview with Pius Power Sr., South East Bight, Placentia Bay, Newfoundland, July 1992. Mr. Power owned one of the last western boats in Placentia Bay.
82. Personal Interview Pius Power Sr., Southeast Bight, Placentia Bay, Newfoundland, July 1992. Mr. Power built a western boat in 1947, rebuilt it in 1970, and operated it with his son Pius Power Jr. until 1991.
83. Bank fishing firms often recruited Newfoundland fishers to work aboard their vessels. See DC, 21 April, 1887, p. 4.
84. Fizzard, Unto the Sea, p. 83.
85. As a rule of thumb, one tub of bultow or trawl gear containing 500 hooks requires a minimum of 25 lbs. of bait. Consequently, a bank fishing vessel carrying six dories each fishing four tubs of gear daily required 600 lbs. of bait for each day's fishing.

86. Foreign bank fishing vessels frequented many bays and coves along Newfoundland's west, south, and northeast coasts in search of bait. Henry L. Osborn recounts visiting the communities of Cape Broyle, Bay Bulls, Witless Bay, Torbay, Portugal Cove Carbonear, King's Cove, and Open Hall in search of bait. See Henry L. Osborn, "A Report on a Cod-Trawling Trip to Grand Bank in 1879," The Fisheries and Fishery Industries of the United States, Section V, Vol. 1, pp. 161-4.
87. William Reeves, "Our Yankee Cousins - Modernization and the Newfoundland - American Relationship, 1898-1910," Unpublished Ph.D. Thesis, University of Maine, Orono, Me., 1987, p. 227.
88. William Reeves, "The Fortune Bay Dispute," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1971.
89. Fizzard, Unto the Sea, p. 83.
90. PANL, MG 483, R.H. Prowse & Sons Collection, "Letterbook." Letter to John Paul, local merchant, Burin, Newfoundland from R.H. Prowse and Company, St. John's, dated 4 April 1890.
91. Centre for Newfoundland Studies(CNS), Judge T.R. Bennett, Report of Judge Bennett on the Bait Protection Service 1890, St. John's, Newfoundland, 1891, p. 171.
92. The Thorburn government passed the act into law on 21 February 1887, three months before the proclamation of other acts passed at that sitting.
93. Newfoundland vessels averaged around 40 tons in the early 1880's slowly increasing to 70 tons by the 1910's. American schooners by the 1880's averaged 100 tons. French three masted vessels averaged between 350-450 tons while their schooners ranged between 120-150 tons. See Table 1.1; see also J.W. Collins, "Evolution of the American Fishing Schooner," New England Magazine, Vol. 18, No. 3, 1898, p. 347; Newfoundland, Annual Report of the Newfoundland Department of Marine and Fisheries, St. John's, Newfoundland, 1894, p. 71; La Morandiere, Histoire de la Peche Francaise, Vol. III, 1966, pp. 1039-40.
94. The traverse measurement of a ship in its widest part. See Peter Kemp (ed.), The Oxford Companion to Ships and the Sea, Oxford, 1976, p. 69.
95. The size of New England clipper schooners used in the bank fishery had increased from 60-65 ft. in the 1840s to 85-95 ft. by the early 1880s. See Chapelle, American Fishing Schooners, pp. 134-5.

96. It's unclear from the census data if western boats were included in banking vessel calculations. Probably the criteria for determining bank fishing status were based on whether the vessel went bank fishing for three months of the year and fished more than thirty miles offshore as stipulated in the Shipbuilding Acts of the day. See Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884, p. 207.
97. Newfoundland, "Bank Fishery Returns," INHA, Appendices, 1890-1905.
98. Newfoundland, Annual Report -- Marine and Fisheries, 1894, pp. 59-75.
99. Ibid., p. 72.
100. T. Addison, "Salt Codfish," Ballou Magazine, Boston, 1886, p. 483.
101. DC, 29 October 1886, p. 4.
102. See Joseph W. Collins, "Management of the Vessels," The Fisheries and Fishery Industries of the United States, Section IV, pp. 104-29, and G.B. Goode, "Dangers of the Fisheries," The Fisheries and Fishery Industries of the United States, Section IV, pp. 130-45.
103. Goode, "Dangers," Fisheries and Fishery Industries, Sect. IV, pp. 104-29.
104. Ibid.
105. Collins, "Management," Fisheries and Fishery Industries, Sect. IV, pp. 130-45.
106. For a personal account of being adrift in a fishing dory on the Grand Banks in the 1890's see W.T. Strickland, Adrift on the Banks in a Dory!, St. John's, Newfoundland, 1954.
107. Reports of dory crews being separated from their vessel appear regularly in St. John's newspapers. See Evening Mercury and Evening Herald, May-September 1885-1900, Daily Colonist May-September 1886-92, Evening Telegram May-September 1885-1900.
108. These reform efforts are covered in Chapters 3, 4, & 5.
109. Referred hereafter as Prowse.
110. Newfoundland fish merchants regularly exported small quantities of salted but not dried or "green" cod to American and British markets. See Newfoundland "Customs

Returns - Exports," INHA, Appendices, 1880-1899; Newfoundland, Newfoundland Customs Returns, St. John's, Newfoundland, 1900-1915.

111. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Captain James Day from Kenneth R. Prowse, 20 December 1889.

112. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letters to Captain James Day, St. Pierre, from Kenneth R. Prowse, St. John's, 20 December 1889 - 4 March 1890.

113. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, 2 March 1890.

114. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letters to Captain John A. Moore from Kenneth R. Prowse, March - April 1890.

115. Maritime History Archive (MHA), Memorial University of Newfoundland, St. John's, Newfoundland, British Registry of Vessels, "W. Rodgers" St. John's, 1884.

116. A boy who helps with various tasks around the vessel. See Story, Dictionary, p. 283.

117. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Sam Fogwell, Harbour Grace, Newfoundland from Kenneth R. Prowse, 22 April 1890.

118. Melvin Rowe, I Have Touched the World's Greatest Ship, St. John's, Newfoundland, 1976, pp. 180-1.

119. PANL, MG 483, R.H. Prowse & Sons Collection, Letter Book, Letters to George Young, Heart's Content from Kenneth R. Prowse, December 1889 - August 1890.

120. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter from Kenneth R. Prowse to Gillard Young, Heart's Content, 24 March 1890.

121. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter from Kenneth R. Prowse to Captain J.A. Moore, Heart's Content, 24 March 1890.

122. Banking schooners carried two anchors: a cable anchor used on the fishing grounds and a chain anchor used for mooring in harbours and coves. A heavy rope often referred to as a cable connected the cable anchor to the schooner. This permitted an easy riding motion for the schooner when riding out waves on the fishing grounds. Personal Interview with John Douglas, retired bank fisherman, Grand Bank, Newfoundland, March 1992.

123. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letters to Captain John A. Moore from Kenneth R. Prowse, June-July 1890.
124. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to George Young from Prowse, 30 July, 1890.
125. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to George Young from R.H. Prowse, August 1890.
126. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, 1896-9.
127. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, 9 September 1890.
128. In present day terms the equivalent of 123,159 kilos or 270,950 pounds of cod live weight. [504 quintals X 112 lbs./quintal X 4.8 conversion factor (CF) for light salted dried cod to live weight]. For information on conversion factors see Department of Fisheries and Oceans, Statistical Co-ordinating Committee for the Atlantic Coast: Standard Conversion Factors: All Species, Document No. 2, Revision No. 1, June 1984, p. 1.
129. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, 11 October 1890. Letter to George Young from R.H. Prowse regarding the poor quality of Captain Moore's fish. Of the first 210 quintals "made" and sent to St. John's, Prowse judged 107 of them to be of inferior quality (West Indian or worse).
130. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Captain John Moore from Prowse, 18 February 1891.
131. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Captain Williams from Kenneth R. Prowse, 18 July 1891.
132. PANL, MG 483, R.H. Prowse Collection, Letterbook, Letter to Captain Williams from Kenneth R. Prowse, 22 July 1891.
133. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Captain Williams from Kenneth R. Prowse, 10 August 1891.
134. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to William Cotter, New Perlican, 14 December 1891.
135. The process of recovering fishing gear off the ocean bottom by dragging a grapline (a small five hooked anchor) across a particular section of ocean floor. Another

method involves setting out longlines of baited hooks across an area with the hope of snagging the gear.

136. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Patrick Keefe from K.R.Prowse, 14 April 1891.

137. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Patrick Keefe at Harbour Grace from K.R. Prowse, 20 June 1891.

138. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, 4 February 1892.

139. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letter to Patrick Keefe, 27 September 1892.

140. Frederick William Wallace, Roving Fisherman, Gardenvale, Quebec, 1955, p. 35.

141. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books.

142. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books.

143. According to G.B. Goode fishers in New England in the latter part of the 19th century earned on average between \$150. and \$250. per year. See Goode, The Fisheries and Fishery Industries of the United States, Section IV, p. 96.

144. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books for banking schooner "Jubilee" 1896.

145. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, "Jubilee" 1897.

146. Evening Telegram(ET), St. John's, Newfoundland, 26 May 1897, p. 4.

147. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Account of John L. aboard the "Jubilee" 1897.

148. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Bank fishing schooner "Jubilee" 1898.

149. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Banking schooner "Jubilee" 1899.

150. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Bank fishing schooner accounts for "C.F. Mayo" 1896.

151. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Bank fishing schooner "C.F. Mayo" 1897.
152. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Banking schooner "C.F. Mayo" 1898.
153. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Banking schooner "W. Rodgers" 1897.
154. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Banking schooner "W. Rodgers" 1898.
155. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Banking schooner "Helena May" 1896.
156. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, Banking schooner "Helena May" 1897.
157. ET, 24 April 1897, p. 4.
158. ET, 7 May 1897, p. 4.
159. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, 1896-99.
160. PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books 1896-99.
161. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, Letters to Captain John A. Moore from Kenneth R. Prowse, March-April 1890.
162. Fishers engaged in the halibut and haddock bank fisheries operating out of New England enjoyed earnings in the range of several hundred dollars. According to Goode any capable fisher working year round could expect to earn between \$300. and \$500. per year. Goode, The Fisheries and Fishery Industries of the United States, Section IV, pp. 95-6.
163. Eric Sager, Seafaring Labour: The Merchant Marine of Atlantic Canada, 1820-1914, Kingston, Ontario, 1989, pp. 137-9.

CHAPTER III

Bank Fishery Agreements and Masters and Servants Act and Amendments

Both governments and business tried to exert greater control over the labour supply in the Newfoundland fishery in the nineteenth and twentieth centuries. Vessel owners and supplying merchants engaged in the bank fishery wanted stable bank fishing crews for the duration of the fishing season. To achieve this, many vessel owners and merchants used exploitative and heavy-handed methods. This chapter examines the various legal mechanisms used to ensure labour discipline. Within the bank fishery, the crew agreements and the Masters and Servants Act¹ were the two most important legal instruments of workforce discipline.

For their part, bank fishers responded to unfair or poor working conditions by deserting vessels when they landed in port, or occasionally by taking the owner of a bank fishing vessel to court, when they felt they had just cause under the law. At sea, bank fishers periodically expressed discontent with working conditions through sabotage. Faced with leaky vessels or poor food, fishers sometimes cut the anchor cable to get the master to return to port. Both desertion and cable cutting disrupted the normal production cycle. Nineteenth-century laws proscribed such activity as criminal behaviour not industrial job actions, and those convicted were sent to jail.

In the bank fishery vessel owners and suppliers owned the means of production. Bank fishers were the proletariat of the industry.² Their earnings were based on a share

of the catch, a fixed wage, or a combination of both. Bank fishers did not share the profits from the sale of their catch on the international markets.

The bank fishery's fragmented workplace prevented bank fishers from raising their class consciousness as a proletariat.³ Devoid of any formal organization to represent their class interests, they fought their battles individually or in small groups. Their most successful efforts centred on their ability as crews to negotiate informally with vessel suppliers or owners on immediate issues. Of these, few details survive. Only once during the 1888 uproar over the fish companies' bank fishery agreement did they band together to represent their interests. In that battle they chose their ground poorly and lost.

The social and economic relations of production which existed in the Newfoundland fishery in the latter part of the nineteenth century were defined in part by contractual relationships between fishers or fishery servants, and planters or merchants.⁴ Some of these relationships were verbal, but many involved a written agreement which had legal standing before the courts. When they signed such an agreement, fishers or fishery servants went "in collar."⁵ These contracts offered protection of sorts for both sides. Planters or merchants agreed to employ servants for a fixed period with payment based on a share or a fixed wage or a combination of both. The terms of employment often included room and board.⁶

The written agreement covering a voyage⁷ dates as early as Palliser's Act in 1775,⁸ but master-servant agreements in British law predated the British fishery in

Newfoundland.⁹ Their application in Newfoundland in the latter part of the eighteenth century brought order to relationships between merchants, planters, and servants. Servants employed by planters left work because the planters lost their fish to merchants and were unable to pay them. This disrupted the planter's operations because he no longer had the labour to continue fishing. Palliser's Act obliged merchants who seized fish from planters to pay servants' wages.¹⁰ The Act required a written agreement between merchants, planters, fishery servants, and seamen to enforce this obligation.¹¹ It also meant that seamen and fishers employed in the Newfoundland fishery returned to Britain at the end of the season.

The British government's main priority for Newfoundland in the late eighteenth century was the successful operation of the fishery. Palliser's Act was intended to ensure that fish was harvested, cured, and shipped to market smoothly and efficiently. Within that context, the British authorities used the masters and servants legislation to maintain labour discipline among these migrant seasonal workers. The statute granted magistrates the authority to mete out severe criminal punishment to those who in the opinion of their employer neglected or deserted their work:

that in case any such seaman or fisherman shall at any time wilfully absent himself from his duty or employ, without the leave and consent of his hirer or employer, or shall wilfully neglect or refuse to work according to the true intent and meaning of such contract or agreement, he shall, for every day he shall be so absent himself, or neglect or refuse to work as aforesaid, forfeit two days pay to such hirer or employer; and if any such seaman or fisherman shall wilfully absent himself from his said duty or employ for the space of five days, without such leave as aforesaid, he shall be deemed a deserter and shall forfeit to such hirer or employer all

such wages as shall at the time of such desertion be due to him, and it shall and may be lawful to and for the governor of Newfoundland or his surrogates or the commissioner of the vice-admiralty court for the time being, or for any justice of the peace in Newfoundland, to issue his or their warrant or warrants to apprehend every such deserter, and on the oath of one or more credible witness or witnesses to commit him to prison, there to remain until the next court of session, which shall be holden in pursuance of the commission of the said governor for the time being; and if found guilty of the said offence at such session, it shall and may be lawful to and for the said court of session to order such deserter to be publicly whipped as a vagrant, and afterwards to be put on board a passage ship in order to his being conveyed back to the country whereto he belongs.¹²

British governments treated worker breaches of employee - employer relationships as criminal acts, beginning with the 1349 Statute of Labourers. This act enforced service at wage rates that existed before the Black Death.¹³ A similar principle appeared in the 1563 Statute of Artificers, which consolidated the laws relating to all artificers and labourers.¹⁴ Various Acts passed by the British parliament in the eighteenth century reinforced the principle.¹⁵

The British parliament updated Palliser's Act with the 1824 Newfoundland Fisheries Act.¹⁶ The new legislation re-defined forfeiture of wages, desertion, and punishment:

And be it further enacted, That in case any such Seaman or Fisherman shall at any Time wilfully absent himself from his Duty or Employ without the Leave and Consent of his Hirer or Employer, or shall wilfully neglect or refuse to work, according to the true Intent and Meaning of his said Contract or refuse to work as aforesaid, forfeit any Number of Days' Pay or Shares not exceeding Thirty to such Hirer or Employer; and if any such Seaman or Fisherman shall wilfully absent himself from his said Duty or Employment for the Space of Fourteen Days without such Leave as aforesaid, he shall be deemed a Deserter, and shall forfeit to such Hirer

or Employer all such Wages as shall at the Time of such Desertion be due to him; and it shall and may be lawful for any Justice or Justices of the Peace of Newfoundland or the dependencies thereof, to issue his or their Warrant or Warrants to apprehend every such Deserter, and on the Oath of One or more Credible Witness or Witnesses to commit him to Prison there to remain until the next Court of Sessions; and if found guilty of the said Offence at such Court of Sessions, it shall and may be lawful to and for the said Court of Sessions to order such Deserter to be imprisoned for any time exceeding Three Calender Months, and afterwards to be put on board a Passage Ship, in order to his being conveyed back to the Country whereto he belongs, in case such Deserter is not a Native of or settled within the said Colony.¹⁷

Planters or merchants who failed to pay their servants or who attempted to discharge them before the end of the contract were subject to fines of between five and fifty pounds, but nothing else.¹⁸ Court proceedings initiated by servants against employers depended on servants knowing enough about the legal system to initiate court action and finding the resources to sustain it. This act reiterated the stipulation of a written master-servant agreement.

No persons whatsoever shall employ or cause to be employed at Newfoundland or any of the Dependencies thereof, for the purposes of carrying on the Fishery there, any Seamen or Fishermen going as Passengers, or any Seamen or Fishermen, hired there, without first entering into an Agreement or Contract with every such Seaman or Fisherman declaring what wages or shares such seaman or fisherman is to have, and the Time for which he shall serve, and in what Manner such Wages or Shares are to be paid or allowed; and every such Agreement or Contract shall be made in Writing, and shall be signed by all parties thereto.¹⁹

The courts considered disputes only when one of the parties produced the written contract.

The Newfoundland Fisheries Act expired when Newfoundland was granted representative government in 1832.²⁰ The act was not extended because Judges of the Newfoundland Supreme Court determined in 1833 that the law itself was the most pressing problem affecting the labour relations in the fishery.²¹

Under this wage and lien system, merchants could seize all of a planter's fish as payment for debts.²² While fishery servants could hold planters liable for wages, such culpability did not extend to merchants, so fishery servants employed by debt-ridden planters could find themselves without wages at the end of their employment if a merchant creditor seized the planter's assets.²³ Between 1832 and 1858 the supply and demand of labour was governed by the more flexible English common law.²⁴ It was only after responsible government was granted in 1855 that new master and servant legislation was passed in Newfoundland.

In 1858 the Newfoundland legislature enacted a new Masters and Servants Act.²⁵ This act required a written contract between masters and servants and that each party be given a copy of the agreement. Master-servant agreements offered planters and merchants protection against servants leaving before the end of the contract.²⁶ Such activity was considered desertion and punishable by a jail term. If a merchant or planter failed to provide for servants under the terms of the agreement, servants could pursue the matter in court.²⁷ Guilty planters or merchants faced a twenty dollar fine or a thirty-day jail term for those who refused or failed to pay the fine.²⁸ The legislation applied not only to servants performing duties of fisherman, shoreman, or sealer, but also to shareman

and any kind of service whether agricultural, mechanical, or otherwise.²⁹ The act contained penalties to prevent employers from harbouring or hiring a competitor's servants.³⁰

The act addressed the practice of "manusing" prevalent in sealing.³¹ In extreme situations, crews of sealing vessels who either experienced poor landings or laboured under captains they viewed as inferior, refused to come up on deck to work, forcing the captain to take the vessel back to port before the end of the voyage.³² While the extent of this activity is unknown, the law focused on preventing its expansion. Sealing crews found guilty of manusing received a jail sentence of thirty days under the act.³³

The act offered the following proviso regarding the health and well being of fishery servants:

Every vessel employed in the Seal or Labrador Fisheries of this colony shall before proceeding on any voyage be provided with a medicine chest containing a sufficient supply of medicine.³⁴

The act remained virtually unchanged for the next 32 years and served, in effect, as the labour relations legislation for the Newfoundland fisheries during that period. The extent to which employers and workers utilized the Masters and Servants Act remains unknown. Domestic servants, particularly those hired by persons of means, signed these agreements as did persons who had permanent or seasonal employment. Those not covered were those hired on an hourly, daily, or weekly basis. Certain merchants and their agents active in the various fisheries clearly employed it to spell out the relationship between them and their fishery and domestic servants.³⁵ It is unclear to what extent

these agreements permeated Newfoundland society.³⁶

The major objectives of the masters and servants agreements were labour peace and a guaranteed labour supply. Masters received the services of workers for a set period of time, and the employee benefited by having a stated employment period and amount of pay. The actual work entailed frequently was not spelled out,³⁷ but was left to the employer's discretion. For fishery servants it meant any one of a number of jobs from mending fishing gear, to repairing, painting and outfitting boats, to catching, splitting, and drying fish, to planting and harvesting vegetables grown in the employer's gardens.³⁸ Domestic servants, while they performed the usual cleaning and cooking duties around the house, might also be called on to salt or dry fish, work in the gardens, or for other tasks.

After 1858, only written agreements garnered legal standing in Newfoundland courts.³⁹ Judge D.W. Prowse,⁴⁰ in his two books written for the Newfoundland judiciary, Manual for Magistrates in Newfoundland and The Justice's Manual,⁴¹ offered the following advice to local magistrates on how to proceed in disputes under the Masters and Servants Act:

the Magistrate cannot arrest unless there is a written agreement⁴²[his emphasis] signed by both parties. Such an agreement must be produced before proceedings can begin.

Magistrates should do all in their power to reconcile the parties. Never imprison a servant unless it is a bad case or the servant refuses to serve the master without lawful excuse⁴³....(and) remember the paramount necessity in this country of not interrupting the fishery.⁴⁴

We know from the previous chapter that desertion occurred. Local newspapers condemned the practice, but did not dwell long on the topic, except to express moral outrage. The incidence of desertion in the Newfoundland fishing industry in the nineteenth century has not been examined. Given the manner in which the judicial system applied the act, it appears the actual numbers of deserters probably cannot be determined. The decision to prosecute desertion rested with employers and magistrates. The basis of their choices lay not in the guilt or innocence of the parties, but in the "paramount necessity of not interrupting the fishery." Since the operation of the industry took priority over all other considerations, magistrates conducted labour relations arbitrations and reconciled disputes occurring in the workplace. These hearings were informal and few if any records were maintained. Local newspapers reported certain cases before the courts, but court records for the same period indicate no evidence of any claim.⁴⁵

Desertions occurred in other marine industries as well. Lewis Fischer, in his examination of desertion among sailors in the international merchant marine, indicates that 21.3 percent of all sailors employed on vessels sailing out of Saint John, New Brunswick during the 1870s deserted.⁴⁶ This number rose steadily over the next two decades, to 27.1 percent in the 1880s and to 29 percent in the 1890s.⁴⁷

Workers in other kinds of employment in British North America also deserted their employers. Paul Craven, in his review of master-servant legislation in Ontario, points to general shortages of labour and high wages in other labour markets as the main reasons why Ontario domestic servants and agricultural workers deserted.⁴⁸ In Ontario,

master-servant agreements could be verbal or written, or implied by the conduct of the parties.⁴⁹ Prior to 1847 the available judicial remedies were not considered satisfactory by either side. Deserting workers could not be forced to return to their jobs nor could employers be obliged to hire workers wrongfully dismissed. According to Craven, this high desertion rate was the main reason the Ontario Masters and Servants Act was passed in 1847.⁵⁰ This act expedited proceedings involving master-servant contracts by giving local magistrates the jurisdiction to hear and adjudicate complaints by both masters and servants.⁵¹ Newfoundland and Canada were not the only places where servants deserted their masters. Sidney and Beatrice Webb, writing on the British experience with Masters and Servants legislation in the nineteenth century, indicate that in one year the British courts heard 10,339 desertion cases.⁵²

Some Newfoundland merchants, who were familiar with written master-servant agreements in the shore and Labrador fisheries, also applied it to the bank fishery.⁵³ Their main concern was controlling operating expenses during a voyage.⁵⁴ However these merchants often relied too much on bank fishing captains to control costs, and frequently sent their main fixed assets – the bank fishing vessels – to the fishing grounds poorly equipped and provisioned.⁵⁵ To further control costs companies that supplied and outfitted vessels placed the burden of risk for the voyage on the crew in the form of a share system or "co-adventurer" arrangement.⁵⁶

The bank fishery version of the master-servant agreements were the articles of agreement bank fishing crews signed when being hired on. The vessel owners and

suppliers drafted the one-sided terms of these contracts. Bank fishers faced a simple, although not necessarily easy decision; if they wished to go bank fishing they signed the agreement. This exemplified the bank fishers' weak bargaining position.

In 1887, several crews and vessel owners engaged in court actions over the seaworthiness of their vessels and the terms of the crew agreements. In early July 1887, the "Imogene," a banking schooner owned by James Ryan and Co. of King's Cove, Bonavista Bay, put into St. John's to secure fresh bait and land an injured crew member. Once in St. John's, four of the crew went ashore and refused to return to the vessel, claiming it was unseaworthy. The police arrested the four on charges of desertion. D.A. Ryan, the vessel's owner, was in St. John's at the time, returning from his annual six month stay in London. He ordered the vessel inspected and repaired. Local shipwrights completed this task and declared the vessel seaworthy. During the court case, Ryan said he was willing to let the vessel sail without the four and to drop the charges. Judge D.W. Prowse disagreed with him and insisted the four "Tickle Cove heroes"⁵⁷ or "Open Hall Invincibles,"⁵⁸ as one newspaper later referred to them, serve time. Prowse sentenced them to twenty days each.⁵⁹

Prowse's action appears unusual given the powerful role of the employer under the master-servant legislation and its objective of labour peace in the fishery. However, this case occurred in St. John's at the height of the bank fishing season and Prowse, it appears, wished to set an example. Earlier that year the issue of sending unseaworthy locally constructed vessels to the bank fishery surfaced as a politically thorny issue in St.

John's. That spring, Captain Philip Cleary, speaking from the Legislative Council, had raised the issue of Newfoundlanders building unseaworthy banking schooners for other citizens to work aboard.⁶⁰ Judge Prowse, in his decision, ignored Cleary's well publicized comments about the government subsidized, yet unseaworthy, bank fishing vessels. The "Imogene" case afforded Judge Prowse the opportunity to make either public or private representations to the Newfoundland government so they could take steps to rectify the situation. Instead, he opted to reiterate the dim view taken by the Newfoundland justice system towards desertions in the Newfoundland fisheries. In November 1887, during proceedings of the Newfoundland Supreme Court, Judge Pinsent, the Chief Justice of Newfoundland reaffirmed this position by publicly urging the Newfoundland Legislature to "pass a penal statute imprisoning fishery deserters."⁶¹ Judge Prowse's decision served as a public example and stern reminder to all those bank fishers operating out of St. John's that the courts dealt harshly with desertion. The bank fishers of the "Imogene" were one group of many who defied the crew agreement and suffered criminal conviction to protect themselves.

In the fall of 1887 fishers on certain St. John's based banking vessels complained about the one-sided contract between themselves and banking vessel suppliers. In a letter to the Daily Colonist, Thomas Sparrow, a fisher on Moses Monroe's banking schooner the "Myrtle," outlined some of the complaints. According to Sparrow, the schooner arrived in St. John's in October and unloaded its cargo of 220 quintals (the equivalent of 81,312 lbs. or 36.9 metric tonnes of round codfish)⁶² of green (gutted, headed, split,

salted, but not dried) codfish. When the crew went to settle up for the end of the voyage, an official at Monroe's company told them that the firm would issue no final settlements until the crew cleaned and prepared the schooner for the winter. With the vessel's supplies already exhausted, the crew found themselves in St. John's with no money or food. To get the vessel shipshape, the crew had to beg for provisions from the owners. Eventually the company granted a meager food allowance that permitted the whole crew to subsist on an allotment of twenty cents a day.⁶³

The final rub, however, came when the crew finally settled their accounts for the year. In the spring, they had signed a crew agreement stating that any funds drawn throughout the fishing season were subject to a 10 per cent interest charge. When they settled their account at the end of the season, they found that the company had arbitrarily upped the interest charged to 20 per cent!⁶⁴ It is not clear if the crew of the "Myrtle" made any attempts to seek restitution through the courts. Revenge apparently spurred the company's actions.

In early September of that same year, the "Myrtle" had put into port in St. John's. The crew appeared in court and refused to set sail in the vessel again, charging it was unseaworthy. They were aboard the schooner during a 26 August gale, fishing on the Grand Banks. According to the court testimony given by the crew, during the gale the vessel's "seams opened up and she leaked like a sieve, the berths and cabin being wet as marshes."⁶⁵ The newspaper article generated a response from an individual who would only identify himself as Placentia. The anonymous writer attempted to dismiss the

whole case of the crew, stating emphatically that the "Myrtle" was seaworthy and that the crew were being led by a "sore-head." ⁶⁶

That response provoked a letter from Bob Mooney which disputed the claims of the Placentia letter writer and expanded on the conditions prevalent aboard the "Myrtle." According to Mooney, "night after night the crew had to sleep in their oil clothes" and during the gale of 26 August "the aft hands had to come for'ad to sleep owing to the way the water was running into her."⁶⁷ Mooney went on to document a previous episode aboard the "Myrtle" off Petty Harbour in July, 1887. In that incident the vessel's captain wanted to abandon the craft and go ashore in the dories apparently because it leaked so much. Mooney pointed out that after the storm of 26 August the captain again wanted to leave his ship and go aboard the "Brave," another banking schooner which had come alongside. It is unclear if that crew of the "Myrtle" actually left the vessel or just expressed a strong desire to do so. Nevertheless, once in port, the vessel's outfitter, Monroe, employed two ship's carpenters for several days to make the vessel seaworthy.⁶⁸

The letters from Sparrow and Mooney, while unusual for Newfoundland in this period, reveal much of the times. Both of these Placentia area fishers appear literate, articulate, and to some degree unafraid of reprisals. In their letters to the editor they identify themselves by name rather than hiding behind pseudonyms. The blunt honesty they express makes it clear these individuals sought change and were prepared to expose themselves to the potential of being frozen out of future employment with other bank

fishing firms.

Sparrow and Mooney remain apart from other late nineteenth century Newfoundland fishery reformers such as Reverend John Goodison, Philip Cleary, David Webber, or James Murray.⁶⁹ These latter individuals enjoyed respectable positions within Newfoundland's middle class: Goodison as a Methodist preacher, Cleary as a Member of the Legislative Council and dockyard manager, Webber as a newspaper editor and Member of the House of Assembly, and Murray as a successful merchant and a House of Assembly member. So why do Mooney and Sparrow appear in the late 1880s candidly outlining injustices at the hands of fish merchants, including being required to work aboard leaky, unseaworthy vessels?

The boldness of these two individuals in publicly confronting a major St. John's fish merchant reflected the buoyant economic conditions in the bank fishery in 1887. Actual total landings for that year remain unavailable, but newspaper accounts generally indicate favourable landings and good earnings by bank fishers. A letter appearing in a November, 1887, edition of the St. John's Daily Colonist praised the success of the Placentia area bank fishery in which 230 bank fishers on 16 vessels landed 32,500 quintals of salt cod, or 141 quintals per fisher.⁷⁰ Consequently, Mooney and Sparrow enjoyed a sense of real and prospective economic well being.

It remains unclear if Sparrow and Mooney wrote the letters themselves or dictated them to someone. They obviously understood enough of the concept of public disclosure and the use of newspapers as a tool in this endeavour to expose their employers'

practices to public scrutiny. Thomas Sparrow signed his letter "late of the Myrtle," indicating his decision to no longer fish on that craft. His attitude reflected a sense of independence among bank fishers. The expanding bank fishery offered employment opportunities beyond the leaky and unseaworthy "Myrtle," and Sparrow probably intended to avail himself of these chances. Unfortunately, those who replaced Sparrow on the "Myrtle," were not so fortunate. On 6 November 1890, the Daily Colonist reported the loss of the "Myrtle" on the Grand Banks with all the crew.⁷¹

Bank fishers continued to respond to unseaworthy vessels and poor working conditions by deserting the vessels and fighting the cases in the courts. On June 28, 1889, Patrick and Jeremiah Penny of Holyrood deserted the "Anna," a western boat cum banking vessel, owned by Goodridge and Sons of Renewes. According to the accused, the unseaworthiness of the vessel, the failure of the company to provide a medicine chest and hermetically sealed cans of food in the dories,⁷² all served to support their actions. In addition, the two men had signed a shore fishery master-servant agreement with Goodridge and Sons, not a bank fishery agreement. In his decision, Judge Prowse dismissed the allegations of the deserters and found for Goodridge and Sons. Immediately upon hearing the decision, the counsel for the deserters gave notice of appeal. Goodridge and Sons then intervened by offering the two deserters positions aboard one of their larger 80-ton banking schooners. Patrick and Jeremiah Penny agreed, the company dropped charges against them, and they continued their fishing voyage for 1889.⁷³

Other bank fishers took court actions against vessel captains and owners for violations of bank fishery agreements. In early December, 1887, the Central District Court heard the case of *Squires vs Patten*. In this case, Squires, a wage servant, took action against the banking vessel captain, Patten, to recover a portion of salvage money gained when the banker employing Squires towed an American vessel into St. Pierre.⁷⁴ In sharing the salvage money, the captain divided one-half of the sum with his sharemen, but refused to allow Squires or other wage servants a share. The Court decided for Squires, directing that one-half the salvage money be allowed for the ship and the other half divided among the crew, with the captain receiving a fifth for his share and the mate \$20 in addition to an ordinary man's share, with the balance divided equally between shareman and wage men.⁷⁵

In mid-December, 1887, the St. John's courts heard the case of "*Walsh and Rehr vs Joy*." In this situation, the plaintiffs, Walsh and Rehr, charged Baine Johnston's banking schooner, the "*J.C. Saint*" and the vessel's captain, Walter Joy, with breach of contract for wrongful dismissal.⁷⁶ According to the plaintiffs, Captain Joy fired them because they left the vessel without his permission.⁷⁷ The plaintiffs claimed they asked for and received leave to go to St. John's from the vessel's anchorage at Holyrood. One of the plaintiffs' witnesses testified that Captain Joy wanted to get rid of the two hands because he thought better men were available at Holyrood. In this case Judge Prowse found for the plaintiffs although the financial awards of \$5 for Walsh and \$15 for Rehr were much less than the \$200 they sought in damages.⁷⁸

Later in December Judge Prowse heard another bank fishery case. Crew members Hotfield, Jackman, and three others of the "Augusta" took action against the vessel's owner, Thomas Grant, for items they had to pay for under the crew agreement. Grant charged them for the loss of an anchor and anchor line, the loss of a compass, and the purchase of a patent fog horn to replace an old fog horn.⁷⁹ Grant charged the crew 20 per cent interest on all cash advances for the whole voyage from the spring until after the last catch was landed on September 22, 1887. Prowse found for the plaintiffs, stating that the vessel owner could charge them 20 per cent for cash advances prior to the end of the voyage (22 September), but not for cash paid out after that date. Prowse ruled the plaintiffs did have to pay for a portion of the foghorn, but not for the other items.⁸⁰

The major St. John's bank fishery suppliers, apparently smarting from the victories scored in the courts and the press by these assertive bank fishers, moved to consolidate their position. In early January, 1888, they met and worked out a common bank fishing agreement which they offered bank fishers for the coming year (see Appendix 3.1). The agreement, a wholly one-sided affair favouring the owners, included sections such as Article 2, which outlined the weekly amount of food the vessel owners would provide each crew member:

The said (company) agrees to find and provide for the said other parties and supply them during each voyage or voyages with provisions in quantities per week for each man according to the scale following, that is to say:

2 lb. bread	1/4 gal. molasses
1 gal. flour	5 lbs. pork or beef
1 lb. butter	2 oz. tea

or the equivalent value of same. For any excess over said quantity the said party or parties receiving same shall pay at prices similar to those charged to the schooner for provisions put on board of her for the purposes of the said voyage or voyages.

Any additional food the crew paid for themselves, presumably out of their share of the catch, but it is unclear if the suppliers considered the extra provisions as part of cash advances and charged the crew 20 per cent interest. Previously some vessel suppliers such as Baine, Johnston & Co. simply provisioned the vessel for the trip (see Appendix 3.2).

Article 3 of the 1888 St. John's Bank Fishing Agreement outlined the merchants' interpretation of desertion:

Each of the said parties hereby agrees that should he [the fisher] be absent from the said schooner for the space of two hours without such permission he may be regarded and dealt with as having deserted the said schooner and that by such absence all the right and interest in the voyage or voyages of the said schooner which has accrued or is due to him under this agreement up to the time of the commencement of such absence is forfeited by him and becomes the property of and payable to the said (owner) or his assigns.⁴⁴

This article was much more restrictive than even the Master-Servant Act in place at the time. It revealed not only the overt power of these merchants, but probably their frustration at their inability to recruit a stable and competent labour force. The previous year Baine, Johnston & Co. permitted a fisher 12 hours absence from the vessel before being considered a deserter (See Appendix 3.2).

Similarly, Article 6 reflected these companies' position on dory crews who became lost while fishing on the Grand Banks:

In the event of the crew of any dory belonging to the said schooner going astray on the banks or from other causes being absent from their vessel they shall not be entitled to any share of fish caught during their absence and should such absentees not resume their work under this agreement within two days after the next arrival of the schooner in any port or place in Newfoundland they shall cease to have any interest in the future prosecution of the voyage or voyages and be entitled to have only the share or proportion due to them at the time of their so going astray or being absent.⁴²

The Baine, Johnston & Co. agreement the previous year did not include this clause (see Appendix 3.2).

Apparently not all bank fishery companies shared the position of those in St. John's. At least one bank fishery company operating out of Placentia rejected the agreement. W. & A. Bradshaw preferred instead to remain with the previous arrangements they had with fishers. Bank fishers in the area immediately signed with that company, which attained its full complement of crews early in the new year of 1888.⁴³ Not surprising given the information presented above, all bank fishers in the Placentia area refused to sign the new bank fishing agreement being promoted by the St. John's companies.⁴⁴

Fishers in other areas also took action. On March 7, 1888, approximately 200 fishers, both banking captains and their crews, from the Southern Shore region of the Avalon Peninsula went to St. John's to protest these bank fishing agreements.⁴⁵ One unidentified captain stated that under these circumstances he would prefer to sail as an

ordinary fisher aboard a Gloucester vessel than to be master of a Newfoundland banking vessel.⁶⁶ Through T.J. Murphy, an opposition member for St. John's East in the Newfoundland House of Assembly, these bank fishers introduced a petition calling for protection from the one-sided agreements. The petition sparked considerable debate among members of the Legislature. The bombastic A.B. Morine, a pro-confederate, tory member representing Bonavista, rose in support of the petition and stated:

I have never seen or heard of anything like this banking agreement, to which the attention of the house has been directed by the petitioners; an agreement which reduces our fishermen to the position of Southern slaves before the war. It may be true that the men of Placentia will not sign this agreement, but if our fishermen are met by a combination on the part of the merchants, there is no course for them but to sign the agreement, or leave the country.⁶⁷

Walter Grieve, a member of the House and owner of Baine, Johnson & Co., one of the largest St. John's firms with interests in the bank fishery, responded to the criticisms levelled by some members of the House and inadvertently revealed a snapshot of conditions experienced by some people in Newfoundland:

This agreement was made by a number of persons owning bankers for as they considered, the protection of their own interests....this is by no means a general agreement....I think the scale of provisions [in the agreement] is quite sufficient to meet the requirements of an ordinary healthy person. This scale has been inserted in the agreement for the purpose of preventing the crew from giving away, as is frequently the case, the provisions in different outports and places where the vessels go to procure bait and ice. When vessels touch at places where destitution prevails, it has been the practice to give away a portion of the provisions, and this scale has been inserted to restrain them from doing so.⁶⁸

Some opposition members of the House responded to the petition by calling for a bill to legislate the relations between banking vessel owners and fishers. Government members of the pro-fish merchant Thorburn administration reacted slowly to this call.⁴⁹ T.J. Murphy, who championed the petition in the House, neglected to capitalize on the momentum generated and follow up with a private members bill during the same session. Whether or not the bill would have passed is doubtful. However, the political pressure built up at the time made it the most likely opportunity. It took until the following year at the next session of the House before Edward Morris presented a private member's bill. This delay left the crews of banking vessels with little choice but to sign the Agreement if they wished to partake in the upcoming voyage.

Originally a Thorburn administration supporter,⁵⁰ the Evening Telegram condemned the bank fishery agreement in a strongly worded editorial. The paper viewed it as an attempt to create a "trust," a combination of capital against labour.⁵¹ In a second, strongly worded editorial, the paper chided politicians for their failure to act on the banking agreement, pointing to it as an example of the lack of independence in Newfoundland:

Ask the fishermen who have been lately studying the terms of the "banking agreement" whether any independence of action has been left them. They will tell you they must not eat too much; they must not go astray; they must not ask any questions about the price of fish; they must live without money or pay twenty percent for their own while it remains in the hands of the merchant. The truth is "Independence" in the general acceptance of the term has no existence in Newfoundland today....Then, again, there is comparatively no middle class in this colony. The bulk of the population is divided into two classes, rich and poor.⁵²

Letters to the Evening Telegram condemned both the government and the Newfoundland mercantile class. These letters singled out the bank fishery agreement as the consummate example of the greed and power of mercantile interests and the complicity of the government. These writers said the agreement had a demoralizing effect on the crews employed in that fishery. They predicted these individuals would leave the industry to seek employment in other parts of North America:

Picture an unfortunate fisherman being obliged to sign for two pounds of bread per week in the hazardous task of overhauling his trawls on the Grand Banks in a 14 ft. dory, and working sometimes eighteen out of twenty-four hours. Talk about serfs. If we have not got them in this country, it is not the fault of those who are parties to this agreement. Who would think that in this nineteenth century a miserable wretch, in the shape of a man, in his eager desire for gain and to satisfy his own selfish ends, would half starve his fellow man.⁹³

Another letter from a "parent" commented on the pessimistic outlook for children. This letter pointed to the agreement as an exercise of monopoly and an example of the structural deficiencies within Newfoundland society. Newfoundland's children, faced with "monopolists" and "purse proud tyrants," opted to depart the island and seek a future some place else, mainly in Canada.⁹⁴

Moses Monroe, a St. John's merchant heavily involved in the bank fishery, used his position in the Legislative Council to downplay and dismiss these attacks on the agreement. Speaking during the debate on a bill to abolish the cod trap, Monroe changed topics and entered a long-winded defense of the new bank fishery agreement. He indicated that only a few points in the new agreement differed from the former

agreement, those being: a share for the vessel, the crew having a share of the cod liver oil produced, the crew to pay for a share of the salt, and a scale which set out the provisions to be provided by each vessel.⁹⁵ Commenting on the reasoning for a clause giving the vessel a share, Monroe stated:

Lately it had been found that very many planters have become the owners and masters of banking vessels, and it has been thought that under that agreement the masters as compared with the crews are receiving proportionately a larger amount than they should receive and that a return should be made to the old system providing that a man's share of the whole voyage should be retained for the vessel.⁹⁶

Unfortunately Monroe provided no further information on exactly how many planters owned bank fishing vessels or became masters of them.⁹⁷ However, he offered this explanation for reducing the provisions on banking vessels:

no one could reasonably take exception to an effort to check extravagance which unfortunately is too frequently the characteristic of our people. He was interested in banking vessels some of which got three times as much provisions as did others, but he believed in these cases the provisions were not used but sold or given away.

Regarding the clauses concerning cod liver oil and salt, Monroe argued:

by the new agreement the crew are required to pay their share of the supply of salt which heretofore was allowed to go against the oil. The experience of the bank fishery in recent years has demonstrated that the quantity of salt used is far in excess of what is necessary and the oil is far less than it should be.⁹⁸

According to Monroe, planters, not merchants, owned banking vessels. Merchants outfitted them and any profit went to the owner or planter. The merchants designed the new banking agreement to make the system as productive as possible and to have fishers

practice all necessary economies to keep expenses within reasonable bounds.⁹⁹ Monroe blamed all the bank fishery agreement controversy on the "windy vapouring of political agitators."¹⁰⁰

His comments in the Legislative Council prompted a letter to the Evening Telegram signed simply "A Member." The writer, who it appears was a lawyer and a member of the House of Assembly (probably E.P. Morris), took Monroe to task for his statements, indicating the positions Monroe occupied in several key commercial operations in St. John's, notably the Ropewalk and the Nail Factory, both of which the author referred to as subsidized monopolies.¹⁰¹

Legislation to regulate the bank fishing agreements between merchants and fishers was not introduced until the next sitting of the House in the winter of 1889. Edward Morris, ever eager to gain populist favour among the underclasses and particularly within his powerbase – Irish, Catholic, working class St. John's – introduced a bill to regulate agreements between crews and merchants engaged in the bank fishery.¹⁰² The bill proposed among other things to regulate the relations between labour and capital. Morris probably knew the bill would not pass, but the opportunity to gain political points at the expense of the overtly Protestant, Water Street, fish merchant government was too good to ignore. Predictably, the bill received support from most of the opposition but found little enthusiasm among the majority government members. The bill reflected grievances endured by bank fishers and apparently drew on Morris' legal experience in taking court action on behalf of bank fishers. In the debate on second reading, Morris again enhanced

his image as defender of the underclasses by recounting incidents where owners and suppliers fitted out schooners with old and dilapidated gear knowing it would be lost at sea. The crew paid for a percentage of this lost gear out of their share even though they had no say in the kind or quality of gear the outfitters placed onboard.¹⁰³

The bank fishery vessel owners and operators vigorously opposed the bill. A.W. Bradshaw, the member for St. Barbe and a banking vessel owner from Placentia, offered this comment: "If we go on passing laws and hampering the operation of this banking industry, we shall soon have our fleet of bankers moored at the wharves at St. John's and lying up."¹⁰⁴ However, Bradshaw's March 1889 comments followed on the heels of probably the best bank fishing year in terms of landings the Newfoundland fleet experienced in the late nineteenth century.¹⁰⁵

Also speaking against the bill to regulate agreements between crews and merchants engaged in the bank fishery, Ellis Watson, member of the Legislature for Trinity and an employee of R.B. Job and Co., a Newfoundland fish company with substantial interests in the bank fishery, commented:

ever since I have been in the colony, I have been associated with the hard working fishermen of Newfoundland and if I have any sympathy it is with the fisherman against his employer...Capital is just as sensitive in this country as it is in any other part of the world and when those who have capital invested are met by restrictive and hampering legislation now proposed it might have the effect of driving them out...it is possible that such a bill may do real harm to our trade.¹⁰⁶

Watson's comments represented the view held by the St. John's bank fishery firms. This thinly veiled threat of a strike by capital was designed to throw a scare into all.

Government member Donald Morison representing Bonavista and opposition member Patrick J. Scott representing St. John's West spoke in favour of the bill.¹⁰⁷ They pointed to the need for legislative protection of fishers who went to the bank fishery since these men had few other sources of employment. Attorney-General J.S. Winter rebutted their arguments by simply stating there was no evidence that bank fishers laboured under oppressive conditions. Winter dismissed all presentations made by the bill's supporters commenting: "our experience clearly teaches us that none of the evils contemplated by this bill have ever been felt in the past."¹⁰⁸

Supporters of the bill pointed to the experience of other jurisdictions which passed legislation to protect workers from exploitative capitalists. Countering this argument, Attorney-General Winter offered the existing court system as sufficient protection for fishers if they wished to take action against employers. He also adopted Watson's argument and those of other opponents to the bill. He perceived the bill as restricting trade and thus encouraging capital to move to other enterprises, or to pay lower shares to the crew. He presented the view of the employer and the bank fishing crews as equal partners capable of negotiating with each other on an equal footing. Any disagreements or grievances between these parties could be resolved in court.¹⁰⁹

T.J. Murphy disputed the Attorney-General's comments. He stated that opposition to the bill had prevented him from presenting it the year before.¹¹⁰ The present bill, according to Murphy, fell in line with the existing Masters and Servants Act.¹¹¹ Daniel J. Greene, the independent member for Ferryland, also spoke in favour of the bill. Citing

British experience, he noted that the British parliament passed legislation to protect factory workers and mills had not closed as a result.¹¹²

The composition of the legislature, however, dictated the bill's fate. The Thorburn government supported mercantile interests and 15 members of the House had direct merchant connections. Mercantile interests could not be expected to support the idea of the state legislating how they were to treat their employees and the failure of bank fishers and their supportive legislators to mount a sustained campaign of political support in St. John's and other bank fishing communities weakened their case. The government defeated the bill at second reading.¹¹³

Several initiatives, however, did make it into law. These included the implementation of the Bank Fishermen's Insurance Fund as discussed in Chapter 5. Beginning in 1889, this fund alleviated short-term economic hardship in the families of fishers lost at sea. In addition, the efforts of Captain Philip Cleary and his supporters to improve the construction standards of locally built vessels, as outlined in Chapter 4, resulted in the eventual appointment of a Lloyd's Surveyor and the improved seaworthiness of banking vessels.

The absence of an extra-parliamentary interest group to lobby on behalf of the bank fishers points to the weak position of this group within the Newfoundland political milieu. Even if the bill regulating the agreements between bank fishers and vessel owners had passed, fishers could not have retained a strong footing. The absence of a cohesive organization of bank fishers to assert their rights and lobby consistently on their behalf

served to place their interests low on the political agenda. Unfavourable organizing conditions predicated by a segmented work place and migratory and transient work force worked against bank fishers sustaining a stable organization.

Despite these handicaps, bank fishers did not accept these conditions passively. They often reacted individually against unsafe or intolerable conditions. One form of this response, as mentioned previously, involved undermining the fishing voyage by cutting the anchor cable of banking schooners while out on the fishing grounds.¹¹⁴ Banking vessels used an anchor attached to a thick hemp rope when they moored the vessel on the fishing grounds. This provided the vessel with the flexibility to ride the waves while anchored on the high seas. Crew members, finding themselves aboard leaky or generally unseaworthy vessels, shortened the voyage by cutting the cable. This forced the captain to return to port to acquire a new cable and anchor and provided the opportunity for the crew to desert.¹¹⁵ Jim Baker of Heart's Content, a former crew member of the "E.B. Phillips," recounted a cable-cutting incident aboard that banking schooner:

On the night in question a hurricane raged on the Grand Banks. I and other crew members felt the old and worn out vessel would never survive unless Edgar (Edgar Hopkins, the captain) gave the order to cut the cable and allow the ship to ride out the heavy gale. Edgar did not think such a drastic step necessary believing the vessel stout and sturdy enough to weather the hurricane. Edgar told him (Jim Baker) to mind his own business and to go to bed to sleep off his childish fears. Jim Baker told Edgar if he did not give the order to chop the cable then he (Jim Baker) would do it as he had the support of the entire crew. A few minutes later one of the crew ran back aft and informed Edgar and Jim that the decking opened up in several places. Jim Baker grabbed the hatchet from the beams fought his way through driving spray and howling wind to the bow and severed the four inch hawser with two swings of the hatchet. The

vessel wallowed and rolled in the trough of the sea for several minutes and was almost on her beam ends before she could aright herself.

With a \$300 cable lying on the bottom, Edgar had no choice but to head for land. All hands agreed they would never tell George Moore (the owner) what took place that night, except the skipper if he so wished. No sooner was the vessel tied to the wharf than one of the crew went to George Moore and told him of Jim Baker's irresponsible act of cutting the cable. George Moore fired Jim Baker telling him he would never work on any of his fishing schooners again.¹¹⁶

The election of the Whiteway government in the fall of 1889 offered symbolic hope to Newfoundland fishers and workers. Purporting to be the "friend of the workingman," it supposedly represented the interests of those not connected with the St. John's merchant elite. However, the Whiteway government failed to serve the interests of bank fishers by improving their socio-economic position under the bank fishing agreements¹¹⁷ and master-servant legislation. Within the Newfoundland political milieu, fishers remained a large, unorganized, under-represented group. The politicians and parties which dominated the Newfoundland House of Assembly in the late nineteenth century represented mainly upper middle class conservative or liberal perspectives. The 1889 platform of Whiteway's Workingman's Party outlined many promises of jobs and the creation of new industries within Newfoundland. However, because labouring classes within Newfoundland were under-represented the platform offered little reform to the existing credit or supplying system among merchants, planters, fishers, and fishery servants. The platform failed to address specific weaknesses inherent within Newfoundland's international salt cod marketing strategy.¹¹⁸ Despite the vociferous debates of the previous few years over repressive bank fishery agreements, safety

conditions aboard banking vessels, and the inadequacies within the domestic shipbuilding policies, Whiteway's party platform neglected to address these issues.¹¹⁹

Economic and environmental factors contributed to increased desertions and the erosion of the authority of master-servant legislation and bank fishery agreements. Competition from other labour markets, particularly construction employment with the Newfoundland railway and the low catch rates experienced in the 1889 bank fishery, enticed fishers to desert. Merchant response included lobbying the Newfoundland government for tougher penalties in the Masters and Servants Act. In May, 1890, during the next sitting of the legislature, Moses Monroe, a member of the Legislative Council and prominent merchant active in the bank fishery, sent down a bill to the House of Assembly proposing repressive amendments to the existing Masters and Servants Act. The House of Assembly defeated this bill on its motion for second reading.¹²⁰

A few days later, in a move which reflected class lines, William Duff, a member of Whiteway's Government and a Conception Bay merchant with considerable investments in the bank fishery, re-introduced the bill for second reading.¹²¹ Whiteway's Party, while divided on this issue, did not split. Many, speaking in debate on the amendments, outlined the fish merchants' position for introducing the bill. George Fearn, a local merchant and government member for St. Barbe District, supported the bill, offering the opinion that servants and bank fishers deserted and abandoned voyages for no apparent reason other than to disrupt the system of production. Robert Munn, an opposition Reform (tory) Party member and prominent Harbour Grace bank fishing

merchant, saw the bill as a deterrent to desertion. Duff, the bill's sponsor, supported Fearn's and Munn's positions with a personal reminiscence about an experience the previous year when crew members from one of his bankers deserted and the remainder of the crew took him to court for not holding to his part of the agreement. Duff rationalized his support for the bill as a means to protect bank fishers' families as they apparently came to the employer seeking assistance when they had little or no food.¹²²

E.P. Morris chided these members for supporting the bill. Citing poorly maintained leaky schooners and the fish merchants' resistance to improve conditions for bank fishers, Morris pointed to the injustices which occurred in the bank fishery over the previous years.¹²³ James Murray, a St. John's merchant and the independent member for Burgeo-LaPoile, supported Morris' position. In his argument against the bill he outlined the dangers inherent in the bank fishery and the prevalence of unseaworthy banking schooners:

The first instinct of every prudent, every sane man was to fly from that danger which was of such a character as to imperil his life...there was no law of protection for the fishermen especially the lobster and banking fishermen. Those men who exposed their lives to the various fishing industries ought to be protected and the legislature ought not to be asked, by means of a one sided act, to protect those who had no interest in the lives of the fishermen except for the commercial profit they would gain from them.¹²⁴

Premier Sir William Whiteway supported the comments of Morris and Murray. He stated that the role of the legislature was not to make laws simply for one particular class. To express his opposition to this bill, he presented the case of a bank fisher, who

at the end of a bad voyage wound up in debt to his employer for \$2.35 after making total wages of \$37.50. He wondered aloud what protection was available for this bank fisher and his family. Whiteway, however, hedged his opposition to the bill, indicating his willingness to accept changes as long as the interests of bank fishers were protected as well. He advocated similar penalties for vessel owners who sent fishers to sea in unsafe vessels: "He [Whiteway] could conceive no condition of affairs which deserved greater condemnation than the owner of a vessel that was outfitted to proceed on a voyage at the risk of the lives of those on board."¹²⁵

Debate on the bill did not follow party lines as government MHAs Murphy,¹²⁶ Fearn, and Duff all rose to support the bill. Whiteway, despite his rhetoric championing the downtrodden fishers against greedy merchants, supported the bill past second reading into committee for revision. Those lobbying for the bill succeeded in gaining support for it in committee. Mr. Fearn, the member for St. Barbe, speaking in committee stated:

He would be very sorry to be a party to any legislation that would be opposed to the great majority of the fishermen of the country, who he believed, entered into their contracts with the express purpose of keeping them, but the present condition of the country demanded that some law be placed on a statute book which would prevent men from abandoning the voyage and thereby causing severe loss to their shipmates as well as the owners of the craft.¹²⁷

To the uninformed, the bank fishery merchants' argument sounded reasonable and forward thinking. It was not protection for themselves they wished. Instead, they advocated protection for "responsible" bank fishers who were put out of work when these other "unreliable" fishers deserted.

In the Legislative Council, Monroe, a major supporter of the bill, reiterated

Fearn's argument:

He looked to the injury such desertions did to the other members of the crew, and the great disadvantages they were placed in by them, quite as much if not more than that which the owners might suffer in consequence of such. He considered though the principal element in the offence of desertion was the violation of the agreement.¹²⁴

In this last statement Monroe revealed his real agenda. The agreement to which he referred was either an agreement between employers and servants or between bank fishery merchants and bank fishers. These agreements were not negotiated between parties. Instead, the merchant or employer drafted the terms of the agreement and the servant or bank fisher, if he accepted employment with this employer, also accepted the terms of employment.

The bill eventually made it through committee, but not without several changes. The prison term was reduced from 90 to 60 days and deserters from banking vessels must have received at least \$20 in cash or supplies before they could be charged:

When any person who shall have entered into a contract or agreement in writing, which shall be signed by both parties or their agents, and of which there shall be two parts so signed, one to be in the possession of the employer and the other to be in the possession of the servant, for the performance of any duty within this Colony, as fishermen engaged in the Bank or other fishery, shoreman, shareman, lobster-catcher, or any other kind of service in connection with said industries: Provided such persons shall have received advances in cash or goods on account of such contract, agreement, or voyage, for which or part of which he shall be indebted to the extent of twenty dollars at the time of desertion, shall fail or refuse to perform such contract or agreement without shewing cause thereof, such as unseaworthiness of vessel, insufficiency of food, absence of suitable accommodation, when accommodation is provided by employer, or a

medical certificate that such person is in ill health, or other good and sufficient excuse, any Justice may, upon complaint on oath of the employer of any such person, or his agent, being made before him, issue his warrant and cause such person to be apprehended and brought before him, and such Justice may commit such person to prison for sixty days, with or without hard labour.¹²⁹

At least three St. John's newspapers supported the legislation. The pro-Whiteway Evening Telegram initially dismissed the bill as another attempt at "class legislation." The paper soon fell silent on the topic when it became obvious the bill was destined to become law. The Daily Colonist, an otherwise progressive, liberal, pro-Irish, pro-Catholic paper adopted an anti-deserter stand similar to that of the Evening Telegram. In an editorial of March, 1890, the paper expressed sentiments similar to those put forth by bank fishery merchants:

The practice of leaving fishing vessels has become very prevalent lately, and a very unjust and unmanly practice it is. After making one, or perchance two trips to the banks, on arriving at the first harbour, perhaps in the quest of bait, he turns his back on the vessel, and his dory-mate, and marches with his unpaid goods to seek employment elsewhere; or, it may be, to play the same trick on some other employer, who has not heard of his desertion. These deserters, from the open manner in which they act, do not seem to understand the gravity of their offence or are inclined to think the law cannot punish them. If a deserter is asked why he left his vessel the answer is universally "I cannot live on the provisions which are on board" or some such evasive answer; although his dory-mate and other comrades will say that the provisions are very good.¹³⁰

The third paper, the Evening Mercury, operated by A.B. Morine, adopted the same position.

All of these papers failed to explore the question of desertion beyond the simplistic explanations provided above. Attempts to examine the plight of bank fishers,

even in the context of their recent experience with the bank fishery agreements of 1888, remained absent from any editorials or appraisals of the desertion question. The local newspapers failed to mention the impact of these agreements, which had remained in effect and continued to extort from fishers 20 per cent interest on any cash advanced. Nor did they examine the kind and quality of food and accommodation available to bank fishers or provide any evaluation on the seaworthiness of the banking schooners. These papers offered no credibility to the reasons for desertion which appeared frequently in court cases reported in the same papers. They preferred to ignore the declining returns being generated in the bank fishery which had fallen from 90 quintals per crew member in 1884 to 54 quintals in 1889.¹³¹ Efforts to examine or compare conditions of employment prevalent on Newfoundland banking schooners to those on Nova Scotian or New England vessels also were not forthcoming. Nor was there any attempt to compare wages, although the publication of such information would probably have transformed the steady stream of emigrants into a torrent. These middle-class newspapers created a hysteria against a faceless group of "unreliable" bank fishers who would, for no apparent good reason, leave their shipmates stranded.

One letter appearing in the 10 June 1890 edition of the Evening Telegram advanced views critical of the amendments and of their main supporter, Moses Monroe:

Not content with charging twenty percent on advances to fishermen, he [Monroe] now wants to consign them to prison for ninety days for deserting from some man-trap of his, designated in this country as a banking schooner. As to desertion, it is of rare occurrence (if at all) that a man deserts from a good vessel if he is treated like his fellow fishermen

in the neighbouring provinces. In most of the Newfoundland banking agreements, fishermen are charged with their proportionate share of loss in everything pertaining to the outfit; but they don't receive any share of the twenty percent profit on advances.

One case will show to what extent charges are levied on the fishermen in this unfortunate country. Two fishermen were lost last year from their dory on the banks. When the widows were being paid their husband's share of the voyage, the owner charged them with the price of the dory their husbands were lost from. The best and most intelligent men are forced to emigrate. They will never submit to such treatment at the hands of a few men.¹³²

For fishers working on Newfoundland banking vessels, this punitive attempt to curb desertions and resistance to deplorable conditions failed miserably. If anything, desertion from banking vessels, or at least the reporting of it in local newspapers, increased during the late spring and early summer of 1890.¹³³ The combination of poor fish landings, poor food, and often leaky boats forced bank fishers to leave the fishery to seek employment elsewhere after the first leg of the voyage. Given the option of returning to sea in a leaky, poorly provisioned and equipped vessel with only the prospect of poor fish landings and further debt to the merchant, the choice of 30 to 60 days in jail on dry land with food appeared more attractive to some.

The fish merchants and vessel owners exercised considerable influence in the decision to lay or withdraw criminal charges and to reduce sentences of crew members convicted of desertion. An appeal to Governor Terence N. O'Brien from Judge D.W. Prowse for the early release of two individuals convicted of desertion illuminates the leverage wielded by merchants. Two letters, one from John Burke, Little Placentia, owner of the banking schooner "T.M. Lake," and another from Monroe, the St. John's

vessel supplier, accompanied the appeal.¹³⁴ Burke instituted the request for the early release on 18 October 1890 by writing Moses Monroe claiming:

that Richard G's family are in a starving condition, absolutely begging from their neighbours, he their only living support and Lewis W's [the other crew member] health very much impaired. I beg to request you will cause them to be liberated as the vessel is now returned and the voyage at an end so that they may have time to earn something before the winter sets in.¹³⁵

Monroe wrote Prowse, who in turn wrote the Governor. It is assumed the Governor released the two so they could earn some money to see themselves and their dependents through the winter.

Even the 1890 amendment to the Masters and Servants Act apparently failed to curb desertions.¹³⁶ Both Houses of the Newfoundland Legislature met in the late winter of 1891 to enact a further amendment. In March, 1891, George Fearn, the pro-merchant government member for St. Barbe, rose in the House of Assembly to propose imposing even stricter penalties on bank fishers who deserted.¹³⁷ At the same time, the St. John's bank fishery outfitting merchants publicly delayed preparing schooners for the bank fishery. They wanted to bring public pressure to bear on the House of Assembly to introduce these stricter measures. An editorial in the Daily Colonist outlined the merchants' position: "The merchants say that until the banking bill has passed the House and they know exactly where they are, they will not make a move in getting their vessels ready for sea."¹³⁸ The same editorial cautioned the enactment of repressive legislation:

Jail every deserter from a schooner in which there is good provisions and gear - the schooner being sound - and defer the convention [bill] until next

year to make the details more perfect; but for goodness sake, if we value the future prosperity of our country, let the members of the House do something practical to keep the very "bone and sinew" [bank fishers] of whom they appear to be so proud from leaving our shores in hundreds - never to return.¹³⁹

A letter to the Daily Colonist published on the same day, signed "No Flunkey and One Who Knows," offered another appraisal of the proposed amendments:

Now it is proposed to remove all restraints to a slave-driving and anti-British coercion law, which, in connection with the notoriously infamous banking agreement still in existence will render additionally defenceless and insecure the position of the Bank fishermen and shipped servant of this monopoly-ridden colony.¹⁴⁰

A short editorial in the Daily Colonist several days later referred to the bill not as an amendment to the Masters and Servants Act, but instead as the "Banking Bill," sarcastically reflecting the underlying spirit of the proposed legislation.¹⁴¹ The editorial asked for a more democratic approach, stating that meetings between vessel owners and captains would be more effective in solving problems associated with the bank fishery. Support for tougher legislation came not only from the bank fishery merchants, but also from Sir Robert Pinsent, the Chief Justice of the Newfoundland Supreme Court. In a May, 1891, address to the Grand Jury in Harbour Grace he stated:

I refer to the amendment of the "Masters and Servants Act" particularly in relation to the Bank fishery, and the common practice of desertion from which was doing so much to damage its prospects and discourage its prosecution. It had been my duty two or three years since to bring this matter under the attention of the Government.¹⁴²

The 1891 amendments to the Masters and Servants Act specifically targeted the bank fishery. Section 1 of the Act squarely placed the onus of securing proof on bank

fishers:

When any person as fisherman, shoreman and shareman, shall fail or refuse to perform such contract or agreement without showing cause therefor, such as unseaworthiness of vessel, insufficiency of food, absence of suitable accommodation (when food or accommodation is provided by the employer), or a medical certificate or other good excuse, any Justice may, upon complaint by such employer or his agent, issue his warrant and cause such person to be apprehended and brought before him.¹⁴³

If unable to produce evidence in court, they found themselves convicted of desertion and sentenced to 60 days in jail, occasionally with hard labour if the judge so decided. After 1891, deserting crew members could seek the services of the Lloyd's Surveyor, who also served a second role as the Newfoundland government marine surveyor, to determine the seaworthiness of vessels.¹⁴⁴ However, questions concerning food, accommodation, quality of fishing gear, and interpretation of bank fishery agreements stood beyond the surveyor's domain. Resolution of these matters required court decisions. If bank fishers expected to receive equal treatment before the courts, they had to comprehend the workings of the judicial system for arbitrating disputes, understand the significance of having legal representation, and have sufficient funds to pay for it.

Debate on the bill illuminated class and intellectual differences and self-interest. George Fearn introduced the amendments. He received support from Robert S. Munn, an opposition member and a Harbour Grace merchant with bank fishery interests.¹⁴⁵ James Murray, the independent member for Burgeo-Lapointe and a vocal opponent of the bill, described the problem faced by bank fishers:

This law would place it in the power of an outport magistrate to commit to prison a man on the oath of another man who might be the owner of a small and unseaworthy banker. A fisherman ships for the Bank fishery in a vessel that was apparently all right; but on going to sea a gale springs up; the fisherman discovered that the schooner was ill supplied; she had rotten timbers and a rotten cable, and was unsafe; and the result was that the fisherman left her on first chance and small blame to him; or the food may be bad and the man deserted for that reason. Should one or two of the crew, frightened by the unseaworthy character of vessel in which they have embarked, [risk] all that was most precious to them - their lives - leave her, they were brought before a country magistrate. They have no counsel; cannot produce proofs; have no means of redress, and either go abroad or go to jail.¹⁴⁶

David Webber, the government member for Trinity and editor of the local newspaper in that region, opposed the bill. Speaking in the debate, he provided a similar appraisal of the reasons for desertion in the bank fishery:

When the Bank fishery first started the men made good wages, but, after a time, certain parties thought that the men were doing too well, and charges of all kinds were stuck everywhere. This discouraged the men and did more to cause desertion than anything else. Sometimes the men were treated badly either by the suppliers or the captain and from other causes such as bad food or the unseaworthiness of the vessel, they would refuse to go on the banks again. The men who had cause for deserting would prefer going to jail rather than being forced on the Banks by a magistrate.....In many cases men shipped for the Bank fishery, and owing to the many charges for supplies and bait and damages to gear and dory, there would hardly be anything coming to them, no matter how successful the venture turned out.¹⁴⁷

Edward Morris, instrumental in attempting to introduce earlier reforms in the bank fishery and ever the consummate politician, supported Murray's and Webber's remarks in the debate.

The debate reveals that members adopted positions along lines of class and narrow mercantile self-interest rather than those of political parties. Those voting for passage of the bill included William Duff, William H. Whiteley, James P. Fox, Robert Munn, and Edward Shea. Duff, Shea, and Whiteley served as government members with direct financial interests in the bank and Labrador fisheries, while Munn and Fox, who also had bank fishery interests, sat in opposition. Seven members, including Whiteway, Bond, Murphy, and Webber, all members of Whiteway's Workingman's Party, and Murray, an independent, voted to send the bill back to committee. Another government member, Edward Morris, while arguing against the bill in the House, voted with the merchant interests.¹⁴⁸

Opinions expressed in the Legislative Council navigated a familiar tack. Moses Monroe, the architect of the Masters and Servants Act amendment the previous year, commented on the state of the bank fishery: "The object of the banking agreement was the protection of all classes interested in the Bank fishery without prejudice to any particular class."¹⁴⁹ To sharpen his point, Monroe announced his decision not to engage his three vessels in the bank fishery in 1891, preferring instead to deploy them elsewhere,¹⁵⁰ probably in the Labrador fishery or the coasting trade. While Monroe's decision probably reflected the general decline in the St. John's bank fishery, 1891 was the first year the Newfoundland government employed the services of a Lloyd's Surveyor whose tasks included inspecting bank fishery schooners.

A.W. Harvey, a prominent supporter of the government and confidant of Premier Whiteway, followed Monroe's lead in providing another insight into the thinking of merchants engaged in the Newfoundland bank fishery:

Formerly fishermen made very fair wages at the Bank fishery, and it is solely for want of economy and perseverance that they are not obtaining large returns at the present time....It has grown quite too common for Bank fishermen upon their arrival to land before the voyage has terminated, to abandon their vessels, thus placing the owners under the necessity of shipping new crews or incurring expenses that they never anticipated. Owing to such conduct on the part of banking crews, this fishery has not yielded more profitable in recent years.¹⁵¹

Those Legislative Council members representing bank fishing vessel owners and suppliers maintained their campaign for increased jail terms for deserters. Moses Monroe, speaking before the Council a few days later, indicated these bank fishery interests needed "protection" and "proper encouragement" if they were to continue. Failure to provide this assistance, according to Monroe, meant they might simply cease operations, and put people out of work. Harvey supported Monroe's position, commenting on the necessity of a law compelling those engaged in the bank fishery to follow it to the end of the voyage.¹⁵² All of the rhetoric expressed in the Legislative Council served as a softening up tactic to generate public support for more punitive legislation. Predictably, the Legislative Council, whose members included many of the Water Street elite, gave the bill a speedy passage.

It became law on March 24, 1891,¹⁵³ while other acts passed by the House that year were not proclaimed until June.¹⁵⁴ The only reason for early passage was to have

it on the books before the bank fishery began that year. This legislation sent a clear message to those employed in the fishery. Once again it showed precisely who wielded political power in Newfoundland. The act offered them the kind of "protection" and "proper encouragement" believed necessary. It attempted to instill fear of prosecution and jail in those fishers who considered objecting to unfavourable and intolerable conditions aboard Newfoundland banking vessels. In addition, it revealed the inherent philosophical weakness of Whiteway's alleged "Workingman's" Party. Whiteway, though he had reservations about the legislation and argued for equality in the relations between bank fishers and vessel owners, was not able to either introduce legislation controlling the practices of vessel owners or muster enough support within his own party to defeat the bill.

The amendment made a distinction between those employed as fishermen and shoremen in the Labrador and shore fisheries, and bank fishers. It provided a penalty of 30 days with or without hard labour for those deserting the Labrador and shore fisheries, but the desertion penalty for those in the bank fishery remained at 60 days with or without hard labour. The new legislation dropped the \$20 cash or credit advance minimum previously required for prosecution, and provided a definition of what constituted the bank fishery: "The expression 'Bank-fishery' in this Act shall be construed to include all fisheries carried on in vessels three miles distant and over, from any part of the coasts of Newfoundland and Labrador."¹³⁵ The act provided a further penalty of another 60 days for those bank fishers who completed their jail sentence but

who still refused to return to their vessel. Upon completion of these jail terms bank fishers still faced the prospect of paying back the advances of either cash or goods they had received at the start of or during the voyage.¹⁵⁶ Two letters written in late July 1891 by the bank fishing firm R.H. Prowse & Sons to one of their bank fishing skippers, Captain William Williams, illustrates their fury in applying the amendment. The letters focused on the desertion of a Mr. Hall, a crew member of the banker "W. Rodgers," commanded by Captain Williams. In the first letter Prowse advised Williams not to rehire Hall under any circumstances, preferring instead to have him arrested and imprisoned for 60 days. Prowse ordered Williams to hire a new crew member and pay him \$20 per month and \$2 for every 1000 cod he caught.¹⁵⁷ A letter written by Prowse the following day revealed the arrest and subsequent conviction of Hall on the charge of desertion with a sentence of 60 days hard labour. In one sentence Prowse outlined the prevalent merchant view on desertion: "The magistrates and the government are determined to put down this desertion business and I will not tolerate any excuses for anyone caught."¹⁵⁸ Approximately three weeks later Prowse rejected a further request by Captain Williams to permit Mr. Hall to return to the vessel. Instead the company stated it preferred that the fisher remain in jail.¹⁵⁹ Unfortunately Hall's and even Williams' side of the story remains unknown, so we know nothing of the reasons for Hall's initial decision to desert and Williams' decision to intervene on his behalf.

Again, the 1891 legislation retained uneven penalties for violation of master-servant agreements. Workers who left their employment prior to the contractual

termination date were defined as criminals guilty of desertion and subject to punishment which included jail terms.¹⁶⁰ However, where merchants or planters failed to provide for servants under the terms of the agreement, the punishment was a \$20 fine or a 30 day jail term only for those who refused or failed to pay the fine.¹⁶¹ The court imposed the latter jail sentence against merchants or planters, not for their violation of the master-servant laws or agreements, but for contempt of court.

The amendment apparently failed to encourage "responsible" bank fishers to sign on vessels and prosecute the bank fishery in the spring of 1891. Even the apparent high rates of unemployment prevalent in Newfoundland at the time did not encourage many to seek opportunities on banking vessels. A Daily Colonist editorial several weeks after the act passed commented that many local firms were having difficulty in signing on men for the bank fishery. Denigrating the role played by deserters who disrupted the livelihood of other "honest, hard-working" bank fishers, the paper offered the following observation on the bank fishery:

It is another strange fact that our men who cannot make a living at the Bank fishery in this country, can do so by sailing out of Gloucester, and this notwithstanding that supplies and general outfit is nearly twice as dear. This shows that there is something wrong somewhere and the whole matter should be looked into.¹⁶²

While local newspapers offered reports of good fish landings in the 1891 Newfoundland bank fishery, the reality proved something else. Landings per bank fisher for that year were 47.5 quintals, only slightly better than the 40 quintals per bank fisher the previous year. The Daily Colonist, the Evening Telegram, and the Harbour Grace Standard tended

to downplay these poor landings, while continuing their attacks on deserters, presenting them as a faceless menace, which needed to be removed from the bank fishery.

The Daily Colonist saw deserters as men led astray from their vocation by the promise of steady work building the railway for \$1.25 per day.¹⁶³ The paper said the negative attitudes of the bank fishery supply merchants were creating mistrust among bank fishers.¹⁶⁴ In the paper's view, both of these influences worked together so bank fishers took credit from the supply merchant, deserted, and brought ruin upon their families.¹⁶⁵ In addition to ignoring low catch rates, the paper downplayed unseaworthiness of the vessels, poor food and accommodations, and the one-sided bank fishery agreements as the prime reasons for desertion. Ironically, the same paper had reported on similar abuses in the bank fishery a few years previously, including the use of leaky and unseaworthy vessels, and the one-sided exploitative, crew agreements. The paper reported information provided by the manager of the local drydock, Captain Philip Cleary, during the Shipbuilding debates and by MHA Edward Morris during the Bank Fishermen's Insurance Fund and Bank Fishery Agreement Bill debates. But during the debates on the master-servant legislation the paper made no connections between poor working and living conditions, and desertion.

Similarly, an Evening Telegram editorial at approximately the same time provided the following condescending observations on those who deserted the bank fishery:

The average Newfoundland fisherman is a splendid fellow, morally and physically, and we take no little pride in his noble character as a man and a citizen. It, therefore, gives us extreme pain to see him so far forget

himself and his fine reputation as to violate legal obligations and thus render himself liable to be dragged before a magistrate on the dishonourable charge of desertion.¹⁰⁶

Both these editorials followed one appearing in the Harbour Grace Standard a few days previously. The Standard editorial commented on a desertion case aboard Duff and Balmers' banking schooner "Argonaut." In that case, eleven of the crew deserted citing dissatisfaction with the captain as the cause. Closer examination of the case may provide another, more pertinent reason. On its first trip to the banks the "Argonaut" caught 40 quintals of fish and lost three dories. Normally a poor catch on the first baiting for the year produced between 150 to 200 quintals, with good landings running between 400 to 550 quintals per trip. The crew deserted not because they disliked the captain, although that might have influenced their decision, but primarily because he did not find places to catch fish and they lost three dories for which they would have to pay part, if not all, of the cost. Given the failure in the bank fishery the previous year, the crew in all probability had debts and needed a good season to make up the loss. While the final outcome of the 1891 voyage of the "Argonaut" remains unknown, the results from the first trip did not indicate the likelihood of a good season aboard this vessel.

For the reasons mentioned above, attempts at disciplining the workforce through repressive master-servant legislation and exploitative bank fishery agreements proved futile. Bank fishers who toiled on schooners operating out of St. John's, the Southern Shore, Conception Bay and Trinity Bay simply voted with their feet and found employment on other banking schooners (sometimes by assuming other names), in other

fisheries, or in other labour markets.¹⁶⁷ It is doubtful if these 1891 amendments to the Masters and Servants Act had any effect on curbing desertion. Individuals went bank fishing for a variety of reasons and for apparently varying lengths of time. The difficulty bank fishery merchants experienced in recruiting and maintaining crews in this context indicates how potential bank fishers regarded a "sight" or "chance" to fish aboard a banking vessel in this period. From the little anecdotal information available on patterns of emigration for Newfoundland bank fishers in the early 1890s, it appears many opted to move to Nova Scotia,¹⁶⁸ New England, and even as far away as British Columbia.¹⁶⁹

Crowds demonstrating at the Colonial Building in St. John's,¹⁷⁰ the frequent reports of destitution and starvation in St. John's¹⁷¹ and various outport communities, and the constant emigration to other parts of North America all served to illuminate Newfoundland's chronic unemployment and underemployment problem and consequent outmigration.¹⁷² While no comprehensive statistics exist on migration from Newfoundland during the 1880s,¹⁷³ Patricia Thornton offers the following Newfoundland outmigration totals for the three decades following 1890:

1891-1901: 21,920;
 1901-1911: 16,686;
 1911-1921: 32,132.¹⁷⁴

Thornton classifies resettlement from Newfoundland in this period as "low stagnant," indicating a preponderance of unskilled or low skilled workers experiencing "high unemployment or an oversupply of labour with a shortage (of unskilled or semi-skilled

labour) at destination.¹⁷⁵ The work by Crawley,¹⁷⁶ Heron,¹⁷⁷ and Balcom¹⁷⁸ plus St. John's newspaper reports of the early 1890s support Thornton's hypothesis that emigrating Newfoundland workers found employment in low or unskilled industrial jobs.

Thornton's analysis of Newfoundland outmigration offers the "low stagnant" or "push" paradigm reasoning that poorly educated people left Newfoundland because of rural poverty, low wages, and few opportunities.¹⁷⁹ However, the large numbers of persons leaving who apparently possessed literacy skills suggest the emigration dynamic of "pull"¹⁸⁰ or the attraction of jobs with opportunities for advancement as a motivating factor.

Despite outmigration, the fisheries remained the major employer in Newfoundland. A smattering of surviving documents from the bank fishing business run by Mrs. Ella Morris, a prominent fish merchant operating in Burin in the 1880s and 1890s, offers some understanding of how her firm maintained its ability to retain a supply of fish for market and bait for its banking vessels.¹⁸¹ In this period, Mrs Morris gained possession or control of approximately 16 fishing vessels. She did this by having the vessel owners sign over ownership or in some cases put the vessel up as collateral on their debt to her for advancing them supplies. To pay off the incurred debt, these vessel owners agreed to operate the vessel for her and "not to sell, hire, transfer, or dispose of the said boat or any of her gear, without the consent of Mrs. Morris."¹⁸² In return, her firm supplied the vessel and in some cases received payment for the debt plus payment for the supplies:

This transfer is made for a debt we owe Mrs. Morris and for supplies given to us by her for the coming winter. If during the future we owe Mrs. Morris any money, she shall be at liberty to call on us for the said boat and we shall bring the said boat to her wharf, if she requires it, and she shall be at liberty to sell the same, and if anything is left after her claim is settled, it shall be paid back to us.¹⁴³

This way, it appears, Mrs. Morris was able to control the operation of the vessel in the interest of her own company.

In addition to these agreements on the ownership of vessels, fishers working on Mrs. Morris' banking vessels signed a separate bank fishing agreement (see Appendix 3.3) for the duration of the fishing season, usually from March to October. Their agreement differed from those offered St. John's banking crews of the same period (see Appendices 3.1 and 3.2) as it referred to "the custom of the fishery" and "according to the custom of Burin" (See Appendix 3.3). The agreement makes no mention of the type and quantity of food the vessel would carry, and does not outline punitive measures for losing fishing gear or equipment, or for desertion. The wording better reflects the local community and its unwritten laws.¹⁴⁴

Other fishing servants employed by Mrs. Morris signed a set agreement for several months employment. Like all master-servant agreements they set out the work in general terms to be completed by the employee and stipulated the wages to be paid for such employment. Mrs Morris had individuals sign credit notes for goods advanced or on money owed. Under these agreements individuals paid off debts over periods ranging from one o ten years.¹⁴⁵ In some instances persons agreed to pay off the debt in cash

or fish or both. In one instance an individual agreed to pay off a debt owed by his deceased father.¹⁸⁶

Adolph Nielsen, the Norwegian North Atlantic fisheries expert hired by the Newfoundland government in 1889 to oversee the operation of the Newfoundland Fisheries Commission, examined in some detail the reasons for the decline in the Newfoundland bank fishery.¹⁸⁷ In his 1894 report on the Newfoundland fishery, Nielsen condemned the credit system between fishers and suppliers outright, but failed specifically to identify the more oppressive and exploitative components. While he bemoaned the loss of qualified bank fishers, he failed to concentrate on the particular factors that contributed to their emigration, particularly the bank fishery agreement and the punitive legislative remedies in place for those who left the bank fishery during the voyage to seek other employment.

Written fishery agreements existed on and off for over a hundred years prior to their introduction to the Newfoundland-based bank fishery in the late nineteenth century. Superficially the written bank fishery agreements permitted under the Masters and Servants Act appeared to protect the interests of both employers and workers. The written agreement provided labour supply stability to the employer and a guarantee of employment for a fixed period to the worker. In actual practice the Act generally served the interests of employers as the written agreements between them and workers were wholly one-sided affairs. By the late 1880s these written agreements were a point of dispute between supplying merchants and bank fishers, particularly for those operating

from St. John's and Conception Bay ports. Supplying merchants used the agreements to control operating costs and maintain labour discipline. Vessel outfitters supplied the bankers with provisions and gear, but the crew had little if any control over the quality or quantity of these goods. Poor food and inferior fishing equipment, used by the owners to keep operating costs low, often resulted instead in disgruntled crew members and low landings. At the end of a poor season or voyage, bank fishers could and often did end up making no money and frequently owed some on account to the supplying merchant or vessel owner.

When these supplying merchants carried these measures to the extreme, bank fishers objected. These objections took different forms. Most frequently it involved crews deserting voyages they viewed as not in their best economic interest, or refusing to return to vessels they considered unseaworthy. In these instances the supplying merchants occasionally had the particular crew members arrested, charged, and convicted. In all probability most crew members charged with desertion faced court without legal counsel. At other times crew members hired lawyers and faced their employers in court. In extreme cases some fishers cut the vessel's anchor cable to disrupt the work process, while others wrote condemning letters to the local newspapers.

Bank fishers were successful in isolated court cases involving disputes over bank fishery agreements. These cases, however, did not lead to any political efforts at improving conditions aboard vessels. The fragmented nature of the bank fishers' workplace and place of residence inhibited their efforts to initiate and sustain any

collective action. The only positive political intervention from the bank fishers' perspective was the ill-fated attempt to pass the bank fishery agreement bill.

In the winter of 1888 the combined objections of bank fishers to the new bank fishery agreement represented their only collective effort to influence the political process and gain protection. That effort came to naught as the bill to regulate bank fishery agreements died on the floor of the Newfoundland House of Assembly. It reflected a knee-jerk and ill-considered response by liberal well-meaning politicians to the poor working conditions prevalent in the bank fishery.

Conception Bay and St. John's merchants involved in the bank fishery continued their efforts to discipline bank fishery crews through the use of the written agreements. When bank fishery desertions increased in the late 1880's and early 1890's as a result of low catch rates, they lobbied the Newfoundland government to impose even stricter penalties. While they were successful in having amendments passed they apparently had little success in exercising further control over bank fishing crews. These merchants opted for the simplistic solution, reasoning that an unwillingness work was the cause for the high desertion rates. However, the apparent low volumes of cod and bait fishes present on the fishing grounds and the poor catch rates without compensating higher prices contributed to low earnings for bank fishers. The economics of bank fishing forced these fishers to desert the vessels to seek employment elsewhere.

While appearing formidable and daunting, in actual practice the written bank fishing agreements and the efforts to enforce them under the Masters and Servants Act

generally proved to be ineffective. Some bank fishers were simply not intimidated by the prospect of jail and others probably became more selective when choosing employers.

The low catch rates and declining prices of the early 1890s forced many experienced bank fishers to leave the fishery to seek employment in other labour markets inside and outside Newfoundland thus further undermining any efforts at collective action. Similarly many supplying merchants in St. John's and along the northeast coast realized that the bank fishery was not economically viable for them and employed their vessels elsewhere from the 1890s onward.

Unfortunately, the efforts of reform-minded politicians such as T.J. Murphy and Edward Morris to gain passage of the bank fishery agreement bill or of progressive-minded politicians such as James Murray and David Webber to stop the amendments to the Masters and Servants Act reflected on the weak position of progressive political reform in Newfoundland.

By the 1900, most bank fishing activity shifted to the south coast of the island. The extent to which bank fishing merchants and fishers in this locale employed written bank fishing agreements under the Masters and Servants Act remains unknown. However, it appears that with few exceptions verbal agreements dominated as merchants probably realized they did not require such crude methods to discipline their labour force. Discussions with retired bank fishers and merchants from that area reveal that no written agreements existed in the latter days of the bank fishery.¹⁸⁸ The Masters and Servants Act and amendments governing bank fishers remained part of the Newfoundland

statutes until they were rescinded with the passing of the present Labour Relations Act in 1977.¹⁸⁹

APPENDIX 3.1

BANK FISHERY AGREEMENT

St. John's, NF, 1888

It is hereby agreed between (name of company) of St. John's of the one part and each of the other parties whose names are subscribed hereto of the other part as follows:

1. The said (name of company) agrees to equip at his own expense the schooner (name of vessel) with all necessary outfit, tackle, and apparel for one or more fishing voyages as he or his agent may determine.

2. The said (name of company) agrees to find and provide for the said other parties and supply them during each voyage or voyages with provisions in quantities per week for each man according to the scale following, that is to say:

2 lb. Bread	1 gal. Molasses
1 gal. Flour	5 lbs. Pork or Beef
1 lb. Butter	2 oz. Tea

or the equivalent value of same. For any excess over said quantity, the said party or parties receiving same shall pay at prices similar to those charged to the schooner for provisions put on board of her for the purposes of the said voyage or voyages.

3. Each of the said other parties hereby agrees to pursue in the said schooner such fishing voyage or voyages as may be determined by said (name of company) or his agent and that he will at all times during the continuance of that agreement obey the lawful commands of the said (owner) or his agent and of the (name of captain) Master of the said schooner or any other person who, during the continuance of this agreement shall occupy the position of Master of the said schooner and also shall at all times serve faithfully, soberly, and honestly his employers under this agreement and at all times be ready and use his best exertions, skill, and knowledge to procure all the fish and oil that he possibly can and in every way to secure the success of the voyage or voyages in which the said schooner may be engaged. That he will not at any time whether at sea or in port leave the said schooner without the permission of the Master of the schooner. Each of the parties hereby agrees that should he be absent from the said schooner for the space of two hours without such permission he may be regarded and dealt with as having deserted the said schooner and that by such absence all the right and interest in the voyage or voyages in the said schooner which has accrued or is due to him under this agreement up to the time of the commencement of such absence is forfeited by him and becomes the property of and payable to the said (owner) or his assigns.

4. It is also agreed that should any of the said other partners be absent during working hours from the said schooner without the permission of the master while she is in port, or fitting out, or preparing for any voyage, discharging or taking in cargo or stores, he shall, at the option of the said master be liable to and pay a fine of not exceeding two dollars for each working day or part thereof and shall not have the right of putting any man in his place during such absence.

5. Each of the said other parties further agrees that he will, during the continuance of this agreement, be accountable for the value of all such goods, chattels, stores, property, and effects and each item and parcel thereof as may be in his care or custody and that such value may be deducted and retained by the said (owner) or his agent out of any amount due to him under this agreement or sued for and recovered by action at law at the suit of the said (owner) or his agent should there be no amount due under this agreement. Also that he will assist in getting the schooner ready to proceed on the said voyage or voyages and each of them in keeping her in good order and clean during the continuance of this agreement and at the termination thereof shall deliver her up to the said (owner) or his agent at such port or place as he may name, and, after arrival at such port or place, aid and assist in unloading and dismantling her and in cleaning out or doing whatever else they may be by the master of the said schooner considered necessary in order that she and her tackle, apparel, and outfit may be delivered up to the said (owner) or his agent thoroughly cleaned and in good order and condition.

6. In the event of the crew of any dory belonging to the said schooner going astray on the banks or from other causes being absent from their vessel, they shall not be entitled to any share of fish caught during their absence and should such absentees not resume their work under this agreement within two days after the next arrival of the schooner in any port or place in Newfoundland they shall cease to have any interest in the future prosecution of the voyage or voyages and be entitled to have only the share or proportion due to them at the time of their so going astray or being absent.

7. The Master of the said schooner shall have when and as often as he deems it necessary the right to order the crew of any dory to remain on board the schooner for any length of time to assist in stowing away fish, or do any other work he may think necessary to be done. The fish caught by all crews of the other dories whilst such a crew is so detained on board shall be counted and the crew so detained on board shall have as their share of fish, the average of the number so ascertained as caught by the crews of the other dories.

8. The said (owner) may ship part of the crew of the said schooner on wages and should he do so, the men so shipped shall, in the appropriation of the proceeds of the

voyage as hereinafter mentioned be considered as shermen but as between themselves and the said (owner) they shall be paid the wages agreed on.

9. Each of the said other parties hereby agrees to fish with salt bait when, where, and as often and for such periods of time as the Master of the said schooner shall think proper.

10. The Master of the said schooner shall have the right at any time and without notice to discharge any one or more of the said other parties to this agreement if he has reason to believe that such party makes use of spirituous liquors.

11. Each of the said other parties shall enter into service under this agreement on the date set opposite his name at the time of signing same. His share or wages shall be computed from this date. This agreement shall continue and be in force until the (date) day of (month, year) next after the date hereof or such further time not exceeding (date, month, year) as the said (owner) may decide upon and each of the said parties shall for each neglect or default on his part in the due and faithful fulfillment and performance on his part of this agreement forfeit and pay to the said (owner).

12. It is agreed that there shall be a charge for demurrage on said schooner of \$80.00 for each and every day of detention or delay after she shall have been ordered by the said (owner) or his agent or the Master to proceed on any voyage under this agreement and that this demurrage shall be paid to the said (owner) by any person or persons whose absence from said schooner shall be the cause of such detention or delay.

13. It is agreed that the fish caught during the voyage or voyages upon which the said schooner shall proceed under agreement shall be landed for making at such place or places as the said (owner) may direct; also that the said (owner) may sell and dispose of all the fish, oil, and other produce of the said voyage or voyages whenever and wherever he may think proper and that he may at any time take any of such fish ex salt bulk in which event the shermen shall be paid for fish so taken at the current rates or as may be agreed on; also that the said (owner) shall not be in any way liable or responsible for any fish or other proceeds of such voyage or voyages until and unless the same shall come into his possession.

14. In consideration of the due and faithful performance of their part of this agreement by the said other parties, the said (owner) hereby agrees and promises that he will render to them a true and faithful account of all fish, oil, and other produce of the said voyage or voyages which shall be delivered to him or his order, that he will account to them at St. John's current dealing price for the same and that after deducting from the total value of such fish, oil, and other produce all charges for salt, oil casks, bait, ice,

freight, seine hire, fishmaking, insurance from port where fish is made to port of delivery of same to the said (owner) port his assigns, towage, pilotage, medicine, scraping masts, tarring, and setting up rigging, dismantling, painting, and cleaning of vessel and boys wages (if one were employed in said schooner) the balance after taking therefrom a full share for the vessel and a man's share for the master and cook of said schooner shall be divided one half to the said (owner) and the other half to the crew of said vessel but out of this other half so much shall be retained by the said (owner) as may be necessary to represent the shares of men shipped on wages.

15. But should the said (owner) or Master think fit, the latter may count the fish caught during the voyage or voyages by each dory and the said other parties (the crew) in this agreement may appoint one person to check each such count and to sign on their behalf the note, memorandum, or tally thereof and such note, memorandum, or tally shall be conclusive and binding on each party as to the number of fish put on board the schooner from each dory. As soon as convenient after the arrival of the schooner in port the note, memorandum or tally of such count shall be delivered to the said (owner) or agent by the said master and from it the shares of fish for each party entitled to a share thereof shall at the termination of this agreement be ascertained and the men in each dory shall have as their share the value of half the net proceeds of the fish which by such note, memorandum, or tally appears to have been caught by them in their own dory. And the said (owner) hereby agrees to account to them for such share at the price and subject to the charge, deductions and terms set forth in clause fourteen of this agreement.

16. Each of the said parties of the other part hereby agrees that the account of the said (owner) or whoever may be the supplying merchant shall be a first charge on and deducted from the wages or share payable under this agreement; also that any cash paid by the said (owner) or his agent to any of the said other parties at any time before the settling and closing of the accounts of the voyage may at such settling and closing be charged to such party together with a premium of twenty per cent thereon - which cash and premium the party receiving agrees to pay. The cost of fish-making and freight is agreed at.

Source: The Daily Colonist, St. John's, Newfoundland, 23 March 1888, pp. 3-4.

APPENDIX 3.2

Baine, Johnston & Co. Bank Fishery Agreement 1887

It is hereby agreed between Baine, Johnston & Co. owners of the schooner J.C. Saint, and the fishermen or sharmen whose names are to this agreement subscribed, that the said Baine, Johnston & Co. will equip the said schooner with all necessary tackle and apparel, for a fishing voyage or voyages, at his (the owners) option.

Provisions and salt shall be provided for by the said Baine, Johnston & Co.

That the said sharmen will pursue the fishery with Walter Joy as master or anyone else that may be substituted from time to time during the present fishing season:

That each and every one of them will use their best endeavours to procure all the fish, oil, & c., they can, and for the success of the voyage or voyages the said owners may deem it fit they should go:

That they will be ready at all times and will never leave the aforesaid schooner without the permission of the master thereof:

That they will be accountable for all articles committed to their charge, and for the due and sufficient performance of this agreement, without any hindrance or neglect, and shall serve faithfully, soberly and honestly until the end of this agreement:

Furthermore, there shall be charged demurrage on said schooner twenty pounds each and every day whilst detained after the vessel has been ordered on her voyage by said owners:

This sum shall be paid by any absentee or if more than one be absent it shall be divided rateably among the absentees and paid by them:

Should anyone be absent from the vessel for the space of twelve hours without the consent of the master he or they thereupon shall, and does forfeit all his or their interest in and to any voyage or voyages he or they may have been interested in, and in case of any one being absent during any part of a work day he shall be fined two dollars for said absence without the option of putting a substitute in his place.

Also that they shall get said vessel ready for the fishery and keep her at all times during their engagement in good order, and clean, and at the expiration of this engagement shall dismantle said schooner and shall deliver her in good order thoroughly

clean and in good condition:

It is also agreed that all the fish, oil, &c. shall be put off to Baine, Johnston & Co. or to their order.

Each man shall pay an equal portion of the following charges -- bait, ice, fish making, two shillings per quintal, freight from Holyrood eight pence per quintal, towage, medicine, scraping masts, and tarring rigging.

The owner doth hereby stipulate and agree with the said subscribers that he will render a true and faithful account of the delivery of said fish, and pay the St. John's current dealing for price for same:

It is further agreed that each dory's fish shall be kept separately counted, the sharemen to be paid according to the respective catches.

It is further agreed that if the master think fit the subscribers shall fish upon salt bait for whatever time he may deem proper.

A premium of twenty percent to be charged on any advances of cash made by owners.

The master to have the option of dismissing any man for indulging in spirituous liquors.

Any goods supplied to be charged for the same as supplied to sharemen in St. John's.

An average share each for master and cook to be taken from the voyage to go to the owners credit and to be charged rateably among the crew.

Each shareman to be paid for half his catch less charges and deductions before mentioned: the balance to go to the owner.

The crew are to receive no share of oil.

Produce of the voyage to be discharged and stored by crew.

Each man agrees to pay two shillings towards a patent fog horn, dories, oars compasses and other gear to be delivered in good order, otherwise a charge to be made for damage.

Second hand to get three pounds currency over and above his share.

Each man pays two shillings and sixpence for medicine.

Signatures -- Baine, Johnston & Co.; Crew, Cook (28 pounds by separate agreement).

Source: Daily Colonist, St. John's, Newfoundland 14 December 1887, p. 4.

APPENDIX 3.3

BANK FISHERY AGREEMENT

Burin April 11, 1890

It is mutually agreed between E. Morris on the one part and the undersigned on the other that they shall serve the said E. Morris from the date hereof until the end of the Banking voyage in the capacity of fishermen or anything else (in their?) power for the good of the voyage and their said masters interest as they shall from time to time be ordered and in consideration of their services being in all respect - well and duly performed without hindrance or neglect according to the true interest and meaning of the agreement and to the custom of the fishery they shall receive as their wages half their share of fish and they have to pay for their part of Bait, Ice, Freight, and Fishmaking According to the Custom of Burin, and it is further agreed that the whole voyage taken by Schr. Laura May and crew shall be shipped to Mrs Morris in St. John's or wherever else thought desirable.

E. Morris	Philip Hennebury x (his mark)
	John Corcoran x " "
per M.T. Flynn	Richard Coady x " "
	Partick Corcoran x " "
Witness: R. Reddy	John J. Cheeseman x " "
	William Lundrigan x " "
	Patrick Lundrigan x " "
	William Riggs x " "
	Michael Brown x " "
	John Flaherty x " "

Source: Burin Heritage House Museum, Burin, Newfoundland.

ENDNOTES

1. Newfoundland, "An Act to provide for the Performance of Contracts between Masters and Servants in this Colony (The Masters and Servants Act)," Statutes of Newfoundland, St. John's, Newfoundland, 1858, pp. 76-8.
2. This analysis applies to bank fishers who worked aboard bank fishing vessels operated by large outfitting firms primarily based in Catalina, Trinity, Carbonear, Harbour Grace, St. John's, Burin, Grand Bank, and Harbour Breton. The position of fishers toiling aboard western boats remains murky in this context. We know little of the arrangements between skipper/owners and crew members of western boats many of whom were related by blood.
3. The bank fishers "shop floor" consisted of schooners with crews ranging from 7 to 28 individuals spread over hundreds of miles of ocean. Extended contact between crews of vessels while at sea was rare. Once on land at the end of a voyage, crews remained with their vessels for only a few days before heading home. Consequently they were never in one place long enough as a collective body to discuss common concerns and create a sense of collective identity.
4. Fisher or fishery servant - A man or woman engaged on "shares" or wages for a period in the fishery. See George Story, Wm. Kirwin, and J.D.A. Widdowson (eds.) The Dictionary of Newfoundland English, Toronto, 1980, pp. 181-2.
 Planter - A fisherman and owner of fishing premises, boat or small vessel who, supplied by a merchant, engages a crew to work on the share system. See Story, Dictionary, p. 382.
 Merchant - An entrepreneur engaged in the Newfoundland fish trade, especially in the purchase and export of salt cod-fish, and the financing of the fishing operation through the advance of supplies and credit. See Story, Dictionary, p. 326.
5. Go in collar - to sign on or ship as member of a fishing or sealing crew; especially to engage in the kinds of work preparatory to the voyage.
 Break collar - to come to the end of one's period of employment. See Story, Dictionary, pp. 108-9. See also Captain Michael J. Croke, Schooners, Skippers, and Sharemen of St. Brendan's, St. John's, Newfoundland, 1991, p. 3.
6. Newfoundland, "The Masters and Servants Act," Statutes, 1858, pp. 76-8. Burin Heritage House, Burin, Newfoundland, Mrs. E. Morris Collection, Master-Servant Agreements, 1891-5.
7. Story, Dictionary, p. 596.

8. Great Britain, "An Act for the Encouragement of the Fisheries carried on from Great Britain, Ireland, and the British Dominions in Europe and for the Securing of the Return of the Fishermen, Sailors, and Others Employed in the said Fisheries to the Ports thereof, at the end of the Fishing Season, (Palliser's Act)" Statutes of the United Kingdom, London, 1775, pp. 56-72.
9. British master-servant law dates back as early as 1349. Early apprentices and labourers in the Newfoundland British fishery probably fell under the Statute of Apprentices or the Statute of Artificers as this act was known. See Sidney and Beatrice Webb, The History of Trade Unionism, London, 1920, pp. 250-1.
10. For an examination of Palliser's Act and the application of masters and servants agreements from the late eighteenth to mid-nineteenth century in the Newfoundland fishery see Sean Cadigan, "Seamen Fishermen and the Law: The Role of Wages and Lien System in the Decline of Wage Labour in the Newfoundland Fishery," Jack Tar in History: Essays in the History of Maritime Life and Labour, Colin Howell & Richard J. Twomey (eds.), Fredericton, New Brunswick, 1991, p. 105-31.
11. Great Britain, "Palliser's Act," Statutes of the United Kingdom, 1775, p. 63.
12. Ibid., p. 64.
13. B.& S. Webb, Trade Unionism, p. 250.
14. Ibid., p. 251.
15. For a list of eighteenth century acts relating to the masters and servants see B.& S. Webb, Trade Unionism, p. 251.
16. Great Britain, "An Act to repeal several Laws relating to the Fisheries carried on upon the Banks and Shores of Newfoundland and to make Provision for the better Conduct of the said Fisheries for Five Years and from thence to the End of the then next session of Parliament, (The Newfoundland Fisheries Act)" Statutes of the United Kingdom, London, 1824, pp. 692-5.
17. Ibid., p. 694.
18. Ibid., p. 694.
19. Ibid., p. 693.
20. Sean Cadigan, "Economic and Social Relations of Production on the Northeast

Coast of Newfoundland with Special Reference to Conception Bay," Unpublished Ph.D. Thesis, Memorial University, St. John's, Newfoundland, 1991, pp. 359, 370.

21. Cadigan, "Economic and Social Relations of Production," p. 376.
22. *Ibid.*, p. 367.
23. *Ibid.*
24. *Ibid.*, p. 70.
25. Newfoundland, "An Act to provide for the Performance of Contracts between Masters and Servants in this Colony," *Statutes*, 1858, pp. 76-8.
26. *Ibid.*, p. 76.
27. *Ibid.*, p. 77.
28. *Ibid.*, p. 77.
29. *Ibid.*, p. 77.
30. *Ibid.*, pp. 78-9.
31. Story, *Dictionary*, p. 322.
32. H.F. Shortis recounts the story of a sealing crew who had lost confidence in their captain. One day when the order came for all hands on deck, the crew sent up a dog dressed in oil skins (wet gear) with a sign tied around its neck. Shortly after this incident the vessel headed for port. See Centre for Newfoundland Studies(CNS), H.F. Shortis, From the Well Stored Mines of the Tradition of Newfoundland, St. John's, Newfoundland, 1926(?), p. 3.
The "round robin" petition provided another form of expressing dissension aboard vessels. This document listing specific crew grievances used the compass format for signing by the crew. This permitted crew members to sign the petition at various points of the compass thus protecting the instigators from retribution by the captain or owners. See Markus Rediker, Between the Devil and the Deep Blue Sea, Cambridge, 1987, pp. 234-5.
33. Newfoundland, "The Masters and Servants Act," *Statutes*, 1858, p. 78.
34. *Ibid.*

35. Burin Heritage House, Burin, Newfoundland, Mrs. E. Morris Collection, Masters and Servants Agreements, 1891-4.
36. It does not appear that groups such as miners working at Betts Cove, Green Bay or at Bell Island, Conception Bay signed Master and Servant agreements.
37. Burin Heritage House, Burin, Newfoundland, Mrs. Ella Morris Collection, Master and Servant Agreements.
38. Personal Interview with Con O'Brien, Witless Bay, Newfoundland, November 1990. Mr O'Brien is a retired cod trap fisher and fish plant owner.
39. Newfoundland, "The Masters and Servants Act," Statutes of Newfoundland, St. John's, 1858, p. 76. See also D.W. Prowse, Manual for Magistrates in Newfoundland, St. John's, 1877, p. 230.
40. Judge D.W. Prowse was the only brother to Robert Prowse owner of the firm R.H. Prowse & Co. discussed in Chapter 2. See G.M. Story, "Prowse, David Woodley" Encyclopedia of Newfoundland and Labrador, Vol. IV, 1993, pp. 464-7; and Allison Bates "Prowse, Robert Henry," Encyclopedia of Newfoundland and Labrador, Vol. IV, 1993, p. 467.
41. Prowse, Manual, 1877; and D.W. Prowse, The Justice's Manual, St. John's, Newfoundland, 1898.
42. Prowse, Manual, p. 230.
43. Prowse, Manual, p. 224; and The Justice's Manual, pp. 683-4.
44. This latter clause appeared only in the Prowse's second volume The Justice's Manual. The other instructions appear in both books.
45. Provincial Archives of Newfoundland and Labrador(PANL), GN 5/2/A/1, Minutes of Court Cases, Central Circuit, ; GN 5/2/A/2, Process Books Central Court.
46. Lewis Fischer, "A Dereliction of Duty: the Problem of Desertion on Nineteenth Century Sailing Vessels," Working Men Who Got Wet, R.Ommer and G. Panting (eds.), St. John's, Newfoundland, 1980, pp. 55-6.
47. Fischer, "A Dereliction of Duty," p. 56.
48. Paul Craven, "The Law of Master and Servant in Mid-Nineteenth-Century Ontario,"

Essays in the History of Canadian Law, Vol.I, David Flaherty (ed.), Toronto, 1983, pp. 191-3.

49. Ibid., p. 175.

50. Ibid., pp. 187-96.

51. Ibid., p. 175.

52. This evidence presented to the Glasgow Trades Council in 1863 by one of its founders, Alexander Campbell. Webbs, Trade Unionism, pp. 251-2. See also Douglas Hay and Paul Craven, "Master and Servant in England and Empire," Labour/Le Travail, No. 31, Spring 1993, pp. 175-84.

53. It is unclear if bank fishing crews expressed initial widespread dissatisfaction with these written agreements used in the bank fishery. Public Ledger (PL), St. John's, March-June 1876-80; Newfoundlander, St. John's, March-June 1876-80; and Harbour Grace Standard (HGS), March-June 1879.

54. Newfoundland, Annual Report -- Marine and Fisheries, 1894, pp. 60-72.

55. Ibid.

56. As outlined in Chapter 2 crews shared in the profits or losses of the voyage but did not share in the profits garnered by the sale of the product in the international marketplace.

57. Daily Colonist (DC), St. John's, Newfoundland, 3 August 1887, p. 1.

58. DC, St. John's, 9 September 1887, p. 4.

59. DC, 6 July 1887, p. 4.

60. DC, 10 June 1887, p. 3. A full discussion of this question occurs in Chapter 4.

61. DC, 21 November 1887, p. 4.

62. 220 quintals green codfish multiplied by 112 lbs. in a quintal multiplied by a conversion factor from green to round weight of 3.3 = 81,312 lbs. round weight.

63. DC, 28 November 1887, p. 4.

64. Ibid.

65. Evening Telegram (ET), St. John's, Newfoundland, 6 September 1887, p. 4.
66. ET, 7 September 1887, p. 4.
67. ET, 12 September 1887, p. 4.
68. Ibid.
69. Harvey is mentioned in Chapters 1 & 5, Cleary in Chapter 4, and Webber and Murray later in this Chapter.
70. DC, 14 November 1887, p. 4.
71. DC, 6 November 1890, p. 4.
72. The provision of hermetically sealed cans of food in dories was one of the requirements on the Bank Fishermen's Insurance Act passed by the Newfoundland House of Assembly in 1888.
73. DC, 11 July 1889, p. 4. and DC, 21 August 1889, p. 4.
74. ET, 5 December 1887, p. 4.
75. Ibid.
76. DC, 14 December, 1887, p. 4.
77. Ibid.
78. Ibid.
79. DC, 22 December 1887, p. 4.
80. DC, 29 December 1887, p. 4.
81. DC, 23 March 1888, p. 3.
82. Ibid.
83. DC, 13 January 1888, p. 4.
84. ET, 5 April 1888, p. 4.
85. DC, 23 March 1888, p. 4.

86. DC, 7 March 1888, p. 4.
87. DC, 24 March 1888, p. 3.
88. Ibid.
89. Many of these members both in the House of Assembly and the Legislative Council were themselves fish merchants or had close ties with large fishing enterprises.
90. Suzanne Ellison, Historical Directory of Newfoundland and Labrador Newspapers, St. John's, Newfoundland, 1988, p. 43.
91. ET, 7 March 1888, p. 4.
92. ET, 20 March 1888, p. 4.
93. ET, 27 March 1888, p. 4.
94. ET, 6 April 1888, p. 4.
95. ET, 14 April 1888, p. 3.
96. Ibid.
97. While it may be possible to document the number of planters who owned schooners, determining the number, who had vessels engaged in the bank fishery either on a yearly basis or over the life of the fishery, appears unlikely. Two-masted schooners of less than 100 tons served in various commercial endeavours including the bank fishery, the frozen herring fishery, the bait fishery, and the coasting trade. Since records of these activities do not exist, tracking the number of planter owned bank fishing vessels proves an impossible task.
98. ET, 14 April 1888, p. 4.
99. Ibid.
100. Ibid.
101. ET, 16 April 1888, p. 4.
102. DC, 26 March 1889, p. 3.
103. Evening Mercury(EM), St. John's, Newfoundland, 23 March 1889, p. 3.

104. Ibid.
105. To date no actual records exist on the total landings or number of vessels participating, however local newspaper reports for the last quarter of the year generally indicate successful voyages. See The Daily Colonist, The Evening Mercury, and The Evening Telegram, St. John's, October-December 1888.
106. DC, 26 March 1889, p. 3.
107. Ibid.
108. EM, 25 March 1889, p. 3.
109. Ibid.
110. No evidence of this appears in the 1888 verbatim debates of the Newfoundland House of Assembly.
111. EM, 25 March 1889, p. 4.
112. Ibid.
113. EM, 25 March 1889, p. 4.
114. The actual prevalence of this activity remains unknown, although at least three cases of cable cutting appeared in the local newspapers in 1889. See DC, 18 June 1889, p. 4. DC, 2 August 1889, p. 4. DC, 6 September 1889, p. 4.
115. Melvin Rowe, I Have Touched The World's Greatest Ship, St. John's, Newfoundland, 1976, pp. 184-5.
116. Rowe, World's Greatest Ship, pp. 184-6.
117. In the 1889 election campaign the Workingman's Party under Whiteway claimed to have defeated the oppressive banking agreement introduced in 1888, although they offered no evidence to support this claim. See ET, 15 October 1889, p. 4.
118. Ibid.
119. Ibid.
120. DC, 18 June 1890, p. 3.
121. Ibid.

122. DC, 19 June 1890, p. 3.
123. Ibid.
124. Ibid.
125. DC, 19 June 1890, p. 4.
126. This was the same T.J. Murphy, who, as opposition member the previous year, attempted to introduce legislation regulating agreements between bank fishing merchants and fishers.
127. DC, 24 June 1890, p. 3.
128. ET, 7 May 1890, p. 3.
129. Newfoundland, "An Act to amend Title XXVIII, Chapter 109, of the Consolidated Statutes, entitled "Of Masters and Servants," Statutes, 1890, pp. 101-2.
130. DC, 18 June 1890, p. 4.
131. Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884, p. 207. Newfoundland, "Bank Fishery Returns," Journal of the Newfoundland House of Assembly (JNHA), Appendix, St. John's, Newfoundland, 1890, p. 95.
132. ET, 10 June 1890, p. 4.
133. DC, June - August 1890; ET, June - August 1890; EM, June - August 1890.
134. PANL, GN 1/3/A, Governor's Miscellaneous and Local Correspondence, 1890, File # 5, 18 October 1890.
135. PANL, GN 1/3/A, Governor's Miscellaneous and Local Correspondence, 1890, File # 5, Letter to Moses Monroe from John Burke.
136. The statistics on the number of desertions from the bank fishery are unavailable. Newfoundland Courts did not document desertions as they were considered a minor offence. See DC, June-September, 1886-91; Harbour Grace Standard (HGS), June-September, 1887-91; Trinity Weekly Record (TWR), June-September, 1886-91.
137. DC, 20 March 1891, p. 3.
138. DC, 9 March 1891, p. 4.

139. Ibid.
140. Ibid.
141. DC, 13 March 1891, p. 4.
142. HGS, 8 May 1891, p. 4.
143. Newfoundland, "An Act to amend 53 Vic., Cap. 14, entitled "An Act to amend Title 28 Chapter 109, of the Consolidated Statutes, entitled 'Of Masters and Servants.'" Statutes, 1891, pp. 5-7.
144. The Lloyd's Surveyor was appointed to Newfoundland in June 1891. See Chapter 4 for an examination of this subject.
145. DC, 20 March 1891, p. 3.
146. Ibid.
147. DC, 21 March 1891, p. 4.
148. DC, 11 April 1891, p. 3.
149. DC, 21 March 1891, p. 3.
150. Ibid.
151. DC, 23 March 1891, p. 3.
152. DC, 1 April 1891, p. 3.
153. Newfoundland, "Of Masters and Servants," Statutes, 1891, pp. 5-7.
154. Newfoundland, Statutes, 1891.
155. Newfoundland, "Of Masters and Servants," Statutes, 1891, p. 7.
156. Ibid.
157. PANL, MG 483, R.H. Prowse & Sons Collection, Letterbook, letter to Captain Williams from R.H. Prowse & Sons 22 July 1891.
158. Ibid., 23 July 1891.

159. *Ibid.*, 10 August 1891.
160. *Ibid.*
161. *Ibid.*, pp. 594-5.
162. *DC*, 15 April 1891, p. 4.
163. *DC*, 15 June 1891, p. 4.
164. *Ibid.*
165. *Ibid.*
166. *ET*, 13 June 1891, p. 4.
167. An examination of the Bank Fishery Account Books of R.H. Prowse & Sons Ltd., one of, if not, the last Bank fishing company to operate out of St. John's, reveals a high yearly crew turnover in the period 1896-9. See PANL, MG 483, R.H. Prowse & Sons Collection, Bank Fishery Account Books, 1896-9.
168. For an extensive examination of Newfoundlanders moving to Cape Breton, Nova Scotia see Ron Crawley "Off to Sydney: Newfoundlanders Emigrate to Industrial Cape Breton, 1890-1914," *Acadiensis*, Vol. XVII, No. 2, Spring, 1988, pp. 27-51. See also Craig Heron, *Working in Steel: The Early Years in Canada 1883-1935*, Toronto, 1988, pp. 77-84.
169. J.H. Whiteley, a son of W.H. Whiteley of cod-trap fame, travelled to British Columbia in the late 1880's specifically to locate potential settlement locations for Newfoundlanders who wished to resettle there. See *ET*, 7 January 1888, p. 4 and *EM*, 2 April 1888, p. 4.
170. *DC*, 2 February 1892, p. 4.
171. *DC*, 1 February 1890, p. 4.
172. Newspaper reports in the winter of 1891 indicate the bank fishery out of Placentia the year previous a failure with many deserting the bank fishery and some vessels unable to obtain crews, *DC*, 13 February 1891, p. 4. Later that same winter the *Daily Colonist* reported on a large exodus of young men from Placentia, *DC*, 20 March 1891, p. 4. A notice appearing in the *Daily Colonist* 6 April 1891 announcing the closure of the Seamen's Home soup kitchen for the year offers some indication of the difficult times experienced in St. John's in this period. Several articles appearing in the April and May

editions of the Daily Colonist report on the outmigration of people from the fishery to other parts of North America and on the difficulties encountered by vessel suppliers in obtaining bank fishing crews.

173. Patricia Thornton, "The Problem of Outmigration from Atlantic Canada, 1871-1921," Acadiensis, Vol. XV, No. 1., Autumn, 1985, p. 16.

174. Ibid., p. 34.

175. Patricia Thornton, "Some Preliminary Comments on the Extent and Consequences of Out-Migration from the Atlantic Region," Merchant Shipping and Economic Development in Atlantic Canada, Lewis R. Fischer and Eric W. Sager (eds.), Maritime History Group, Memorial University, St. John's, Newfoundland, 1982, p. 190.

176. Crawley "Off to Sydney:1890-1914," Acadiensis, XVII, 2, 1988, pp. 27-51.

177. Heron, Working in Steel, Toronto, 1988, pp. 77-84.

178. Balcom, History of the Lunenburg fishing industry, 1977, p. 39.

179. Patricia Thornton, "Outmigration from Atlantic Canada, 1871-1921," Acadiensis, XV, 1, 1985, p. 10.

180. Ibid.

181. See Mrs. Ella Morris Collection, Burin Heritage House Private Collection, Burin, Newfoundland.

182. Mrs. Ella Morris Collection, Burin Heritage House, Burin, Newfoundland. Agreement between Mrs. Morris and Thomas H., 14 November 1887.

183. Mrs. Ella Morris Collection, Burin Heritage House, Burin, Newfoundland. Agreement between Mrs. E. Morris and Patrick H. and Thomas H., 2 December 1887.

184. Mrs. Ella Morris Collection, Burin Heritage House, Burin, Newfoundland. Bank Fishing Agreement.

185. Mrs. Ella Morris Collection, Burin Heritage House, Burin, Newfoundland. Agreement between Mrs. E. Morris and James C., 13 August 1886; Agreement between Mrs. E. Morris and Michael H. 14 October 1886.

186. Mrs. Ella Morris Collection, Burin Heritage House, Burin, Newfoundland. Agreement between Mrs. E. Morris and Patrick B., 3 December 1891.

187. Newfoundland, Annual Report -- Marine and Fisheries, 1894, pp. 58-75.
188. Personal Interviews with Leo Pope and John Douglas, retired fishers, Grand Bank, Newfoundland, April 1992; Aubrey Farrell, retired fish merchant, St. Lawrence, Newfoundland, July 1992.
189. Newfoundland, "The Labour Relations Act," Statutes 1977, p. 419.

CHAPTER IV

Building in Safety: Shipbuilding Encouragement Acts and the Appointment of a Lloyd's Surveyor

In the latter part of the nineteenth century, the Newfoundland government's attempts to diversify the country's economic base included efforts to re-establish a bank fishery and to encourage shipbuilding in the colony. This effort soon led to questions about the seaworthiness of Newfoundland-built vessels being used in the local bank fishery. Many people recognized that Newfoundland-built craft were suitable for the inshore and Labrador fisheries, but claimed that they were not appropriate for the bank fishery.¹ The debate took place in the port of St. John's, the capital of Newfoundland and the centre of the island's domestic bank fishery in the late 1880s. The claims of bank fishing crews who said their crafts were unseaworthy were supported by prominent former shipowner and then St. John's Drydock manager, Captain Philip Cleary,² and his supporters, a group of ships' carpenters and small bank fishing outfitters. After much debate and some loss of life in the bank fishery, Cleary succeeded in having a Lloyd's Surveyor for Newfoundland appointed. However, this single effort failed to improve the seaworthiness of Newfoundland-built vessels.

The activities and achievements of Cleary and his followers illuminate the limitations of policy reform within a political milieu dominated by Newfoundland's capitalist elite, the St. John's fish merchants. Bank fishers had no official organization to represent their interests to government, but through Cleary and his supporters they

heard their concerns voiced in the public forum and witnessed changes in government policy and legislation that directly benefited to them. The direct connection between Cleary and the bank fishers remains ambiguous, but it is clear from his public statements that he empathized with their plight and expressed fears over the future of the fledgling bank fishery. Cleary supported development and progress in Newfoundland,² including the successful re-establishment of a properly run Newfoundland-based bank fishery.

Cleary's concerns stemmed from his long experience as a sailor, sailing captain, vessel owner, and manager of the St. John's Drydock. He saw poor construction practices as a main weakness in Newfoundland's shipbuilding industry, a deterrent to the success of the local bank fishery, and a danger to the lives of Newfoundland bank fishers. Cleary thought the appointment of a Lloyd's Surveyor, essentially an independent inspector, was the remedy.

Cleary succeeded in having the Lloyd's Surveyor appointed but failed to retain any further momentum for reform within the shipbuilding industry or in the bank fishery. Other factors undermined Cleary's efforts. Within a few years the bank fishery in St. John's declined rapidly and disappeared altogether by 1900, greatly reducing its presence in Newfoundland's political centre. Bank fishers remained fragmented and without any political organization to represent their interests, and had no long-term social mechanism to build on Cleary's initial gains. Unfortunately, their cause was not championed with the establishment of the Fishermen's Protective Union in 1908.

Various Newfoundland governments introduced changes to Shipbuilding Acts in

1906 and 1907. These changes were not motivated by concern for the safety of bank fishers, but on improving the competitiveness of the local shipbuilding industry against imported vessels.

Commencing as early as 1874, the Newfoundland government introduced a \$1.00/ton vessel construction subsidy program as part of an overall attempt to diversify the local economy and to revitalize the shipbuilding industry weakened in the 1860s by the introduction of large steam powered sealing vessels.⁴ In 1875 the government increased this amount to \$2.00/ton on certain vessels.⁵ Five years later the subsidies for Newfoundland built vessels operating in the coasting trade, the Labrador fishery, and the bank fishery were increased to \$3.00/ton for vessels larger than 30 tons, and an additional \$2.00/ton for vessels constructed for the bank fishery.⁶ Sir William Whiteway, speaking in the House of Assembly some years later, outlined the origins of these acts:

[The shipbuilding act] was introduced a few years ago to give a drawback on vessels built in the colony...its object was to place our men on an equal footing with those of neighbouring colonies. Vessels purchased outside Newfoundland could enter duty-free, consequently they were sold cheaper than vessels built here.⁷

These shipbuilding programs, renewed in 1883, 1887, 1888, and 1889, were intended to increase the quantity and improve the quality of vessels used in the fisheries and the coastal trade.⁸ Newfoundland merchants and planters served as the primary market for these craft. Of the 55 vessels built in Newfoundland in 1883 which received a subsidy, well known Newfoundland fishing and supplying firms purchased at least 37 of them.⁹ Planters and other small traders purchased the others.¹⁰ While the

shipbuilding programs achieved the objective of increasing the number of locally constructed ships and boats, they failed to provide minimum construction standards and proper inspection capabilities. The poor construction standards reflected two deficiencies: poor skill levels of some boat builders, and low prices paid to boat builders by Newfoundland ship owners.¹¹ The inferior quality of many Newfoundland vessels probably reflected the decline in Newfoundland shipbuilding skills brought about by the transformation from sail to steam in the sealing industry.¹² Demand for locally constructed wooden vessels fell substantially¹³ and it appears that a decline in skill levels followed the reduction in demand.

The failure of the Newfoundland government to provide proper inspection services meant that owners of any vessels built in Newfoundland in the 1875-90 period who applied for a subsidy received it, apparently regardless of the actual condition of the vessel. The local business firms operating around the island and along the coast of Labrador were the primary market. In some cases, buyers purchased these ships for as low as \$24.00 per ton,¹⁴ while the government bounty ranged from \$3.00 to \$5.00 per ton.¹⁵

The construction of the St. John's Drydock in 1883 augmented the efforts to encourage the bank fishery and shipbuilding.¹⁶ It expanded on the floating drydock which had operated in St. John's since the 1860s.¹⁷ The drydock provided St. John's with the capability to refit or repair quickly and efficiently, bank fishing, ocean going, and coastal vessels. The dockyard enhanced the capabilities and efficiency of all

Newfoundland's marine industries including fisheries, sealing, shipping, and passenger traffic, and it provided employment for skilled and unskilled labour.

Despite poor quality and low prices, the stimulation of the local shipbuilding industry served the agendas of various interest groups. It encouraged re-investment of local capital into Newfoundland shipbuilding, and acted as a form of import substitution. Most importantly, from a political perspective, winter shipbuilding provided employment to those fishers, particularly along Newfoundland's northeast coast, who could not fish from November to May because harbours and bays were frozen or blocked with ice. The politicians in St. John's viewed shipbuilding incentives as a solution to the so-called "enforced idleness" that fishers in Newfoundland, and particularly on the northeast coast, experienced during the winter months.¹⁴ Opposition critics viewed these acts not as legislation to encourage the bank fishery and shipbuilding, but simply as a form of make-work relief, a means of providing employment in rural Newfoundland during the winter.¹⁵ Augustus Goodridge, a prominent member of Robert Thorburn's government and a local merchant engaged in the bank fishery, offered this summary of the government's reasoning for providing additional subsidies in 1887 without the consent of the Legislature:

When an emergency arises at a time when the legislature is out of session, what is the Executive to do? They cannot permit disaster to fall upon the people without making some effort for their salvation. In this case it became necessary to pursue the course we adopted in order to prevent a drain upon the revenues of the colony and to keep people from destitution. When it was represented to the government that an additional bounty would induce the building of many bankers, but that if it were not given,

the work would not be undertaken, and many men would fail to find employment, they felt that no course was open to them but to give additional bounty of two dollars a ton. Had we neglected to pursue this course we should have been compelled to seek an indemnity for a large over-expenditure of pauper relief. We avoided this and secured employment for many people who would otherwise be idle.²⁰

While the shipbuilding subsidies encouraged the local shipbuilding industry to build bank fishing vessels and other craft during the winter months, the shipbuilding acts passed in the 1880s failed to incorporate inspection practices to ensure quality construction and safe vessels – features of paramount importance to the bank fishery. The Shipbuilding Act of 1883 established some minimum specifications regarding the size, quality, and quantity of materials to be used in the construction of vessels receiving a subsidy or bounty.²¹ While these regulations existed in print, the Newfoundland government did not employ a qualified independent person capable of inspecting the vessels to ensure that they met the established standards or to recommend improvements until 1891.²² Under the earlier program (1880-1883), an owner receiving the \$3.00/ton vessel subsidy qualified for this bounty upon registering the vessel. Vessels constructed specifically for the bank fishery after 1880 were "subject to inspection and survey by Customs Officers or others appointed for that purpose."²³ No records of these actual inspections survive, and it appears from the Annual Reports of the Customs Department that Customs Officers received no special training for this task, nor were they paid anything extra for their efforts.²⁴

The other frequently used option available to the Newfoundland government

involved appointing a shipbuilder in the local area to inspect vessels. However, this revealed other inherent weaknesses. For example, an 1887 letter to the Colonial-Secretary from the Assistant Collector of Customs queried the qualifications of the recommended surveyors to certify the seaworthiness of two vessels re-registering. The letter questioned the family connection between one of the individuals seeking appointment and one of those requesting an inspection. He requested that the Colonial Secretary require the vessel to come to St. John's for a more independent examination.²⁵ While the Assistant-Collector of Customs expressed these concerns and while the vessel may have been ordered to St. John's, there was no guarantee that the person conducting the inspection there would be qualified or impartial either. The independence and impartiality of ship's surveyors would later serve as a point of contention between the Newfoundland Government and Lloyd's Registry of Shipping during negotiations to have a Lloyd's Surveyor placed in St. John's. There was a wide variation in skill levels and shipbuilding practices of particular boatbuilders. Some builders had a high degree of skill and expertise, while others were much less competent. Vessels which some builders considered finished, others only viewed as poor quality work. Local rivalry and community pressure probably inhibited local shipbuilders from completing honest, accurate assessments of vessels.

The failure of these Shipbuilding Acts to establish and maintain minimum standards resulted in poorly constructed vessels which often leaked after only one or two years. Vessels employed in the Newfoundland bank fishery frequently operated over 200

miles from land in all kinds of weather conditions. Unlike vessels engaged in the Labrador fishery, the shore fishery, or the coasting trade, the bank fishery required sturdy, well designed boats capable of functioning in extreme and dangerous conditions for extended periods of time.

Many individuals knew of the failings in the Newfoundland government's ship building program and believed the appointment of an independent vessel inspector such as a Lloyd's Surveyor was necessary.²⁶ From these individuals emerged the manager of the St. John's Drydock, Captain Philip Cleary. Appointed by the Whiteway government to the prestigious and conservative Legislative Council in 1884, Cleary brought with him a background of 51 years as a sailor, master mariner, ship owner and mining entrepreneur.²⁷ His practical knowledge of seafaring, shipbuilding and ship repair, coupled with his seat in the Legislative Council, placed him in a powerful position. But, more importantly, Cleary retained his social conscience and sense of moral obligation. He remembered the perils surrounding the daily toils of sailors and fishers, and this spurred him to articulate publicly the failings in the Newfoundland shipbuilding industry he witnessed daily in his position as manager of the Newfoundland drydock.

In 1887, when confronted with renewing the 1883 Shipbuilding Act, the pro-fiscal restraint, fish merchant dominated Thorburn government moved to renew the bill. While this action was justified as part of the Thorburn government's effort to develop and diversify the fishery, it appears that the benefits accrued largely to those who supported the government. The 1883 legislation paid subsidies of \$5.00/ton for vessels engaged in

the bank fishery and \$3.00/ton for other vessels built in Newfoundland. In the 1887 House of Assembly, the opposition said the act simply subsidized more vessels to participate in the then already booming bank fishery. Opposition member A.B. Morine offered his appraisal of the bill:

The intention of this bill is to give a bounty to the bank fishery and not for the encouragement of shipbuilding. The majority of fishermen are too poor to possess a banker and fit her out for the fishery, consequently this bounty, which is proposed to be given to the outfitters of a vessel for the bank fishers must reasonably fall into the hands of the merchants.²⁸

Members of the opposition protested a program they said subsidized fish merchants. They wanted the quality of vessel construction to determine the amount of subsidies. Under such a system vessels of better quality construction would receive higher subsidies.²⁹ However, opposition member Edward P. Morris pointed out the need to encourage shipbuilding for the bank fishery as approximately 50 percent of the 200 banking vessels operating out of Newfoundland at the time had been built in shipyards located off the island.³⁰

Members of the House finally concurred with a proposal put forth by W.B. Grieve. Instead of a two tier subsidy program of \$5.00/ton for banking vessels and \$3.00/ton for others, the shipbuilding act would pay a straight subsidy of \$4.00/ton for all vessels. For reasons which remain unclear, members of the House ignored the question of construction quality. Content with their amendment, the members sent the bill to the Legislative Council for further discussion.

In the Legislative Council, Cleary denounced the proposed legislation as weakly

constructed and as porous as the vessels it aimed to subsidize. His vociferous reaction forced all members of both houses to sit up and take notice. Using the plight of those employed on Newfoundland banking vessels as the basis for his argument, he launched a biting attack on the 1887 Shipbuilding Encouragement Act:

The effect [of the act] will be to stimulate the building of a class of vessels which will prove no better than so many floating coffins for the entombment of the people who are expected to risk their lives in them. He had seen one hundred vessels in the course of construction and would not spend a month in one of them on the banks at any price: but the poor fishermen have no choice and the risk of life will continue until we establish a proper system of inspection, survey, and classification of those vessels. Until that is done we shall never advance further in regard to the character of our fishing fleet; and may count on an annual addition to the number of death traps already to be found in the banking vessels built in Newfoundland.³¹

Cleary based his low opinion of Newfoundland constructed vessels on frequent excursions he took to Green Bay. While on these trips, undertaken because of his mining interests in the area,³² he saw schooners built under the government funded bounty program. In the Legislative Council he described the shipbuilding techniques employed:

Those men [boat builders] go up in the beginning of the winter to the bottom of Green Bay or Bonavista Bay as the case may be; taking their families and the necessary number of workmen with them. Having selected a suitable spot where water and timber facilities requisite are available, and having built their tilt, in the course of a few days all hands are at work cutting, squaring, shaping and sawing timbers and planks for the vessel to be built. He [Cleary] had seen floor timbers put in place in twenty-four hours from the time they were felled from the stump, and planks laid on in the evening that were in the tree the morning of the day previous....After the vessel is in frame, the cutting of the planks is commenced and there are generally three gangs or sawyers set going, the men worked in the pits like slaves all day. When their day's work is done, they have to take upon their shoulder, each, as many green spruce pickets

just cut down as they can carry out to their tilts, and everyone of these men, after his hard day's labour, has to make from thirty to thirty-five treenails before he lies down to rest for the night....All the seasoning these treenails get is from being thrown alongside the stove for twenty-four to forty-eight hours, as the case may be. When the vessel is planked these treenails are driven into her and, as a rule as easy as possible. After she is planked and treenailed, she is dubbed down and planed and caulking is commenced. Should there be a week of fine weather before that work is begun, the treenails have become so loose, from shrinkage of the planks and the treenails themselves that they may be shoved through from the inside or outside. Then one man goes outside the vessel and holds a maul against the point, while a man outside drives a wedge, he, in turn, holds the maul, while the inside man drives a wedge, and then it is considered a finished job. Now if that tree nail be twelve or ten inches long, about one inch only of it has hold in the skins of the vessel; and consequently, cannot serve the purpose of making the work sound or strong.³³

He offered this assessment of the existing quality of Newfoundland fishing schooners:

Vessels built in the Northern Bays are suitable enough for the Labrador Fishery where no great risk or test of their powers exist because in going to and from Labrador they can always harbour in some of the northern ports every night. But to send the same vessels out on the banks where they must stand the changes, the storms, and the tempests that frequently occur there and you risk not only the vessels themselves, but, more important still the valuable human lives on board of them. There they have no haven of refuge, and if unable to ride out the tempest should succumb beneath the fury.³⁴

Newfoundland-built vessels usually operated within 20 to 30 miles of the coast. If caught in a heavy storm or gale, they could run "in under the land" within a few hours, seeking refuge in a bay, cove, or harbour to wait out the storm. If the vessel leaked or suffered damage, one or more of the larger fishing communities around the coast provided refuge while the crew or local ship's carpenters effected repairs.

Schooners involved in fishing on the Grand Banks or the Flemish Cap did not have this option. Distance and weather conditions required them to ride out storms at sea. If the vessel leaked, the crew worked shifts on the manual pumps, often around the clock, to keep the craft afloat while making for the nearest port. Surviving gales on the Grand Banks required experience and a capable vessel. Sometimes during a storm a vessel in deep water (greater than 150 meters) on the banks³⁵ remained head or bow to the wind and rode out the storm. Staying in deep water greatly reduced the possibility of waves breaking, because wave action in deep water is a series of long rolling waves: the depth of water reduces the breaking action of the waves. Another strategy involved letting the vessel drift with a "riding sail" and "double reefed foresail."³⁶ The wind on the sail kept the vessel pointed close to the gale's direction and prevented the craft from drifting side-on to the sea. In very bad storms in shoal water where rolling seas began breaking, vessels often poured train or seal oil over the side to reduce wave action and prevent seas from breaking across the schooner.³⁷

In some cases storms lasted from 24 to 48 hours. To survive such constant pounding required strong, well-built, well-designed vessels capable of handling the highly variable weather conditions of the North Atlantic. The vessels caught in the August Gale of 1887 tested the construction and stability of many banking schooners:

The "Constance"³⁸ of Mussel Cove, Placentia Bay was about 180 miles off when the gale commenced, and the captain was forced to cut her cable in order to save the schooner and lives of those on board. She lost bultows, dories, cable and anchor, and her main boom was carried away. The "Minnie" a small schooner of about 20 tons suffered her share. She

belongs to Placentia Bay and is commanded by Johnathan Butcher. When the gale of Friday night came on she was at anchor about three miles from Whale's Deep. Her cable burst and a sea washing over her carried away two dories and two men. One of the men managed to get on board but the other drowned. He was twenty-four year old William Butcher, the captain's son. All her head gear was carried away and nearly everything swept from her deck. How such a small vessel lived out the gale is a miracle. She was on her beam ends³⁹ [side] for some time.⁴⁰

The experience of the "Grover Cleveland,"⁴¹ an American-built banking schooner skippered by Joseph Bonia and supplied by Edward Sinnott of Placentia, offered evidence on how difficult it was for even a well-built vessel to withstand a furious storm in the North Atlantic. Fishing in late March 1889 off Sable Island, the vessel encountered a gale:

[On March 25, 1889] At three o'clock [A.M.] a second breeze from the E.N.E. [East North East] accompanied by heavy rain. The wind increased to a gale and all the cable - 240 fathoms - had to be paid out. Notwithstanding this, the anchor started [to drag] and the vessel drifted. A three reef foresail had to be hoisted and the ship hove to. She continued to drift. While drifting, the Cleveland was struck with a heavy sea, which carried away all on deck, including dories and companion. Of the three men on deck at the time - Patrick Dobbin, Francis Dobbin, and Thomas Fewer - Frank Dobbin was washed overboard, but, fortunately, caught the dory-fall in going out to which he clung, and got safely back to the deck without being hurt. Patrick Dobbin, however, who jumped into the "jaws" of the main boom was struck by a piece of wood in the thigh and considerably hurt. The sea put the vessel on her beam ends, she was righted after a short time and sailed for St. John's, where she arrived yesterday morning.⁴²

The young age and stout construction of the "Grover Cleveland" permitted the crew to live to tell their tale. Crews of older or poorly constructed vessels in similar circumstances obviously faced much lower chances of survival.

Cleary, in his trips to the northern bays, asked various builders why they did not take greater care in building ships. The answer he received was brief but to the point: "It is all very well for you to talk that way, but the work is good enough for all we get for it."⁴³ Prices as low as \$24 a ton received for the vessels served as a disincentive to produce quality work.

Potential vessel owners regarded most Newfoundland-built schooners as inferior and tended to offer lower prices for them. Poor construction standards and low prices coupled with the importation of cheaper used vessels supported a vicious cycle. Vessel buyers offered low prices for domestic schooners and boat builders cut corners when building schooners knowing they would receive little for them anyway. A report in a local newspaper written at the time of the launching of Ryan and Co.'s new banking schooner, "E.H. Ryan," captured the essence of the problem: "She is not a good sailor, but she is the best native built boat in Newfoundland."⁴⁴

The subsidy offered under successive Shipbuilding Acts was intended to break this cycle. However, by the late 1880s it was obvious to Cleary and others that the increased bounty paid to banking vessels did not necessarily translate into better constructed ships. Referring to the wisdom behind approving subsidies in 1886 and for the proposed 1887-91 period Cleary stated:

We can afford to pay \$11,350 in bounty, as was done last year, with a prospect of having to pay an increased bounty of twelve thousand dollars this year, which, continued for five years, as this bill proposes, would entail an expenditure of one hundred thousand dollars for the construction of drowning machines for the fisheries of the island. Two of the vessels

I described, appeared in the dock this spring. They have already returned to port leaking badly, having sailed for the banks, but were unable to reach there.⁴⁵

The lack of qualified supervision during the construction of schooners and the low prices paid to boat builders by vessel purchasers, who were in many cases local merchants, were the two main deterrents to the construction of quality vessels. Newfoundland-built banking schooners garnered a reputation of being poorly constructed, leaky, and generally unseaworthy. As a consequence, vessel owners outside of Newfoundland rarely bought them.⁴⁶ At home, they faced stiff competition from older, used vessels built in Nova Scotia and New England. By 1887, despite eleven years of subsidy programs, vessels owners participating in the bank fishery purchased half of their vessels outside Newfoundland.⁴⁷ Prospective vessel owners generally considered Nova Scotian and New England built vessels superior to those constructed in Newfoundland.⁴⁸

As a remedy, Cleary recommended the appointment of a Lloyd's Surveyor, an independent, highly trained ships' surveyor operating under the dual auspices of Lloyd's Registry of British and Foreign Shipping and the Newfoundland government. The inspector would examine Newfoundland fishing vessels for their seaworthiness on behalf of the Newfoundland government, and survey other craft frequenting Newfoundland ports to classify them for insurance purposes.⁴⁹

In making his case for a Lloyd's Surveyor to inspect vessels constructed in Newfoundland, Captain Cleary offered this example of the differences between Nova Scotia and Newfoundland built vessels:

he had examined thirty four of them upon the drydock, eleven of which were of Nova Scotia build, and ranging from ten to thirty-eight years old. Vessels of ten, eighteen, twenty, twenty-five, and thirty-eight years old were far and away in better condition than those recently constructed by our people in this colony....regarding the planking and ceiling of these [Newfoundland] vessels, supposing them, along with the frame to be ten or eleven inches through, about one inch of the treenails³⁰ kept the two skins together...in many cases not one foot of their planks ever touched the timbers throughout the whole length. In others two planks butted on the same timber, and others, again three planks butted on two timbers. The least strain outside of ordinary experience would send them and all on board of them to eternity.³¹

Not all members of the Newfoundland Legislative Council shared Cleary's view of the unseaworthiness of Newfoundland banking vessels. Prominent St. John's merchant C.R. Ayre, in response to Cleary's accusations, countered that Cleary gave the impression that no vessels built on Newfoundland's northeast coast were seaworthy. This, in Ayre's opinion, gave a false impression, as he knew of many vessels built in northern Newfoundland that were as seaworthy as those built in any part of the world.³² John Syme, another member of the Legislative Council, supported Ayre in his censuring of Cleary:

It is that principle of depreciation and disparagement that is killing out this country by destroying any aspirations the people may have to rise themselves and their performances to a higher plane. We are too much in the habit of detracting from the character of the work of our people and our people themselves.³³

Captain Cleary's arguments in 1887 affected the duration but not the content of the Shipbuilding Encouragement Act. Originally intended to be in place for a five year period, the Thorburn government amended the duration clause and passed the

Shipbuilding Act for only a one year period. In addition, Cleary's case piqued the interest of members of both the Legislative Council and the House of Assembly and the general public for more debate the following year.

In the interim, disaster befell the bank fishery during the 1887 fishing season. On 27 August 1887 telegraph communications from Cape Race reported severe winds since the previous day and St. John's reported a "big blow" during the night. This storm was a hurricane which apparently came in off the Atlantic. Reports from mariners indicated the winds initially came from East-South-East then swung to South-West.⁵⁴

For the following two weeks local newspapers carried numerous stories on banking vessels arriving damaged, having lost individual crew members and fishing gear in the storm. In addition, the papers reported sightings of other vessels which had not returned to port, but it was almost a month before the loss of any Newfoundland banking vessels was confirmed.

The August Gale of 1887 saw three Newfoundland banking schooners — the "Ocean Friend" based in Harbour Grace, the "Royal Arch" based in Burin, and the "Grace Hall" out of Burgeo — lost with all on board. Many other vessels lost crew members and suffered severe damage. The gale rendered upwards of 70 vessels inoperable for the remainder of the fishing season.⁵⁵

In the following winter of 1888, the House of Assembly sat with another Shipbuilding Act on its legislative agenda. In his role as a policy advocate for safer shipbuilding practices, Cleary made inroads, albeit slowly. His message apparently

carried great influence in the Legislative Council, the House of Assembly, and among those involved in Newfoundland's marine industries. Commenting in 1888 on the impact of Captain Cleary, the Evening Telegram offered this assessment:

The speech of Hon. Captain Cleary in the council last year [1887] on the Shipbuilding Bounty Bill was the most practical exposition of the subject that has appeared yet before the public. They were in his opinion deathtraps - charnel houses for the entombment of our fishermen. These strong words coming from the shrewd and practical captain have a weight that no other source would give them.⁵⁶

While certain narrow merchant interests in St. John's continued to resist change, during the winter 1888 sitting of the House of Assembly a group of bank fishery merchants, outfitters,⁵⁷ and ships carpenters, which included Henry J. Stabb, Steven March, and James Fox, tendered a petition which advocated the appointment of a Lloyd's Surveyor to inspect all vessels to determine if they were seaworthy.⁵⁸ In presenting the petition, John Scott, the member for St. John's West, commented on the existing situation regarding the inspection of fishing vessels in Newfoundland:

At present the inspection is altogether in the hands of the merchants; and it is high time that we should have a government inspector, a man in such a position as to be outside the chance of being influenced by the merchants. Now, if a merchant employs a man to overhaul a vessel, that man is afraid to pronounce her unseaworthy and danger of life is occurred.⁵⁹

Captain Cleary's role in organizing this petition remains ambiguous. His widely reported speeches of the previous spring had placed the question of improving the quality of Newfoundland-built vessels high on the political agenda. Two other members of the House of Assembly, Augustus Goodridge and Robert J. Parsons, rose to speak to the

petition. Goodridge, a local merchant and banking schooner owner, argued against the petition. Parsons, an independent opposition member from St. John's, spoke in favour of it. Both referred to Cleary's speeches in the Legislative Council the previous year. Even coupled with the disastrous events of the previous fishing season, the petition failed to sway a majority of the members immediately as they passed the Shipbuilding Act for another year without any provision for a Lloyd's Surveyor. However, it appears that some members of the legislature on both sides of the House appreciated the importance of having a Lloyd's Surveyor.

The vessel subsidy program functioned under confused government agendas, a major chronic weakness in Newfoundland economic development policy. It attempted to be both an economic development program based on import substitution and a mechanism to provide work-relief during the winter months. The Thorburn government, as with many other administrations, remained unclear about the actual objectives of such initiatives. Some might proffer the opinion that it could achieve both goals, although it became clear in this case that utilizing government funds to encourage the construction of more seaworthy ships fell by the way, and that other unwritten political agenda, the provision of work-relief, crept in and took precedent.

When the 1888 Shipbuilding bill reached the Legislative Council, Captain Cleary launched another vigorous assault upon it:

His impression was that a more appropriate title would be "An Act for the encouragement of drowning machines for the fishermen of Newfoundland," or "An Act to assist one class of the people to construct

a fleet of coffins for the entombment of our bank fishermen."....Conditions of safety and security are altogether ignored by this bill now before us, therefore he felt it incumbent upon him, who was perfectly familiar with the character of the banking ships built in this country to protest with all the power of language against the measure now before us. Its only effect will be to aid the construction of a fleet of vessels dangerous to the lives of the unfortunate men who are compelled to go in them to earn subsistence for themselves and their families.⁴⁰ The opposition in the House of Assembly failed in its first attempt to amend the Shipbuilding Act although they received an acknowledgement from the government of the need for an independent shipbuilding and vessel inspector.⁴¹

Clery remained entrenched and pointed to the August Gale of 1887 as evidence of poor vessel construction. Although vessels from all countries fishing off Newfoundland suffered damage in that storm, the poor construction of Newfoundland built vessels resulted in 72 of them being damaged to the point that they could not continue to operate that year. This sharply contrasted with the Nova Scotian built vessels which suffered gear losses, but the integrity of the vessels' hulls remained sound enough to resume operations once the crew replaced the fishing and running gear.⁴²

Using this information Captain Clery presented an economic argument for improving the quality of Newfoundland banking vessels. Assuming cod landings of 1000 quintals (1 quintal = 112 lbs. dry salt cod) per vessel, he estimated the potential lost income from unseaworthy Newfoundland vessels unable to continue fishing after the August Gale at \$288,000.⁴³ He also pointed out that approximately 350 of the 864 fishers put ashore because their vessels were unseaworthy had since emigrated to other parts of North America. He viewed this loss of skilled labour as damaging to the viability

of the bank fishery.⁶⁴

Cleary pressed on, drawing comparisons between the bank fishery and the merchant marine. He pointed to regulations in the latter industry which required regular inspections of all vessels involved in ocean-going trade. Surveyors inspecting these ships classified them according to the condition of the hull and the running gear for set time periods.⁶⁵ Eric Sager's *Seafaring Labour* supports Cleary's assertions, pointing out that after 1855 merchant sailors had the legal right to refuse to serve in an unseaworthy vessel and that after 1864 government surveyors were made available to magistrates to inspect vessels for seaworthiness.⁶⁶ Schooners involved in the bank fishery, perhaps the most dangerous of any marine trade, remained exempt from these regulations.⁶⁷

Cleary's position as manager of the St. John's Dry Dock gave him a daily view of the shortcomings of the Newfoundland shipbuilding program. Speaking in the Legislative Council on 25 April 1888, he recounted his experience with a vessel on the previous day:

Almost every day his attention was called by the Dockmaster to the construction of these vessels. Only yesterday he went into the dock to see the condition of one of them, and he must say he was disgusted at the manner in which she was put together. The shipbuilding act requires that one bolt or treenail shall be put in every plank in these vessels. Now in the craft in question there were planks fifteen inches wide with only a bolt fastening them to their timbers. The provisions of the law were complied with but he should ask any man possessed with common intelligence whether one bolt or treenail was sufficient to bind plank like that to the frame of a vessel so as to ensure the slightest degree of strength and safety. In the same vessel, these two planks one next to the other, were both butted together upon the same timber and another seven inches wide butted on the next timber. He had seen similar work in twenty cases in

vessels that came under his observation and such are considered fit to entrust the lives of our people in upon the stormy Atlantic.⁶⁸

Cleary placed the blame for the general abdication of responsibility on the shipbuilders, the owners, and the Newfoundland government, pointing to the conflicting agendas of import substitution and make-work as the prime weakness in the system to encourage shipbuilding, especially for the bank fishery.⁶⁹

Cleary did not only criticize Newfoundland banking vessels. He also regarded some of those built in Nova Scotia and New England with an air of skepticism, as well. Their problems lay not in the poor or slipshod construction of the hulls, but in the shape and design of these craft which caused them to founder and roll over in heavy gales. These vessels were so well constructed that when they rolled over on their side or "beam ends," the masts failed to slide out of the deck or the bulkheads. Many times the weight of these masts and sails, pulling on the vessel's hull, resulted in the craft rolling over all the way and going "bottom up," making it impossible for the vessel's crew to right it. Cleary held the view that Nova Scotian and New England built schooners focused on speed and appearance at the expense of seaworthiness.⁷⁰ Newfoundland boats, on the contrary, were seaworthy in design, but not in construction. According to Cleary, "our people do not yet know enough of the science of naval construction to build bad sea boats."⁷¹

Cleary stood alone once again in the 1888 debate on the Shipbuilding Act. Members of the Legislative Council, an institution not known for its progressive

thinking, included C.R. Ayre, Charles Bowring, managing director of Bowring Bros., and Moses Monroe, a major bank fishery outfitting merchant. These prominent members of the St. John's business elite, all involved in either shipping or fishing industries, took considerable issue with Cleary.

Bowring, representing one of the largest and most influential firms in St. John's, tried to confuse the issue of the appointment of the Lloyd's Surveyor:

to imagine that a Lloyd's Surveyor appointed by the corporation of Lloyd's will come out here and carry out a schedule of rules for vessels to be built here, of the timber of the country is more than can be expected of such an official. He would not carry out any rules but those laid down by Lloyd's instructions. Those rules he will adhere to but it will be found impossible to get him to make rules for the building of our fishing vessels.⁷²

Bowring adopted an obstructionist stance to obscure the issue at hand. In the quotation above he attempted to portray the Lloyd's Surveyor as a person who would only follow the rules laid down by Lloyd's Registry. According to Bowring, the task of establishing and enforcing a set of guidelines for the construction of fishing vessels lay outside the jurisdiction of the Lloyd's Surveyor. He further tried to confuse the issue by presenting the Lloyd's Surveyor as an individual acting solely on orders from London with no regard for local conditions. Bowring failed to clarify certain distinctions between Lloyd's Registry of British and Foreign Shipping, Lloyd's Surveyor, and Lloyd's of London in his argument.⁷³ Self-interest served as the basis of Bowring's objections. The presence of a Lloyd's Surveyor in St. John's would find all local merchant and fishing vessels under the scrutiny of an independent inspector. In Bowring's eyes the presence

of a Lloyd's Surveyor would probably mean higher vessel operating costs to ensure proper maintenance of vessels.⁷⁴ Bowring most likely saw the presence of the surveyor as another check on the influence enjoyed by his firm.

Cleary, because of his extensive background in the shipping industry, countered Bowring's arguments. He pointed to Lloyd's Surveyors located in Prince Edward Island, Nova Scotia, New Brunswick, and other parts of Canada who drafted schedules of construction standards for vessels built in those provinces. He indicated that Canadian provinces with fleets smaller than Newfoundland's employed a Lloyd's Surveyor.⁷⁵ According to Cleary, the position of surveyor signified competence, independence, and responsible authority in the inspection of vessels.⁷⁶

Cleary said Newfoundland vessels that met certain standards set out by the Lloyd's Surveyor would be eligible for insurance coverage through Lloyd's of London. Under the existing situation Newfoundland based vessels, if they wished insurance through Lloyd's of London, had to leave Newfoundland for a port which had a Lloyd's Surveyor.⁷⁷ Once there, the vessel underwent an inspection to determine its insurability. In most cases, repairs were required before the vessel was certified for insuring by Lloyd's. The presence of a qualified Lloyd's Surveyor meant that his expertise would serve to establish a local set of internationally acceptable shipbuilding standards. The enforcement of these standards would mean reduced insurance rates for local vessel owners who wished to insure their vessels outside Newfoundland.⁷⁸

Both Ayre and Monroe supported Bowring against Captain Cleary. Monroe raised

the spectre of the surveyor establishing standards so rigorous that it would destroy the local shipbuilding industry. Ayre concurred, indicating the high cost of building vessels to a surveyor's standards would deter those wishing to construct vessels in Newfoundland: "The class of vessels built here now with few exceptions are good enough for fishery purposes and as costly as the fisheries can afford."⁷⁹

The concerns raised by Bowring, Ayre, and Monroe represented vested interests in the Newfoundland cod and seal fisheries and in the supplying trade. The presence of a Lloyd's Surveyor in St. John's, who would also function as a Newfoundland government inspector, meant regular inspections of their vessels and most likely additional maintenance costs.

The Legislative Council followed the lead of Bowring and Ayre and Cleary again failed to gain the services of a Lloyd's Surveyor. The Shipbuilding Act for 1888 remained essentially unchanged from the previous year. While both the House of Assembly and the Legislative Council defeated the amendments put forth by the opposition, the House recognized the importance of having an independent marine surveyor and passed an "address" as an expression of support in principle. The "address" authorized the government to hire a competent surveyor and pay that person an adequate salary.⁸⁰

Cleary enjoyed the support of the local St. John's newspapers. The Daily Colonist, the Evening Telegram, and the Evening Mercury, all carried stories on health

and safety on board ships and, more particularly, on fishing schooners. Commencing at least as early as the mid-1880s, these papers frequently ran articles on the latest improvements in life saving appliances or marine health and safety programs in other countries.

Several factors influenced these newspapers to focus on these issues. The 1883 International Fisheries Exhibition in London and another four years later in Barcelona, Spain, provided considerable information on work, health, and safety issues in various European fisheries. Items and articles relating to the American and Canadian bank fisheries were of interest domestically because of the close work relationships between them and Newfoundland fishers and because Newfoundland fishers often sought employment on vessels from those countries. Local newspapers published the debates of both the Newfoundland House of Assembly and the Legislative Council as was the practice at the time. These sources of information all served to heighten public awareness of the dangers those employed in the fishing industry faced on a daily basis.

Others supported Cleary in his assessment of New England built vessels. Some 2500 kilometres to the southwest in Essex County, Massachusetts, Captain Joseph W. Collins, a New England fishing captain and subsequently a member of the United States Fisheries Commission, had arrived at a similar opinion of New England vessels some years earlier. This view came as a result of severe losses of both lives and vessels in the New England fishing industry in the early 1880s. Collins worked with others in the New England area to design and construct the "Grampus," a model fishing schooner that

combined safety and seaworthiness.⁴¹ Collins knew Newfoundland and Newfoundlanders. In July 1887, he arrived in St. John's aboard the "Grampus" as part of a United States scientific expedition to the Funk Islands in search of the Great Auk.⁴² We do not know if Cleary went aboard the "Grampus" or talked to Collins when he was in St. John's. It is virtually certain that Collins did speak with the prominent local writer and scholar, Moses Harvey, as did most learned visitors to the island. The extent of Collins' relationship with both Harvey and Newfoundland remains unknown. However, a few months later he wrote a letter of recommendation to Harvey on behalf of Adolph Neilsen, a prominent Norwegian fisheries expert, when the Newfoundland Fisheries Commission was considering hiring Neilsen as its Fisheries Superintendent.⁴³

Collins' attempts to improve vessel design prompted other boat builders, the most noteworthy being D.J. Lawlor and later Thomas McManus, to design safer fishing schooners. McManus changed the bow shape of the schooner with the introduction of the knockabout schooner in 1902. This schooner sported an elongated stempost in the bow which eliminated the need for a bowsprit.⁴⁴ Crew members on these knockabouts no longer had to climb out on or under the bowsprit when taking in or putting up the jib sail. Crew members on all sailing vessels considered this an extremely dangerous job and called the bowsprit the "widow-maker." Collins continued his interest in improving safety on fishing vessels. After 1890 he advocated the introduction of "beam" trawlers, or side draggers, by New England fishers as a safer means of fishing.⁴⁵

In the spring of 1889 during an unrelated debate in the Legislative Council,

Captain Cleary interjected to raise once again the plight of bank fishers, the poor condition of banking schooners, and the need for a Lloyd's Surveyor.

Last year and the previous one he had asked in vain for the appointment of a Lloyd's surveyor to inspect our vessels employed in the bank fishery. It was for those poor souls who spend three or four weeks on the stormy banks of Newfoundland, rocked upon the billows to and fro, that he prayed for mercy. It is a crime to send men to sea in such craft as compose the majority of those bank vessels; but the crews have no alternative. They have family and friends depending upon them for bread, and they must perforce risk their lives to keep them from want.⁴⁶

A.W. Harvey, a highly influential St. John's merchant and one of the most powerful individuals in Newfoundland, offered the first public support for Cleary's proposal in the Legislative Council.⁴⁷ Harvey's comments were endorsed by another Legislative Council member, G.T. Rendell.⁴⁸

The only opposition came from Colonial Secretary James S. Winter in the form of an explanation of what the government had tried to accomplish during the past year. According to Winter, the Newfoundland government resisted appointing a Lloyd's Surveyor apparently because it gained the impression that these surveyors only inspected vessels built under the guidance of their own surveyors. The debate here centred on whether the Thorburn government attempted to forestall the appointment by confusing the issue, or if they actually misunderstood how a government employed a Lloyd's Surveyor.⁴⁹

The Colonial Secretary's incoming correspondence in 1888 included communication among Richard O'Neil, a banking schooner captain and master mariner

based in Harbour Grace,⁹⁰ Lloyd's Registry, and the Newfoundland government. O'Neil in a May 29, 1888 letter to Lloyd's Registry enclosed transcripts of the debates in the Newfoundland House of Assembly and Legislative Council.⁹¹ On June 15, O'Neil received a letter from B. Waymouth, Secretary of Lloyd's Registry, requesting more information on the shipping and shipbuilding industry in Newfoundland.⁹² O'Neil forwarded a copy of his letter and the reply from Lloyd's Registry to Winter. The Colonial-Secretary received two letters from Waymouth of Lloyd's Registry on March 28, 1889 and April 6, 1889. The first served as a follow-up to a letter sent to Winter by Waymouth in November 1888. In the second letter, Lloyd's Registry agreed to appoint one of their surveyors to Newfoundland.⁹³

Premier Robert Thorburn launched the 1889 shipbuilding bill and navigated it through the House of Assembly with minimal opposition. The Legislative Council, after overcoming fears raised by Winter, did likewise. This legislation finally permitted the Newfoundland government to engage a Lloyd's Surveyor.⁹⁴ Delays in hiring a qualified surveyor followed, as various individuals in the Legislative Council continued to dismiss the idea of a Lloyd's Surveyor.

Those supporting the bill pointed to additional employment for local tradespeople when vessels were upgraded to meet improved safety standards. The presence of a local Lloyd's Surveyor would offer local owners the opportunity to classify and register their ships with Lloyd's Registry for insurance purposes. Despite these positive signs, the struggle to have a Lloyd's Surveyor appointed to Newfoundland faced several more

hurdles.

After two full years of lobbying, Cleary and his supporters managed to convince the Newfoundland government to accept the concept of having a Lloyd's Surveyor to inspect vessels. Furthermore, within the Legislative Council, Cleary debated three powerful individuals active in Newfoundland's economic and political life: C.R. Ayre, Charles Bowring, and Moses Monroe. All three challenged Cleary, yet none offered any concrete evidence to the contrary. Cleary, for his part, remained vigilant under this pressure, which must have extended beyond the Legislative Council chambers. Such determination garnered him the respect of both houses and the general public.

Elected as a conservative government, the Thorburn administration functioned in part on a mandate to develop the Newfoundland fisheries as it saw the country's future tied to their expansion. It remains doubtful if it saw improved health and safety conditions for bank fishers as part of that plan. However, a government inherits more policies than it creates and is affected by the global political agenda of its era. Thorburn's government came to power when groups and individuals in other North Atlantic fishing nations were in the process of better regulating and documenting the operations of their own fisheries and attempting to understand how the fisheries of other nations functioned.⁹⁵ The Thorburn administration, despite its political leanings, governed within a broader social milieu.

From the government's perspective, complaints of poorly constructed vessels and resulting loss of life undermined the objectives of the shipbuilding program. The cost of

caring for the widows and children of those lost from leaky government-subsidized vessels fell to the public treasury. Consequently, with Cleary's public intervention, the folly of the existing shipbuilding program became glaringly apparent.

The election in the fall of 1889 saw the return to politics of Sir William Whiteway. In that election, Whiteway's Workingman's Party, a coalition of Catholic Liberals and disaffected outport merchants, defeated the Thorburn administration. The proceedings of the Legislative Council in 1890 indicate that even with a new Whiteway "pro-workingman" government in place, the task of securing the appointment of a Lloyd's Surveyor remained unfinished. A.W. Harvey, a supporter of both parties and a confidant of Whiteway's, withdrew his support of a year earlier on the appointment of a marine surveyor and reiterated the previous claims of Bowring and Ayre:

There is no such thing as the appointment of a Lloyd's Surveyor in any part of the world, and it should not be represented that we, in not appointing a surveyor were neglecting to do what other governments had done. Lloyd's was solely a private company, though they had done an immensity in the interests of British shipping generally.⁹⁶

Moses Monroe followed Harvey's remarks with an attack on Captain Cleary. Monroe claimed that Cleary made statements in the Council which were not fully warranted. Monroe then followed Harvey's lead by further attempting to confuse the issue of appointing a Lloyd's Surveyor: "It is not within our province to employ a Lloyd's Surveyor. Lloyd's would make an appointment of a man to carry out their own wishes, without reference to what we may think about it."⁹⁷

Cleary offered these comments on the appointment of a Lloyd's Surveyor to

Newfoundland:

In 1668 the Lloyd's Insurance Association was established. At that time they sent surveyors all over England. In 1826 they had in their service 34 surveyors. In 1834 they had 63 surveyors. In 1852-3 they sent surveyors to all the British North American colonies except Newfoundland, and would have sent one here if they had not been prevented and informed that we did not need one. Although we know that the Lloyd's Association are now employing 167 surveyors in different parts of the world, the conviction is attempted to be forced upon us that they are unwilling to send one here. The fact is they are prevented from sending one here by parties in this country who have only their own personal ends in view, and who are not interested in our fishermen further than to make money by their sweat and toil.⁹⁸

He aimed his comments specifically at Harvey in response to the latter's about face from the previous year. In general, Cleary directed his comments at all ship owning merchants who opposed the bill. In the aftermath of Thorburn's defeat, the political currency of many of these merchants quickly fell to a low ebb and Cleary apparently made an effort to keep it there.

The 1890 Shipbuilding Bill passed without much further debate except from Cleary who continued to agitate because the Whiteway government had failed to negotiate the appointment of a Lloyd's Surveyor. Cleary's tough stand succeeded. In September 1890 Whiteway and Harvey travelled to Lloyd's Registry in London to secure the services of a Lloyd's Surveyor for Newfoundland.⁹⁹

In their negotiations with Lloyd's Registry, Whiteway and Harvey promoted the idea of hiring a competent local person.¹⁰⁰ Lloyd's Registry said they would not consider a local individual for the position as "they realize the desirability of appointing

a surveyor who would be entirely independent of local influence."¹⁰¹ Whiteway and Harvey eventually agreed and Lloyd's Registry named George Wheatley, an individual with 18 years experience as manager of a dry-dock, as the first Lloyd's Surveyor to the port of St. John's. Wheatley took up his position in June 1891.¹⁰²

When the Newfoundland legislature met during the winter of 1891, it passed another act supporting the construction of vessels in Newfoundland. The actual title of the Shipbuilding Act of 1891 reflected the change in government thinking. It read "An Act to provide for Newfoundland Lloyd's Classification and Registry of Shipping and for the Encouragement and Improvement of Shipbuilding."¹⁰³ Shipbuilding acts of the previous fifteen years were "Acts for the Encouragement of Shipbuilding and other purposes."¹⁰⁴ The 1891 legislation passed with little discussion or recorded opposition.

Successive governments recognized the need for proper standards in the Newfoundland shipbuilding industry. Shipbuilding acts passed in 1883, 1887, 1888, 1889, 1890, and 1891 included specific shipbuilding standards to ensure improved quality and ultimately safer vessels. The 1891 Shipbuilding Act contained a Schedule "B" which specifically outlined in nineteen clauses construction requirements for building vessels in Newfoundland. The origins of all these clauses are not clear, although certain regulations concerning vessel planking reflect concerns raised previously by Captain Cleary. The regulation concerning the fastening of planking in the 1891 regulations appears to be a direct copy of a recommendation Cleary put forward earlier. The regulation states: "All planks over seven inches in width shall have two bolts or tree-nails

in each timber, and caulked outside and wedged inside."¹⁰⁵ Speaking in the Legislative Council in 1887, Cleary had suggested "it should be prescribed that in any plank over seven inches wide there should be two bolts or tree nails for every timber."¹⁰⁶

The new Lloyd's Surveyor functioned as a joint position between the Newfoundland government and Lloyd's Register of British and Foreign Shipping. The latter organization, Lloyd's Registry as it is commonly known, should not be confused with Lloyd's of London, an insurance brokerage company. Lloyd's Registry remains a vessel classification service and inspects and classifies ships greater than 100 tons.¹⁰⁷

Lloyd's of London and other marine insurance brokers and companies used the Registry to determine the rating and condition of ships when assessing them for insurance values. A number of factors determined the rating the ship received, including the vessel's specifications, age, the duration of the survey, and the type of classification. The "A1" designation was the highest classification for a wooden sailing vessel. The "A" represented the condition of the hull and the "1" the state of the masts, sails, rigging, anchors, and deck gear.¹⁰⁸ In addition, vessels received classifications based on time periods. Owners with vessels classified for five years operated with the understanding that their vessel might or might not be inspected at any time within that period, but that at the end their craft would receive a thorough stem to stern inspection.¹⁰⁹

Persons appointed by the Lloyd's Registry as Lloyd's Surveyors had extensive knowledge of vessel design and construction. Competent in evaluating acceptable hull designs, shipbuilding practices and techniques, they served as officers of the Registry and

held primary allegiance to that organization. Lloyd's Registry favoured hiring individuals from outside their assigned port to insure the impartiality of the surveyor.

Of all the companies operating in Newfoundland in the 1880s, Bowring Brothers possessed the best knowledge of the operations of Lloyd's Registry and Lloyd's of London because they had subscribed to Lloyd's Registry in 1881¹¹⁰ and the parent company based in Liverpool, England had held a seat at Lloyd's of London since 1876.¹¹¹

George Wheatley, the first Lloyd's Surveyor appointed to Newfoundland, began inspecting vessels June 1, 1891. In his first report to the Newfoundland Government, he noted that one of the vessels he inspected was simply not practical to repair. Those he recommended for repair were fixed. His major complaint with Newfoundland fishing vessels was the poor condition of the equipment the vessels carried, which he viewed as neglected and inefficient.¹¹² Wheatley began inspecting vessels eligible for the shipbuilding subsidy in 1892 and that year he inspected 32 new vessels. He deemed only 12 of them eligible for subsidy.¹¹³ The following year, Wheatley found only 13 of the 32 vessels he inspected were eligible for the bounty.¹¹⁴ Commenting on the reasons for rejecting Newfoundland built vessels applying for subsidy, Wheatley stated:

The remainder of the vessels not eligible for bounty, representing 669 tons register, was in consequence of non-compliance with the Act of 1891, viz: bad workmanship, small scantlings, second hand outfits etc.; I most respectfully state that in most of cases where the vessel has not been eligible for the bounty, the builder has been in possession of the Shipbuilding Act of 1891, but that they could not comply with same, simply because this, that, or the other was contrary to their views;

consequently the owners of such vessels were disappointed when they were surveyed and found not eligible for bounty.¹¹⁵

Table 4.1 below records the numbers of vessels constructed in Newfoundland for the period 1875 - 1920. The number of vessels constructed declined in the 1890s but recovered to 1880s levels around the turn of the century. The number of vessels receiving government subsidy dropped significantly after 1891, when the Lloyd's Surveyor was appointed.

If any shipbuilding inspector rejected a locally built schooner, or local Customs Officers ever refused bounty for individual vessels in the period 1875-1891, no public record of it exists.¹¹⁶ During this period Newfoundland boat builders constructed 1761 vessels; 1,502 of these, representing 59,425 gross tonnes, received subsidy. Some builders who did not receive subsidy included those constructing vessels of less than thirty tons in the 1881-1883 period.¹¹⁷ This changed in 1884 because the Shipbuilding Act of 1883 included all new locally built vessels. Some owners or builders probably did not bother to apply for the subsidy. The generally buoyant economic times of the early 1880s probably reduced the need for subsidy in some areas. Even with government financial aid the average size of the subsidized vessels in the 1875-91 period remained fairly small at 39.6 tons, the size of a western boat or jack schooner. During this period the Newfoundland government paid out \$183,761 in subsidies for vessel construction.¹¹⁸

However, with the presence of the Lloyd's Surveyor, the bounty declined sharply.

The Newfoundland government paid out \$18,374 in subsidies for 100 vessels in 1889 but only \$2384 for 15 vessels in 1892. The data available for the 29 years after the appointment of the Lloyd's Surveyor (1892-1920) reveals a marked decline in the number of vessels receiving subsidies. A total of 382 vessels obtained subsidy in that period for an average of 13.1 vessels per year. In only two of those years, 1908 and 1909, did the annual number of subsidized vessels constructed climb above 20 (Table 4.1). In the 17 year period from 1875 to 1891 1608 new vessels were launched with a government subsidy, an average of 94.6 vessels per annum or seven times greater than after the surveyor's appointment.

The Lloyd's Surveyor appointed to Newfoundland performed two main functions. He inspected vessels under construction in Newfoundland to determine if they met government specifications and thus qualified for a shipbuilding bounty or subsidy¹⁹ and he inspected existing vessels whose owners wished them classified for insurance purposes. The Newfoundland government saw the former job as important as it served to rectify discrepancies in its shipbuilding subsidy program. The establishment of a set of shipbuilding standards in the Shipbuilding Act of 1891, coupled with inspections by an impartial qualified surveyor, provided two checks to rectify the situation.

TABLE 4.1

Comparison of Total Number of Vessels Built in Newfoundland
to those Receiving Subsidy 1875-1920

Year	No. of Ships Built	No. of Nfld. Ships Receiving Subsidy	Gross Total Tonnage of Vessels Receiving Subsidy	Average Size of Vessels Subsidized (tonnes)	Total Bounty Paid \$
1875	100	98	4306	43.9	7627.00
1876	107	100	4079	40.8	11131.00
1877*	155	142	5384	37.9	15801.00
1878	98	95	3770	39.7	11088.00
1879	159	155	5958	38.4	17614.00
1880	135	131	5018	38.3	14896.00
1881	114	76	3361	44.2	10013.00
1882	119	71	3099	43.6	9297.00
1883	83	55	2330	42.4	6910.00
1884	121	76	2666	35.1	7964.00
1885	100	69	2608	37.8	7824.00
1886	106	106	3784	35.7	11352.00
1887	66	54	2061	38.2	6183.00
1888	75	75	3016	40.2	13645.00
1889	109	100	4480	44.8	18374.00
1890	54	48	1896	39.5	7566.00
1891**	68	51	1609	31.5	6476.00
1892***	71	15/12	593/436	39.7/36.3	2372.00/ NA

1893****	57	13/12	596/436	45.8/36.3	2384.00/ 2048.00
1894	38	NA	NA	NA	NA
1895-6	59	6	278	46.3	1112.00
1897	67	5	245	49.0	980.00
1898	63	10	NA	NA	2113.00
1899	100	8	493.5	61.7	1974.00
1900	160	NA	NA	NA	NA
1901	129	NA	NA	NA	NA
1902	159	14	NA	NA	4028.00
1903	82	19	1260	66.3	5047.00
1904**** *	82	12	562	46.8	2531.50
1905	104	16	809	50.6	3256.00
1906	167	14	766	54.7	3898.00
1907	122	13	831	63.9	3320.00
1908	92	34	1700	50.0	5008.00
1909	56	35	1554	44.4	5754.00
1910	54	22	983	44.7	19551.00
1911	53	17	523	30.8	6767.68
1912	41	NA	NA	NA	3622.55
1913	40	18	467	25.9	4861.37
1914**** **	38	14	511	36.5	1922.00
1915	19	10	403	40.3	3534.30
1916	44	20	479	24.0	3609.00
1917	45	22	1532	69.6	22250.00

1918	53	32	4175	130.5	77330.00
1919	50	20	2473	123.7	40836.00
1920	36	25	1946	77.8	29988.00

Sources: Newfoundland Vessel Registry File, Maritime History Archive, Memorial University, St. John's, Newfoundland.

Newfoundland, *Journal of the Newfoundland House of Assembly (JNHA)*, Appendices, St. John's, Newfoundland, 1876-1921.

* For 1877 shipbuilding statistics see *The Newfoundlander*, St. John's, Newfoundland, 4 January 1878, p.2.

** George Wheatley, Lloyd's Surveyor appointed to Newfoundland.

*** Two sets of numbers appear in Newfoundland, *JNHA*, Appendix 1893, pp.106, 208.

**** Two sets of numbers appear in Newfoundland, *JNHA*, Appendix 1894, pp. 108, 347. 1895-6 - Totals for 1895-6 combined.

***** Many Nova Scotia vessels were sold to Newfoundland firms because of an apparent failure in the Nova Scotia bank fishery, see Newfoundland, *JNHA*, Appendix, 1905, p. 170. 1904 subsidy figures are based on ten not twelve vessels see Newfoundland, "Expenditures -- Department of Marine and Fisheries," *JNHA*, Appendix, 1904.

***** Only partial figures available for bounty paid in 1914 and 1915.

The inspector's survey of vessels greater than 100 tons determined their eligibility for marine insurance through Lloyd's of London or other marine insurance companies. Wheatley's regular inspections of other craft employed in the coastal trade, overseas shipping, and sealing often resulted in repairs being made to these ships. The St. John's Dry Dock and the floating drydock located on the southside of the harbour effected these repairs.

The Newfoundland government owned the St. John's Drydock and had a vested interest in making it a profitable operation. Here the Newfoundland government recognized the economic potential of a Lloyd's Surveyor. During its deliberations to introduce such legislation, Premier Thorburn commented on the question of the Lloyd's

Surveyor:

The advantages of such an appointment are manifold. We shall now be able to have vessels owned in this country, but registered in Britain, repaired and re-classed in this country. Much labour which has been expended in foreign countries will now be given to our own people.¹²⁰

Benefits came to Newfoundland as a result of Mr. Wheatley's presence. Reporting in 1893, he pointed to the inspection of over 300 vessels for the deep sea and Labrador fisheries. Vessels requiring repairs necessary to meet the Lloyd's standard spent over \$200,000 in Newfoundland in 1892.¹²¹ In one documented case Wheatley required Bowring Brothers Ltd. to make repairs to two of their sealing vessels, the "Falcon" and the "Eagle," prior to them proceeding to the ice fields.¹²² Survey fees paid by vessel owners wishing to have their ships inspected for insurance purposes amounted to over \$1500 in 1893.¹²³

Other organizations apparently reflected the influence of the Lloyd's Surveyor. In Newfoundland, companies known as marine mutual insurance clubs provided insurance coverage on the cargo and hulls of vessels. While little evidence remains on the exact operation of these insurance clubs, they supposedly witnessed both prosperous and lean times with apparently the worst occurring in 1872¹²⁴ when many vessels were "lost" at the ice. These marine mutual insurance clubs in St. John's saw the appointment of a Lloyd's Surveyor as an improvement and inspiring confidence in the schooners outfitted.¹²⁵ The surveyor established a standard or benchmark. An examination of the 1896 rules for the Newfoundland Mutual Marine Insurance Club laid out the duties of

the insurance company's surveyors and established basic requirements for vessels insured with the club.¹²⁶ The club spelled out in which context the rules applied to particular vessel classes. It remains unknown how many of these local marine insurance companies employed the services of the Lloyd's Surveyor or employed local surveyors to complete vessel inspections.

Nevertheless, the presence of the Lloyd's Surveyor had little or no impact on the volume of vessel construction in Newfoundland. The surveyor, when performing duties for the Newfoundland government, inspected newly constructed vessels for subsidy purposes. If a vessel did not qualify for subsidy, that did not mean construction ceased. Only 13 of the 124 vessels constructed in 1906 received government subsidy.¹²⁷ The following year 93 new vessels were launched but only 13 received government assistance.¹²⁸ Newfoundland shipbuilders built the same number of new vessels in 1908, with only 14 of these garnering the bounty.¹²⁹ Similarly, the impact of the Lloyd's Surveyor on improving the seaworthy conditions of bank fishing vessels was less than envisioned especially as outlined above by Captain Cleary. The economic decline of the bank fishery in St. John's as outlined in Chapter 1 coincided with the arrival of the Lloyd's Surveyor. Despite Cleary's efforts there was no provision in the 1891 Shipbuilding Act which made inspections of bank fishing vessels by the Lloyd's Surveyor mandatory. An examination of the Prowse Collection Account Books indicates that the Lloyd's Surveyor inspected their bank fishing vessels annually,¹³⁰ but it remains unknown if other bank fishing firms operating from St. John's adopted a similar practice.

The Newfoundland government's initial major accomplishment in providing for a Lloyd's Surveyor was to stop subsidizing vessels which were not seaworthy. A more lasting effect was the improvement of the overall safety of vessels operating out of Newfoundland ports. Regular inspections included not only fishing schooners. Wheatley and his successors examined domestic and foreign going passenger boats, and ocean-going cargo vessels.¹³¹ Magistrates who found in their courtrooms seafarers who toiled aboard vessels they deemed unseaworthy now could request an independent inspection by the Lloyd's Surveyor. Simply the attendance of the Surveyor in St. John's must have served as a deterrent for vessel owners considering sending blatantly unseaworthy vessels on voyages.

In 1912 Lloyd's Surveyor, James Black, inspected 124 vessels of all kinds. This included 27 steamers holding classification with Lloyd's Registry, 32 unclassified steamers, 8 foreign going sailing ships, and 57 local schooners. In addition, Black surveyed 18 locally built vessels for bounty, rejecting only one.¹³² The surveyors inspected the local sealing fleet on a regular basis.¹³³ Commenting in his report for 1906, Wheatley said only 16 of the 55 vessels surveyed that year were fitted out with life saving appliances in accordance with the Merchant Shipping Act.¹³⁴

Wheatley remained in his post until his death in 1907. His rigorous application of the boatbuilding subsidy regulations under the 1891 act meant less than half the vessels constructed were eligible for the bounty. He later effected revisions to the 1891 Shipbuilding Act, initially with an amendment of the act in 1907 and was engaged in

formulating the 1908 act prior to his death. The 1907 amendment revised Schedule "B" of the act, which established the minimum standards for the construction of the vessels receiving subsidy.¹³⁵ These changes established six classes of vessels based on their tonnage, ranging from the smallest, 15 to 20 tons, to the largest, greater than 75 tons.¹³⁶ It also set out specifications on the thickness of planking for the hull, the deck, and the maximum width of the framing timbers for each tonnage class.¹³⁷

The Newfoundland government introduced and passed new legislation "An Act for the Encouragement of Shipbuilding"¹³⁸ in 1908 because there had been increases in the number of used vessels purchased outside of Newfoundland in the three preceding years. In the period 1905-7, Newfoundland shipowners had purchased 191 vessels totalling 14675 tons. Government estimates calculated an average \$30 a ton for every vessel purchased or a total of \$449,250 exported out of Newfoundland to purchase shipping. The government wanted to reverse this practice and re-direct ship purchasing capital into the local shipbuilding industry.¹³⁹

The 1908 act focused on local shipbuilding needs and conditions, reflecting the influence of Wheatley and the input of four prominent Newfoundland fishing masters, Captains Bonia, Dawe, Lewis and Winsor.¹⁴⁰ Representing the most comprehensive approach taken by any Newfoundland government since the first shipbuilding encouragement policies of the 1870s, the Act set out four groupings of standards for vessel construction with corresponding subsidies. Schedule "A" paid subsidies of \$10.00/ton for vessels over 80 tons built to Lloyd's Registry standards; Schedule "B"

classed vessels for ten years and paid \$8.00/ton; Schedule "C" seven years and \$5.00/ton; and Schedule "D" five years and \$4.00/ton. The various schedules reflected varying construction standards for vessels with different applications and uses. Vessels constructed under Schedule "A" met construction standards for worldwide ocean going craft. Vessels constructed under Schedules "B," "C," and "D" reflected construction standards for vessels engaged in regional and local marine activity.¹⁴¹ The classification of vessels for set time periods signified the maximum requirement for the next major inspection. For example, vessels classified for five years required mandatory inspection at the end of that period, although vessels classified for five years might undergo a major inspection after three and receive an additional five year classification. The impact of these regulations on locally constructed bank fishing vessels built after 1907 remains unclear. Obviously, "C" and "D" class vessels receiving subsidies were potential candidates for the bank fishery. Consequently, locally built vessels which met or surpassed certain minimum standards received government subsidies.

The issue of poor quality vessels being employed in the bank fishery, a focus of debate in the shipbuilding legislation in the late 1880s, failed to surface during these subsequent discussions. As discussed in Chapter I, the Newfoundland bank fishery declined rapidly in the 1890s and moved initially from St. John's, and later from the northeast coast of the island, to its base on the south coast. In the post-1890s period few complaints about the unseaworthiness of bank fishing vessels come to light. Whether the presence of the Lloyd's Surveyor deterred bank vessel outfitters or the distance from St.

John's, the surveyor's base of operations, to the bank fishing ports deterred bank fishers from making complaints remains unknown. Little potential exists to evaluate the impact of the Lloyd's Surveyor on improving the safety of bank fishing vessels.

The ability of the surveyor to reject the majority of vessels applying for bounty and the resolve of the Newfoundland government to support these decisions altered the political agenda regarding construction standards for government subsidized Newfoundland-built schooners. The surveyor acted independently, basing decisions on actual shipbuilding practices. This sent a clear message that shipbuilders and ships' carpenters must adhere to the standards as laid down if they wished to receive bounties and preferred vessel insurance premiums.

While subsidies provided incentives to those interested in building quality vessels, the government's interest in utilizing shipbuilding as a make-work program apparently waned as its perception of what constituted a good local shipbuilding program became more sophisticated. Apparently, the influence of the Lloyd's Surveyor, played a significant role in shaping the change. Examples of Wheatley's sway included his unwavering adherence to the existing rules and regulations in what must have been a hostile environment at times, especially from vessel owners functioning in often precarious economic circumstances. He recommended amendments to the existing Shipbuilding Act in 1906, and solicited input of four Newfoundland fishing captains into the shipbuilding legislation passed in 1908. These captains added a dimension missing from previous shipbuilding legislation. Their collective practical experience and

knowledge learned from years in the bank and Labrador fisheries and the coasting trade, proved invaluable when determining the kinds of standards required to ensure properly constructed vessels. The government consulted small schooner builders in Placentia Bay to determine the specifications needed to offer the boat building bounties outlined in Schedule "D."¹⁴² The sliding scale for vessel bounties and classifications was more in tune to the local needs of the shipbuilding industry.

The 1908 legislation intended vessel inspections to occur at various stages of construction. This clause proved unworkable because it was a formidable task for a single inspector to travel around the vast Newfoundland coast to shipbuilding locations for regular inspections, particularly during winter months. The act envisioned having Deputy-Surveyors appointed and trained to perform these tasks in local areas, something which apparently failed to materialize. If vessel owners wished to receive a shipbuilding subsidy, they sailed the vessel to St. John's where it was inspected by the Lloyd's Surveyor.¹⁴³ A far cry from the battles between Cleary and his foes some 20 years previous, the 1908 Act passed with some discussion but little opposition. We can only surmise that even the most conservative factions now recognized the importance of having an independent surveyor in place.

Mr. A. Boyd succeeded Wheatley as Lloyd's Surveyor in 1908. Boyd's reports indicate an increase in the number of vessels surveyed for subsidy, probably because more were built under the new Act's expanded eligibility criteria. The number of vessels being classified by Lloyd's Registry and otherwise surveyed annually for insurance

purposes increased in this period. Boyd inspected 164 vessels in 1909. Forty-four of the 92 steam vessels inspected were examined on drydock, as were 21 schooners. In addition, 22 sealing vessels were inspected. In the 11 years from 1909 to 1920 when reports are available, the Lloyd's Surveyor inspected over 100 Newfoundland vessels annually. The records do not show if banking schooners were part of that number, nor do the names of the vessels inspected appear. The inspection of the sealing fleet appears as an annual occurrence, and between 30 to 40 of the vessels inspected were classified with Lloyd's Registry. James Black succeeded Boyd in 1912. Black carried on in the traditions of Boyd and Wheatley until D.M. MacFarlane succeeded him in 1920.

The unseaworthiness of vessels constructed for the rapidly expanding 1880s bank fishery served as a focal point to examine poor construction practices in the Newfoundland shipbuilding industry. Examining these practices as they applied in the bank fishery resulted in an investigation of Newfoundland government policies in the shipbuilding industry and the various shipbuilding acts. Successive Newfoundland governments used the shipbuilding acts introduced in the 1870s and 1880s as part of its overall plan to diversify the Newfoundland economy. They saw these programs as import substitution, providing locally built schooners as a competitive alternative to those which could be purchased in New England or the Maritime Provinces, and provided winter employment in small communities.

The Newfoundland government failed to consider the local market implications for these vessels. The domestic supply of vessels in effect competed with new and used

vessels from other areas in the northwest Atlantic. Instead of imposing an import duty on vessels purchased outside of Newfoundland to improve the competitiveness of domestic vessels, the Newfoundland government opted to pay bounties or subsidies to those having vessels built locally. In most cases the funds apparently wound up in the hands of local merchants, not boatbuilders. While the vessel owners received the subsidy, the vessel builders found themselves competing in a buyers market often flooded with used boats from the Maritimes and New England. Frequently inferior quality in both materials and workmanship reflected the low domestic vessel prices. Shipbuilding legislation in the 1870s and 1880s failed to properly address the issue of constructing seaworthy vessels. The result for the bank fishery was unseaworthy vessels for what many regarded as the most life threatening of all fisheries.

In opposition to these government policies, the actions of Captain Philip Cleary and his supporters offer a practical example of a struggle to improve working and safety conditions aboard bank fishing vessels. Cleary's efforts illuminate how to achieve policy reform in a political milieu with either weak or non-existent working class extra-parliamentary organizations. Because of his considerable knowledge of the topic, his skill in articulating his concerns, and his tenacity in reiterating these arguments annually, Cleary served as a key spokesperson to further these efforts. In addition, while spelled out only indirectly in terms of the 1888 petition to the House of Assembly and the letter writing of master mariner Richard O'Neil, Cleary apparently commanded the support of a constituency which ranged from bank fishers and sailors to some local merchants.

Cleary focused on the improved construction and maintenance of these vessels rather than on improved working conditions for bank fishers. He succeeded in standardizing vessel construction and inspection standards for Newfoundland-built vessels receiving government subsidies. The practical solution from Cleary's perspective was the appointment of a Lloyd's Surveyor. This individual offered a considerable degree of shipbuilding expertise to Newfoundland. Being a Lloyd's Surveyor meant his first loyalty would be to Lloyd's Registry, so he brought a significant degree of impartiality to his assessments.

Attempts to improve the seaworthiness of bank fishing vessels and ultimately the working conditions for bank fishers also reveal the severe limitations of these middle class reform efforts. The arrival of the Lloyd's Surveyor and the coincidental decline of the bank fishery in St. John's during the 1890s muffled any further attempts to improve working conditions for Newfoundland bank fishers. The movement of the bank fishery to smaller ports on the northeast and southwest coasts meant a lower profile for the bank fishery among middle-class reformers in St. John's. Cleary and his followers, for reasons which could range from being content with their accomplishments or discouraged by the extent of opposition, made no further efforts to improve conditions aboard bank fishing vessels.

This did not mean the end of poorly constructed Newfoundland-built vessels. The Newfoundland government did not intervene to regulate the quality of all vessels built for the Newfoundland fishery. Individuals were still permitted to build leaky or inferior

craft, but now they were denied subsidy by the government surveyor. The failure to receive subsidy probably affected the vessel owners' ability to secure inexpensive insurance. Local marine insurance companies and vessel inspectors armed with government approved vessel standards probably carefully scrutinized vessels that did not qualify for subsidy.

Unfortunately nowhere is there any mention of providing training to improve the shipbuilding techniques of Newfoundland boatbuilders. In hindsight this would appear to have been a plausible solution given the presence of the Newfoundland Dockyard in St. John's and other local shipyards located around the island as potential training grounds.

Efforts at reform were met with resistance by Newfoundland's powerful elite. The conservative stance adopted by the Newfoundland establishment was poorly considered as it hindered the productivity of the bank fishery and discouraged efforts to improve working conditions for offshore fishers. This was a trend which would carry on into the latter part of the twentieth century after the transition to the offshore dragger fleet in the 1950s.

ENDNOTES

1. Daily Colonist(DC), St. John's, Newfoundland, 28 April 1887, p. 3.
2. Cleary, a retired sea captain and ship owner, was the manager of the St. John's Drydock and a member of the Newfoundland Legislative Council. See Wayne C. Stockwood, "Cleary, Honourable Captain Philip," Encyclopedia of Newfoundland and Labrador, Vol. I, R.D.W. Pitt (ed.), St. John's, Newfoundland, 1981, p. 451.
3. See "Death of Honourable P. Cleary," Evening Telegram(ET), St. John's, Newfoundland, 20 November 1907, p. 6.
4. Newfoundland, Journal of the Newfoundland House of Assembly (JNHA), Appendix, St. John's, Newfoundland, 1875, pp. 576-576a; Public Ledger(PL), St. John's, Newfoundland, 2 November 1875, p. 1.
5. Newfoundland, JNHA, Appendix, 1876, pp. 256-67.
6. Newfoundland, "An Act for the Encouragement of Shipbuilding and other purposes," Statutes of Newfoundland, St. John's, Newfoundland, 1880, pp. 77-8.
7. ET, 7 April 1883, p. 3.
8. The Newfoundlander, St. John's, Newfoundland, 14 July 1876, p. 2.
9. Newfoundland, "Return of Ships Built in Newfoundland for the year 1883," JNHA, Appendix, St. John's, Newfoundland, 1884, pp. 354-61.
10. Persons engaged in marine industries outside Newfoundland purchased very few Newfoundland built vessels. Outside buyers purchased only 1.8% of all vessels built in Newfoundland for the period 1875-90. See Maritime History Archive (MHA), Memorial University of Newfoundland, St. John's Newfoundland, Newfoundland Vessel Registry File, 1875-1890.
11. Captain Philip Cleary from his experience as manager of the St. John's Drydock identified only two boat builders in Trinity Bay and those operating from Grand Bank and Fortune on the Burin Peninsula as having the ability to construct adequate vessels for the bank fishery. See DC, 10 May 1887, pp. 3-4. Little information survives on 19th century Newfoundland boat builders or on the business relationship between boat builders and local merchants. See Calvin Evans, For Love of a Woman, St. John's, Newfoundland, 1992, pp. 34-9.

12. Chesley W. Sanger, "Technological and Spatial Adaptation in the Newfoundland Seal Fishery During the Nineteenth Century," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1973, pp. 17-21.
13. 370 sail powered vessels crewed by 13,600 sealers prosecuted the seal fishery in 1857. Twenty-four years later 27 steam powered vessels carrying 5800 sealers prosecuted the same fishery. *Ibid.*
14. DC, 11 June 1887, p. 3. One pound in Newfoundland currency equalled \$4 Newfoundland. See Bertram G. Riggs, "Currency," Encyclopedia of Newfoundland and Labrador, Vol. I, 1981, p. 576.
15. Newfoundland, "An Act for the Encouragement of Shipbuilding and for other purposes," Statutes, 1883, pp. 9-12; Newfoundland, "An Act for the Encouragement of Shipbuilding and for other Purposes," Statutes, 1887, pp. 230-2. See also Riggs, "Currency," Encyclopedia of Newfoundland and Labrador, Vol. I, 1981, p. 576.
16. Wayne C. Stockwood, "Drydock, St. John's," Encyclopedia of Newfoundland and Labrador, Vol. I, 1981, pp. 646-7.
17. ET, 16 March 1880, p. 4.
18. DC, 19 May 1888, p. 3.
19. DC, 15 May 1888, p. 3.
20. DC, 15 May 1888, p. 3.
21. Newfoundland, "Encouragement of Shipbuilding," Statutes, 1883, pp. 11-2.
22. The Newfoundland government previously employed local ships surveyors to inspect particular vessels. However these surveyors while trained as boat builders did not enjoy the degree of independence necessary to critically evaluate vessels on an ongoing basis.
23. Newfoundland, "Encouragement of Shipbuilding," Statutes, 1880, p. 78.
24. Newfoundland, "Customs Reports," INHA, Appendices, 1875-1890.
25. Provincial Archives of Newfoundland and Labrador(PANL), GN 2/2 -Colonial-Secretary, Incoming Correspondence, letter to Colonial-Secretary from Assistant Collector of Customs, 22 January 1887.

26. PANL, GN 2/2 Colonial-Secretary, Incoming Correspondence, letter from Richard O'Neil, 29 May 1888.
27. See H.Y. Mott, Newfoundland Men, Concord, N.H., 1894, p. 45; and Stockwood, "Cleary," Encyclopedia of Newfoundland and Labrador, Vol. I, 1981, p. 451.
28. DC, 28 April 1887, p. 3.
29. Ibid., pp. 3-4.
30. DC, 29 April 1887, p. 3.
31. DC, 11 June 1887, p. 3.
32. Wendy Martin, Once Upon a Mine: The Story of Pre-Confederation Mines on the Island of Newfoundland, Montreal, P.Q., 1983, pp. 24-5.
33. DC, 11 June 1887, p. 3.
34. DC, 11 June 1887, p. 3.
35. Joseph Collins outlines several methods for handling schooners in rough weather. These include heaving to under foresail, bringing a vessel to anchor, and bringing a vessel to drag. See Joseph Collins, "Management of the Vessel," G.B. Goode, The Fisheries and Fishery Industries of the United States, Section IV, Washington, D.C., 1887, pp. 132-5.
36. Ibid.
37. Local St. John's newspapers carried various articles on this still common marine safety practice. See DC, 31 July 1888, p. 2; DC, 16 March, 1889, p. 4; DC, 8 November 1889, p. 4; DC, 24 October 1890, p. 2.
38. Maritime History Archive (MHA) Memorial University, St. John's, Newfoundland. Great Britain, Board of Trade, Certificates of Vessel Registry, Colonial Ports. The "Constance" was a 54 ft. schooner of approximately 30 tons.
39. Beam Ends - A ship is on its beam ends when it has heeled over to such an extent that its deck beams are nearly vertical and there is no righting moment left to bring the vessel back to the normal upright position. See Peter Kemp (ed.) The Oxford Companion to Ships and the Sea, Oxford, 1979, pp. 69, 543.
40. Evening Mercury (EM), St. John's, Newfoundland, 29 August 1887, p. 4.

41. The "Grover Cleveland" was a two-masted wooden schooner built in Bath, Maine in 1885. It was 86 feet long, 24 feet wide, and 9 feet deep. It was 99 gross tons and was owned by James Fox of St. John's, Newfoundland. See Maritime History Archive (MHA), Memorial University, St. John's, Newfoundland, Registry Master File, p. 7922.
42. DC, 30 March 1889, p. 1.
43. Ibid.
44. DC, 11 May 1887, p. 4.
45. DC, 15 June 1887, p. 3.
46. As stated previously only 1.8 per cent of the 1661 vessels registered as built in Newfoundland from 1875 to 1890 were sold outside the country. Maritime History Archive (MHA), Memorial University, St. John's, Newfoundland Registry File, 1875-90.
47. DC, 29 April 1887, p. 3.
48. Ibid.
49. DC, 11 June 1887, p. 3.
50. Treennails (pronounced tren/nels) - long cylindrical wooden pins (usually oak outside of Newfoundland) used to secure the planks of a wooden ship's hull to its timbers or frames. Holes were bored through the planks and timbers with an auger and the treennails driven home with a mallet. The ends were cut flush with the planking and frame face and hardwood wedges driven in a each end to keep the treenail in place. See Kemp (ed.), The Oxford Companion to Ships and The Sea, pp. 887-8.
51. DC, 10 June 1887, pp. 3-4.
52. DC, 11 June 1887, p. 3.
53. Ibid.
54. ET, 31 August 1887, p. 4.
55. Despite this set-back the Newfoundland bank fishing fleet made a full recovery by the next spring. The reasons for this remain unclear although the apparent successful voyages enjoyed by the vessels not damaged in the storm probably served as an incentive for others to participate the following year. Similarly while local newspapers point to many vessels being "disabled" they offer no clear breakdown of what that means.

Consequently some vessels may have experienced major damage to the hull while others probably only had rigging, sails, or masts destroyed.

56. ET, 11 April 1888, p. 4.
57. These merchants and outfitters included Henry J. Stabb, James Fox, and Steven March among others. See DC, 8 May 1888, p. 3.
58. DC, 8 May 1888, p. 3.
59. Ibid.
60. DC, 2 June 1888, p. 3.
61. DC, 18 May 1888, p. 3.
62. DC, 2 June 1888, p. 3.
63. Ibid.
64. Ibid.
65. Ibid.
66. Eric W. Sager, Seafaring Labour, Kingston, Ontario, 1989, p. 101.
67. Virtually all Newfoundland and Canadian fishing vessels remained exempt from any regulations governing the merchant marine until the mid-1950's. Only in the post-1970 period have Canada Shipping Act regulations included fishing vessels albeit on an inconsistent basis.
68. DC, 2 June 1888, p. 3.
69. Ibid.
70. DC, 4 June 1888, p. 3.
71. Ibid.
72. DC, 9 June 1888, p. 3.
73. Ibid.

74. In January 1892, George Wheatley, the Lloyd's Surveyor required Bowring Brothers Ltd. to make proper repairs to their steamers "Falcon" and "Eagle." See Trinity Weekly Record(TWR), Trinity, Trinity Bay, Newfoundland, 16 January 1892, p. 2.
75. Lloyd's Surveyors first appear in the British North America ports of Saint John, New Brunswick and Quebec City in 1853. By 1890 both Halifax, Nova Scotia, and Prince Edward Island had Lloyd's Surveyors as did 244 other ports around the world. See MHA, Lloyd's Register of British and Foreign Shipping, London, 1853, 1890.
76. DC, 9 June 1888, p. 3.
77. According to George Wheatley the first Lloyd's Surveyor appointed to Newfoundland, prior to 1891 many marine insurance underwriters would have nothing to do with St. John's because of its bad reputation. See PANL, GN 6, Commission of Inquiry into the Rotterdam, St. John's, 1899, Testimony of George Wheatley, p. 16.
78. DC, 9 June 1888, p. 3.
79. Ibid.
80. DC, 22 April 1889, p. 3.
81. Joseph W. Collins, "Evolution of the American Fishing Schooner," New England Magazine, 18, 3, 1898, pp. 336-49.
82. EM, 18 July 1887, p. 4.
83. PANL, GN 2/2 1888, Minutes of Newfoundland Fisheries Commission, Re: Adolph Nielsen's application as Fisheries Superintendent, 17 April 1888.
84. A spar projecting over the stem (bow) of vessels to provide the means of staying the fore topmast and from which the jibs are set. See Kemp, Oxford Companion to Ships, 1979, pp. 102-3.
85. Andrew W. German, "Otter Trawling Comes to America: The Bay State Fishing Company," American Neptune, Vol. 44-5, 1984, pp. 114-31.
86. DC, 18 April 1889, p. 3.
87. Ibid.
88. DC, 22 April 1889, p. 3.
89. Ibid.

90. Robert McAlpine (ed.), McAlpine's Newfoundland Directory, 1894 to 1897, Saint John, N.B., 1894, p. 567.
91. PANL, GN 2/2, Colonial-Secretary, Incoming Correspondence, 1888, Letter to B. Waymouth, Secretary, Lloyd's Registry, London, from Richard O'Neil, 29 May 1888.
92. PANL, GN 2/2 Colonial-Secretary, Incoming Correspondence, 1888, Letter to Richard O'Neil from B. Waymouth, Secretary, Lloyd's Registry, 15 June 1888.
93. PANL, GN 2/2 Colonial-Secretary, Incoming Correspondence, letter from B. Waymouth, Secretary, Lloyd's Register to Sir J.S. Winter, 18 March 1889 and 6 April 1889.
94. Newfoundland, "An Act for the Encouragement of Shipbuilding and for other purposes," Statutes, 1889, p. 125.
95. The latter part of the 19th century witnessed the rise of greater public administration of commercial fisheries in the Northwest Atlantic. The start of the United States Fisheries Commission in 1871 followed by George Brown Goode's massive study The Fisheries and Fishery Industries of the United States in 1887 coupled with the establishment of the Canadian Department of Marine and Fisheries in 1867 and the Newfoundland Fisheries Commission in 1889 all indicate efforts by west north Atlantic governments to better understand and manage their fish resources.
96. DC, 4 July 1890, p. 2.
97. Ibid.
98. Ibid.
99. Lloyd's Surveyors are exclusively officers of Lloyd's Registry. See F.A. Worsley and Capt. Glyn Griffith, The Romance of Lloyd's: From Coffee House to Palace, New York, 1936, p. 93.
100. Newfoundland, "Lloyd's Surveyor," INHA, Appendix, 1891, p. 404.
101. Newfoundland, "Lloyd's Surveyor," INHA, Appendix, 1891, p. 405.
102. Little biographical information is known about Wheatley, whom it appears performed his duties quite adequately.
103. Newfoundland, Statutes, 1891, pp. 83-8.

104. Newfoundland, Statutes, 1880, pp. 77-8.
105. Newfoundland, "An Act to Provide for the Newfoundland Lloyd's Classification and Registry of Shipping, and for the Encouragement and Improvement of Shipbuilding," Statutes, 1891, p. 87.
106. DC, 11 June 1887, p. 3.
107. Worsley and Griffith, The Romance of Lloyd's, pp. 93-5.
108. Ibid., pp. 94-5.
109. Personal Interview with David Field, Lloyd's Surveyor, St. John's, Newfoundland, June 1993.
110. MHA, Lloyd's Register of British and Foreign Shipping, Vol. II, Appendix, London, 1908-9, p. xvii.
111. Godfrey Hodgson, Lloyd's of London, London, 1984, p. 134.
112. Newfoundland, "Report - Lloyd's Surveyor," INHA, Appendix, 1892, p. 363-4.
113. Newfoundland, "Report - Lloyd's Surveyor," INHA, Appendix, 1893, p. 208.
114. Newfoundland, "Report - Lloyd's Surveyor," INHA, Appendix, 1894, p. 347.
115. Ibid.
116. Newfoundland, "Customs Returns - Returns of Ships built in Newfoundland," INHA, Appendices, St. John's, Newfoundland, 1875-91.
117. Newfoundland, "Encouragement of Shipbuilding," Statutes, 1880, pp. 77-8.
118. Newfoundland, "Shipbuilding Bounties," INHA, Appendices, 1875-92.
119. The Lloyd's Surveyor held two positions in Newfoundland; one as a Lloyd's Surveyor and the second as a surveyor for the Newfoundland Government. The Surveyor's pay from the Newfoundland Government was €250 annually, a fee agreed to between the Newfoundland Government and Lloyd's Registry. All monies generated by the Surveyor were paid to the Newfoundland Surveyor-General. The Surveyors salary was paid out of this fund and any surplus was to be divided between the Newfoundland Government and Lloyd's Registry. See Newfoundland, INHA, Appendix, 1891, p. 404.
120. DC, 28 June 1889, pp. 3-4.

121. Newfoundland, INHA, Appendix, 1893, p. 210.
122. TWR, 16 January 1892, p. 2.
123. Newfoundland, "Report - Lloyd's Surveyor," INHA, Appendix, 1894, p. 353.
124. Cleary quotes this date during the 1888 debates on the Shipbuilding Act although the actual date was probably ten years previous in 1862 coming in the wake of the introduction of steam powered sealing vessels which made many of the sail powered ships redundant.
125. ET, 21 May 1891, p. 4.
126. Centre for Newfoundland Studies(CNS), Rules of the Newfoundland Mutual Marine Insurance Club, St. John's, Newfoundland, 1896, p. 15.
127. Newfoundland, Annual Report of the Newfoundland Department of Marine and Fisheries for the Year 1906, St. John's, Newfoundland, 1907, pp. 37-8.
128. Ibid., pp. 60-1.
129. Newfoundland, Annual Report - Marine and Fisheries, 1908, pp. 54-5.
130. PANL, MG 483, R.H. Prowse Collection, Account Books.
131. Newfoundland, INHA, Appendix, 1893, pp. 209-10.
132. Newfoundland, INHA, Appendix, 1912, pp. 481-2.
133. Newfoundland, INHA, Appendix, 1910, pp. 448-9.
134. Newfoundland, INHA, Appendix, 1907, p. 224.
135. Newfoundland, "An Act to amend the Law relating to the Encouragement and Improvement of Shipbuilding," Statutes, 1907, pp. 94-7.
136. Ibid., p. 94-5.
137. Ibid.
138. Newfoundland, "An Act for the Encouragement of Shipbuilding," Statutes, 1908, pp. 41-50.
139. ET, 24 January 1908, p. 7.

140. Ibid.
141. Newfoundland, "Encouragement of Shipbuilding," Statutes, 1908, pp. 44-50.
142. ET, 24 January 1908, p. 7.
143. Newfoundland, JNHA, Appendix, 1910, pp. 448-9.

CHAPTER V
Self-Help, Friendly Societies,
the Bank Fishermen's Insurance Fund,
and Other Efforts to Improve Conditions for Bank Fishers

As the previous two chapters have indicated, Newfoundland bank fishers generally played a subordinate role in lobbying for reform during the nineteenth century. Fishers, including bank fishers, created or joined formal organizations on the basis of community, not workplace. While there were exceptions, the mutual aid or friendly societies which fishers organized in Newfoundland used gender, religion, and geography to define themselves. Membership crossed class lines and was open to all adults meeting the criteria, regardless of their economic background. These organizations believed in self-help and mutual support and looked to the membership to provide assistance to members or their families who fell upon hard times. As a result, mutual aid societies generally avoided formal contact with governments. The role of advocating state intervention fell to middle-class reformers such as Captain Philip Cleary and the various Protestant clergy and Catholic Liberal or progressive politicians. In the latter part of the nineteenth century, these reformers tried to fill the gaps in social welfare programs available to bank fishers and their families, and to improve working and safety conditions aboard bank fishing vessels.

The revitalization of the Newfoundland bank fishery in the last quarter of the nineteenth century coincided with increased participation by vessels from Canada and the

United States. The loss of life among all northwest Atlantic bank fishery fleets in the 1880s coincided with an increased awareness of the importance of marine safety among the North Atlantic fishing nations, including Newfoundland. In St. John's and Conception Bay, two areas where the Newfoundland bank fishery experienced a dramatic increase, these deaths prodded several middle class reformers to take up the cause of bank fishers and their families in an attempt to establish a death benefit fund.¹ These middle class reformers focused their efforts on the workplace instead of religion or geography. They adopted both self-help and state involvement to create a death benefit insurance program. However their efforts waned with the departure of the bank fishery from St. John's and Conception Bay in the 1890s as had previous efforts to improve vessel construction standards.

Fishers' organizing efforts in the nineteenth century date from the 1830s when the "Fishermen's Mutual Protective Society of Newfoundland" was formed.² The Society met in Kieilty's Long Room at King's Beach in St. John's and a Captain John Fitzgerald served as its chair.³ Aside from these scant details, we know little else about the society and it soon faded from the political landscape. The "Fishermen's and Shoremen's Association,"⁴ organized in the same period, was led by St. John's merchants and professionals.⁵

Most recorded political activism among Newfoundland fishers in the mid-nineteenth century focussed on the sealing industry in St. John's and around Conception Bay. Sealers claimed no formal organization, but on various occasions, beginning as

early as 1832, they organized informal yet powerful ad hoc committees to negotiate terms of employment for the seal fishery.⁶ In the 1830s and 1840s sealers, often led by Henry Supple, a St. John's sealing captain, organized various strikes, demonstrations, and negotiating sessions in St. John's and in communities around Conception Bay, most notably Brigus.⁷ To date, little has been written about the various sealers' strikes which occurred intermittently throughout the nineteenth century, although they represented ongoing attempts to negotiate terms of working conditions between sealers and merchants.⁸

Later in the century, isolated groups of fishers and labourers organized to protect their interests. In 1890 the Change Islands Labourers Secretary was formed. This organization passed the following resolutions:

- (1) No lobsters to be sold for less than \$2.00/hundred;
- (2) All labour shall be paid in cash, strictly in advance;
- (3) No man shall work on the roads or elsewhere for less than \$1.00 per day;
- (4) The merchants, instead of issuing goods on credit, shall be compelled to give cash to their dealers payable at the end of the voyage, with three percent interest.⁹

It remains unclear if this workers' organization ever acted upon these resolutions or what became of the group. These grievances, however, were similar to those put forth by northeast coast fishers some 18 years later with the organization of the Fishermen's Protective Union (FPU).¹⁰

The role of Newfoundland bank fishers in supporting the efforts of middle class reformers remains unclear. From the sources available, it appears these groups did not forge any public links. It also appears that the fragmentation of the workplace and the

isolation from other bank fishers made them ambivalent or indifferent to organizing to protect their interests and maintain a higher profile on the Newfoundland public, political agenda. Bank fishers in Bay Bulls, Renew's, and Placentia organized informally in their unsuccessful fight against the 1888 bank fishery agreement, as outlined in Chapter 3. It is unclear what became of these nameless individuals and they apparently made no more attempts at political reform.

Newfoundland fishers created other organizations to provide a degree of protection for themselves and their families from unforeseen circumstances. These organizations focussed on self-help, not the intervention of the state, to provide assistance to members' families in times of distress. To what extent these societies deflected efforts to increase state intervention remains unknown, but it appears that if the efforts had instead been directed solely at the state, then they probably would have fostered a stronger reform movement. Given the choice between short term pragmatism and long term reform, fishers chose the former and organized groups which could provide themselves and their families with direct assistance in both the short and long term.

Similar to fishers in Great Britain,¹¹ Newfoundland fishers formed and joined mutual benefit, or "friendly" societies,¹² most notably the Benevolent Irish Society, the Mechanics Society, the Trinity Benefit Club, the St. John's Total Abstinence and Benefit Society, the Star of the Sea Society, the Society of United Fishermen, the Loyal Orange Lodge, and the Masonic Order. The geographic boundaries of their communities and the religious beliefs of the membership, not the workplace, were the organizing parameters

of these societies. Despite these boundaries, the "friendly" societies functioned as social clubs and organized regular meetings and social events for the members. The societies used membership dues and funds generated at social functions to provide monetary or in kind assistance to members and their families in times of sickness or death. Often, upon the death of a member, the society paid some of the cost of the funeral and ensured the member's family received some form of small monthly stipend.

Unfortunately, aside from a few annual reports, most nineteenth century records of these mutual aid or friendly societies have been lost.¹³ Consequently, little evidence of these organizations' membership survives. Given the widespread existence of friendly societies such as the Society of United Fishermen¹⁴ and the Loyal Orange Lodge¹⁵ in various bank fishing communities, it can be safely assumed that many fishers, including bank fishers, joined friendly societies, often at a young age.¹⁶

The impetus for starting some of these friendly societies in Newfoundland probably came from the West Country of England. There, numerous friendly societies abounded from the latter part of the 18th century onwards. The period 1793-1855 saw 1014 friendly societies operating in the English counties of Devon and Dorset.¹⁷ It appears quite plausible that West Country fishers, coming to Newfoundland in this period, brought with them an understanding of the purpose and workings of mutual aid societies. Some Newfoundland friendly societies, however, based their foundations on principles other than religion. The Trinity Benefit Club, founded in Trinity, Trinity Bay in 1835, proclaimed itself non-sectarian and open to individuals of all denominations.¹⁸

The Mechanics Society in St. John's required that its members be skilled in a craft.¹⁹

One local self-help group which originated among Protestant fishers in the community of Heart's Content, Trinity Bay, went on to expand its operations around Newfoundland and to communities on Cape Breton Island. Founded originally as the Heart's Content Fishermen's Society, it came into being in 1862 during a major fishery crisis marked by low prices and poor landings.²⁰ The society lasted for ten years and then broadened its base and reorganized its structure for economic reasons.

Chronic illnesses suffered by some of the Society's members imposed a heavy drain on the organization's fiscal resources. The society's membership, unable to carry the financial load, faced collapse²¹ so the members explored alternatives.²² Members of the society, including Reverend George Gardiner, the Anglican minister in Heart's Content and founder of the organization, put forth a plan to re-organize and restructure the society. Gardiner brought with him previous organizational experience. A member of the Upliftment Movement in England, he believed in the provision of greater social services to communities, especially mutual benefit and assistance in times of need and distress.²³ As part of the restructuring, the name of the organization changed to the Society of United Fishermen (SUF) and the base of the organization broadened to permit other communities to establish lodges of the SUF.²⁴ This permitted individuals from other communities who had previously joined the Heart's Content society to form lodges in their own communities and to expand the membership. In 1873 alone, six lodges organized, most on the eastern side of Trinity Bay, but also in Bay Roberts and St.

John's.²⁵ The SUF's principles were similar to those of its forerunner. It was both a secret society and a mutual benefit organization. However, by expanding the organization it generated enough funds to properly support members in need. An 1898 report on the SUF indicated that in the previous seven years the society paid out over \$5000 in sick benefits.²⁶ By the 1920s the SUF's annual expenditure on sick benefits amounted to over \$3000 annually. In addition, members participated in a Mortuary Benefit Scheme to reduce the cost of funerals.²⁷

However, the SUF expanded beyond serving as a mutual benefit society. It lobbied government and business to influence government policy towards the fishery. In 1875, the society distributed a fishery questionnaire among its members requesting opinions on the following points:

- (1) What in your opinion is the cause of the bad state and curing of Labrador fish and what remedy do you suggest.
- (2) Opinion on Bultows and Codnets, whether injurious to fishery or not.
- (3) Information on the barring of brooks in your district preventing the salmon resorting to their natural breeding places.
- (4) Is the Salmon Fishery Act carried out? What are its effects, or are more stringent measures required?
- (5) Information tending to improve the cure of herring; also relative to any other fisheries that might be profitably carried on.
- (6) Practicability of establishing net and twine factories.²⁸

The following year, the SUF executive forwarded the results of the survey to the St. John's Chamber of Commerce to foster discussion of fishery issues.²⁹ The reason SUF members offered for the poor quality Labrador fish was the practice of purchasing on a tal qual basis:

The same price being given for all fish whether well, indifferently, or only partially cured, there is no inducement offered to take pains in curing. There is a great temptation to ship fish in a soft state because of its increased weight and the readiness with which it is accepted by the super-cargoes.³⁰

Beginning in the late 1870s, the SUF lobbied the Newfoundland government to establish a Newfoundland Bureau of Fisheries, the precursor to the Newfoundland Department of Marine and Fisheries.³¹ The organization established its own fish hatchery and advocated the founding of others. It also disseminated newsletters and flyers to its members to foster criticism and debate of fisheries issues.³²

In 1918 the Grand Lodge of the SUF petitioned the Newfoundland government to ban the tail purchase of salt cod and to re-introduce the cull.³³ Members of Grand Lodge No. 3 on Change Islands in 1922 called for "the nationalization of codfish as a resource."³⁴ It is unclear if this meant the formation of a government administered national marketing organization to sell cod on the international market, which various groups and individuals, most notably the Fishermen's Protective Union, Sir William Coaker, and Sir John Crosbie, promoted during the late 1910s.³⁵ Other resolutions that same year called for various lodges to provide rooms within the lodges for distressed or shipwrecked members, an obvious indication of concern for the health and safety of Newfoundland fishers.³⁶

From the available records, the role of the SUF in influencing government policy in the bank fishery remains unclear. However, given the extensive number of SUF Lodges operating in bank fishing communities, it can be assumed that many SUF

members worked aboard bank fishing vessels.³⁷ One of the SUF's founding executive members, Ebenezer Legge of Heart's Content, served as captain of the "W. Rodgers," the first schooner to prosecute the bank fishery from that community.³⁸ SUF members worked aboard banking vessels and received funds from the SUF when injured on the job and unable to work. We can only assume that SUF members raised questions of vessel seaworthiness and working conditions aboard these bank fishing vessels at local and district lodge meetings, as they feared for the safety of their brother lodge members and for the security and well being of their families.

In 1871 at approximately the same time as the SUF came into being, Captain William Jackman, Captain William Ryan and Captain Cummins organized a similar mutual benefit or friendly society for Catholic fishers in St. John's.³⁹ The Newfoundland Fishermen's Star of the Sea Society began on 28 February 1871 in the Fishermen's Hall on the corner of George and Queen Streets. Membership grew rapidly and by the time of Jackman's death in 1877 numbered over 2,000. The original impetus for this mutual aid society remains unclear. The local Roman Catholic clergy provided support and leadership and the organization's principles mirrored those of the other large St. John's Roman Catholic friendly societies, the Temperance and Abstinence Society and the Benevolent Irish Society,⁴⁰ encouraging the "virtues of sobriety and economy" among its membership. It appears that the initial focus of the Star of the Sea society differed from that of the others because it focussed on sealers and fishers while the others appealed to the broader Catholic population.⁴¹ The success of this initial organizing

drive encouraged Catholic fishers in Placentia to form their own Star of the Sea Society in 1874, but no records of that organization survive. Later still, members of the Catholic parish in Holyrood apparently formed a branch of the Star of the Sea Society.

Only a few brief newspapers accounts document the formation of the original Star of the Sea Society. The full vision and intention of its founders remains clouded, but several points remain obvious. Membership appealed to basic needs. The organization provided an outlet for social functions and assisted members' families in times of need. Forty-three years after the formation of the society its rules indicated that it subscribed to a life insurance programme which paid death benefits ranging from \$20 to \$200, depending on the number of years membership in the society.⁴² In addition to the death benefit, the family of a deceased member received \$40 to defray the burial costs.

Unfortunately, the St. John's Fire of 1892 destroyed most of the early records of the Star of the Sea Society and apparently those of other mutual aid societies. Because of this fire and a 1916 fire which destroyed the Star Hall for a second time, no records remain from the period prior to 1896. It appears the initial strength of the Star of the Sea Society waned with the death of Captain Jackman. Unfortunately no records remain for the late 1880s when the bank fishery reached its peak in St. John's. It seems most plausible that some Catholic bank fishers employed on vessels operating out of St. John's were members of the Star of the Sea and that other Catholic bank fishers from outside the town availed themselves of the facilities provided by the Star Hall, given its proximity to the waterfront.

Eventually, the Star of the Sea Society moved away from its origins as a fishermen's benefit society⁴³ and by the 1890s purported to be "one of the leading institutions for the betterment of Catholic workingmen in St. John's."⁴⁴ The society maintained a policy of non-involvement in politics,⁴⁵ so political, social, and economic issues of importance to fishers received no airing. Fishers living in St. John's still joined the organization, but in smaller numbers. Fifty new members joined in 1896, only six of them fishermen.⁴⁶

The organization remained true to its origins in some respects. It continued to pay mortuary benefits of \$40 to defray funeral expenses.⁴⁷ Sick benefits were a different matter. The Society paid these benefits only when the membership climbed above 400 and ceased paying them when their numbers fell below 350. In 1896 the Society numbered between 250 and 300⁴⁸ and sick or disabled members who wrote the society requesting assistance received only the proceeds of a collection taken at a regular meeting.⁴⁹

Other mutual benefit societies existed for bank fishers within Newfoundland. It appears that Protestant bank fishers became members of the Orange Lodge or the Masonic Lodge, often while also being members of the SUF. These were popular institutions in bank fishing communities such as Burin, Grand Bank, Fortune and St. John's. Cecil J. Houston and William J. Smyth, commenting on the presence of the Orange Lodge in nineteenth century Newfoundland, offered this observation: "The ritual and tenets of Orangeism subscribed to by Newfoundlanders were identical to those of

their brethren in mainland Canada but boat journeys to lodge meetings and benevolent payments to the widows of fishermen-members lost at sea added a local character to the organization.⁵⁰ All of these organizations offered programmes to members who could not support themselves because of injury or illness. Catholic bank fishers in St. John's who were members of the Total Abstinence and Benefit Society enjoyed free medical attention from the society's doctor, and the society paid between \$64 and \$80 to defray individual members' burial costs.⁵¹

These friendly societies operated within a wide range of social dynamics. Organized mainly along sectarian lines, in many cases their existence supported religious bigotry, although other social realities made them more than sectarian benefit societies in the narrow sense.⁵² For example, members of the Orange Lodge at Grand Bank in December 1914 directed its Worshipful Master to write the Governor of Newfoundland requesting legislation that all schooners carry lifebuoys.⁵³ Speaking in support of the bank fishery bill in June 1915 Mr. A.W. Piccott, the Minister of Marine and Fisheries, credited correspondence received from Grand Bank and the surrounding area for supplying the impetus to draft the bill.⁵⁴ When finally enacted several months later the legislation benefited all bank fishers regardless of religion. Unfortunately we do not know what role, if any, the Orange Lodge or any other friendly society played in the debates about the introduction of the Bank Fishermen's Insurance Fund some twenty-five years earlier.

In the late 1880s, as the Newfoundland bank fishery reached its peak in terms of

numbers of vessels, fishers, and overall landings, various socially conscious individuals within Newfoundland lobbied to improve conditions for bank fishers and their families. One of the most overt and longterm expressions of these efforts was the passing of the Bank Fishermen's Insurance Act in 1888.⁵⁵ The Act was the first attempt by the Newfoundland government to legislate a death benefit insurance programme for workers. Here, the Newfoundland state moved into territory previously viewed as "private troubles," or at best the domain of local benefit societies and other private agencies.

However, the idea of fishers paying towards their own welfare while working aboard fishing vessels extended an existing practice. Previously, most bank fishers had contributed fifty cents for the medicine chest, fifty cents for cleaning the vessel, fifty cents for the fog horn and a portion of the cost of the telegrams sent announcing the arrival of the vessel in various ports.⁵⁶ The practice of crew members contributing to the maintenance of a medicine chest functioned in other fisheries. Beginning in 1858, the Newfoundland Masters and Servants Act required sharemen going to the Labrador fishery to pay one dollar, or two-and-six pence, for the provision of a medicine chest.⁵⁷

Sailors and employers engaged in other marine industries paid harbour fees to support local hospitals. Dating to the seventeenth century, British sailors paid into the seamen's sixpence fund which subsidized the cost of hospital construction and upkeep in British ports. In 1836 the Newfoundland government passed "An Act for the Relief of Sick and Disabled Seamen, Fishermen and Other Persons."⁵⁸ This act required vessels entering St. John's harbour to pay annual and sometimes monthly fees for each crew

member depending on the activity of the vessel.⁵⁹ The funds collected paid for the maintenance of hospitals. Fishers and employers who often found themselves engaged in other marine industries were familiar with the concept of annual deductions for some form of medical insurance fund. With the Fishermen's Insurance Act those same principles were applied to the bank fishery to provide a death benefit fund.

In the mid-1880s various local newspapers ran articles which promoted better protection for bank fishers. A July 1886 editorial appearing in the Daily Colonist, a St. John's newspaper, advocated new laws that would require waterproof boxes containing food and water be installed aboard each dory. These provisions would sustain fishers in the event they became separated from their schooner and had to spend several days at sea awaiting rescue:

The bank fishery is no doubt attended with greater peril to life and property than the Labrador fishery, but the loss on the banks in nine cases out of ten comes from starvation whilst men are adrift in dories. The remedy is a waterproof compartment, built in the most convenient part of each and every dory. A law should be passed rigidly enforcing a regulation for providing each dory that left the ship's side with provisions and water in this waterproof compartment sufficient to last two men for at least ten days. If a heavy fine of say \$100 were imposed on every Captain not complying with this law it would be enforced and great loss of life prevented.⁶⁰

Later that same month the Daily Colonist provided an example of what it referred to. In late July the banking schooner "Annie M." fishing out of Witless Bay picked up two bank fishers from the schooner "Pixie," based in Burin. These fishers had been adrift in their dory for several days with nothing on board to eat, but fortunately lived to tell of

their experience.⁴¹

A year later an article appearing in the Evening Mercury, another St. John's newspaper, provided information on the various administrative structures and programmes employed by other countries to enhance their commercial fisheries. The paper ran the story to focus attention on the establishment of a Newfoundland Fisheries Department. In the course of the article, the paper identified the Norwegian Fund for Sick and Disabled Fishermen as one of the administrative measures offered by the Norwegian government to assist fishers.⁴² This article ran on 27 August 1887 -- the day following the disastrous loss of life which befell the Newfoundland bank fishery in the August Gale of that year.

In the international scene at the same time, many individuals including Joseph Collins of the United States Fisheries Commission,⁴³ and J.W. De Caux,⁴⁴ both sympathetic with the dangers inherent in the fishing industry, discussed potential avenues to make these fisheries safer and to provide safety nets for those suffering from the loss of the main income earner through death or injury. Collins, driven by the loss of over 1700 New England bank fishers in the 1862-86 period, commenced lobbying for improved vessel design for schooners in the early 1880s.⁴⁵

J.W. De Caux's essay "The Best System of Life Insurance for Fishermen and of Insuring Boats, Gear, Nets, Etc." advocated among other things the establishment of a life insurance program for fishers.⁴⁶ De Caux's essay gained special recognition at the six month International Fisheries Exhibition held in London from May to October 1883.

Items high on the British fisheries agenda for the Exhibition included safety at sea and concern for dependents. Spurred by the loss of 382 fishers in a North Sea gale in March 1882 which left 146 widows and over 400 children fatherless,⁴⁷ the Exhibition devoted an entire display section to safety in the fishing industry.⁴⁸

The Newfoundland government and fishing industry participated in the exhibition which provided an international showplace for the Newfoundland fishing industry while exposing Newfoundland's representatives to the fisheries, fishing practices, and current fisheries issues of other countries. Ambrose Shea, a prominent Newfoundland politician, served as Newfoundland's official representative to the exhibition with William H. Whiteley, the person credited with inventing the Newfoundland cod trap, assisting as technical advisor. Both Shea and Whiteley were high profile participants in both the Newfoundland political system and the Newfoundland fishery. Shea, through his company, was an active participant in the bank fishery and Whiteley, with his cod trap operation in Bonne Esperance, Quebec, was part of the Newfoundland-based Labrador fishery.

In 1884, the Canadian government expanded the scope of its Sick Mariners Fund.⁴⁹ Originally established in the large seaports of Saint John, Halifax, and Quebec City to provide inexpensive hospitalization for sick or injured mariners, the Canadian government expanded it to offer coverage for all fishers in the Maritime provinces. Utilizing the funds granted in the Halifax Award (see Chapter I), the Canadian government paid each fisher an annual amount from the annual interest accrued. By

adding a few cents of their own money and forwarding the amount to the Sick Mariners Fund, they would receive free hospitalization for themselves and their families.⁷⁰ The programme operated on a voluntary basis. Fishers who did not participate could find themselves without any protection. The Newfoundland government did not institute such a programme for its fishers, but put the windfall gained from the Halifax Award into general revenues. Some of it was later spent subsidizing the construction of leaky and unseaworthy bank fishing vessels.

An examination of the debates to gain the Bank Fishermen's Insurance Fund (BFIF) reveals no mention of the Canadian Sick Mariners Fund. If the Newfoundland reformers knew of it they probably avoided its mention for fear of being branded pro-Canadian and pro-confederates. In such a circumstance their objective would probably be lost in the political whirlwinds which dogged that issue in Newfoundland political history throughout the nineteenth and twentieth centuries.

On a pragmatic level, the main impetus for the Bank Fishermen's Insurance Act came through the efforts of Reverend John Goodison, a Methodist preacher based in Carbonear. The St. John's newspapers reported that Rev. Goodison organized a public relief effort for the families of the crew members of the banking schooner "Ocean Friend" which sank in the August gale of 1887.⁷¹ In that storm three Newfoundland banking schooners, the "Ocean Friend," the "Grace Hall," and the "Royal Arch," went down and 45 bank fishermen died. Another 10 to 15 bank fishermen were lost from other bankers which survived the storm.⁷² In the course of the disaster fund organizing

efforts, Rev. Goodison realized the need for a larger public programme or fund to provide compensation to the families of bank fishers lost at sea. Goodison outlined his thoughts in a series of letters to the Trinity Weekly Record, Twillingate Sun, and Evening Mercury.⁷³ In addition, Rev. J. Cunningham of Burgeo made an appeal in the Evening Mercury for the families of those lost off the "Grace Hall."⁷⁴

A letter appearing in the Evening Mercury in October 1887 signed "Citizen" put forth the following scenario for a state sponsored bank fishers' insurance programme.

The loss of life at the Bank fishery should influence our Legislature to pass an Act to make some provisions for the families of those who lose their breadwinners whilst engaged in this business, instead of looking to the pauper fund for help. The owners of crews and vessels interested, should contribute an annual sum of equal to a dollar per man, half to be paid by the crew and the other half by the vessel owner. This fund would be a great help in case of accident, and the men would know some small provision was made for their families.⁷⁵

The reference to "pauper relief" summed up the full extent of protection offered to widows and children by the late nineteenth century state run social safety net. This group fell into the category of the "Permanent Poor," those who through no fault of their own could not look after themselves.⁷⁶

Reverend Goodison entered the debate by recounting his recent painful experience of organizing a relief fund for the families of those lost off the "Ocean Friend." Sharpened by this experience, he offered these recommendations.

I would therefore suggest that an Act be passed by the Legislature compelling every bank fisherman to pay half a dollar yearly; that the captains of bankers pay one dollar yearly, and that the owners of vessels employed in this branch of the trade pay two dollars per annum and that

these sums go to establish a fund for the purpose of relieving the families of those who lose their lives on the banks.

There is no doubt that such emergencies **will** [his emphasis] arise if this fishery is continued. It is I think best to look this matter squarely in the face and be prepared for such losses. I do not think there is a fisherman going to the banks that would object to place in the hands of the Government of this Colony his half dollar yearly, when he thoroughly understood it was for such a purpose, and I am sure that the vessel owners would not scruple to pay the meager sum of \$2.00 to meet such a demand.

As to how this fund could be distributed, I thought that for the **first** [his emphasis] year, \$60.00 might be given to widows with four children or more, and \$40.00 to widows with less than four children. Then for the **second** year \$45.00 to widows with four children or more and \$30.00 to widows with less than four. For the **third and last** years give thirty dollars to the widow who has four or more children and \$20.00 to her who has less than four.

I should like to know if there is some philanthropic lawyer in this colony who would take this matter up and push it through, and get an act passed by the Legislature which would benefit their fellow countrymen. The pay will no doubt be small, but what a chance of **doing good**, it will more than compensate for all the trouble taken. I think the government should **at once** take hold of this matter. It would be good policy to do so.⁷⁷

Goodison received a mixed response to his call for insurance legislation. The next day an editorial appearing in the Evening Mercury firmly supported Goodison's letter and the earlier response from the writer known as "Citizen."

A few days afterward, a letter, written by an individual hiding behind the pseudonym "Diogenes," appeared in the Mercury, admonishing Goodison for his call for "a philanthropic lawyer." The obviously ultra-conservative writer went on to offer another "natural" solution to the problem.

I think we have enough of pauperizing the fishermen without further providing for them from public funds or to publicly administer for them

their own, such are not the duties of government. It is the part of a wise and good government not to appropriate to itself the discharge of those natural duties which belong to the individual, but to teach the people to think, to act and to manage for themselves. It is the duty and privilege of every fisherman to insure his life for the benefit of his family and this he can do for a few dollars a year in any of a hundred Life Insurance Companies which have offices here.⁷⁸

Goodison responded to his detractors in a follow-up letter to the Evening Mercury. Regarding the solution raised by "Diogenes" of fishers taking out an insurance policy for themselves, Goodison offered these comments:

I am fully aware that there are several Insurance Agencies not only in St. John's but all over the Island, but that I have yet to learn that any fisherman has availed himself of the benefits accruing from such excellent institutions, and why not? Simply because the fishermen of this colony are not in the position to do so. A great many have hard work to make ends meet, many more are on the verge of starvation. To my mind it is utterly out of the question altogether.⁷⁹

Goodison received support for his efforts from several local newspapers, including the Trinity Weekly Record and the Twillingate Sun.⁸⁰ In March 1888, Reverend Goodison found his "philanthropic lawyer," Edward P. Morris, a Catholic and House of Assembly opposition member, rose in the legislature and introduced a bill to provide for a death benefit insurance programme for Newfoundland bank fishers. Morris offered information on fishers' health and safety, including discussions and position papers from the 1883 London International Fisheries Exhibition writings known as the "Fisheries Exhibition Literature."⁸¹ The debates presented in the "Exhibition Literature" offered a patronizing view of fishers. They pointed to fishers as "improvident" and made the argument that some form of compulsory payment should be established to provide an

insurance program for them.⁴² Other information in these essays correctly noted that the local community provided support for fishers' families in times of disaster. However, one presenter foresaw a time when these support systems would deteriorate and fail. Morris read excerpts from these papers as part of his argument supporting the bill. One, which the Prince of Wales originally presented, provided the following observations:

Fishermen do not, as a rule, make provision for those who will be left behind, should they themselves be suddenly taken away. The prevalence of the custom of mutual relief may have induced a habit of carelessness in this respect but there is no security that this custom will always continue in the future. As our life becomes more complete in its civilization, a time may come when, even in our fishing villages, the ties which bound in the past will be loosened, and when there will no longer be the same influences at work to produce, between family and family, that feeling of sharing in each others joys and sorrows which now exists amongst them. This is a contingency which is necessary for our fishermen to face and I think the time has arrived when they should add one more to their other good qualities and resolve within themselves to adopt the prudent plan of making some little provision for their wives and children or for their old age when they will be obliged to give up active work. When a storm of unusual severity, accompanied by great loss of life and property has swept our coasts' the magnitude of the disaster is enlarged upon in the daily press. Committees are formed and subscription lists opened and throughout the country money pours in from all quarters and relief is given promptly and efficiently. But many a fisherman's life is lost at sea, of which the public hears nothing. In these individual cases, no appeal is made to the charity of the public; the widow and orphans have to face the world homeless and destitute, except for the slight assistance of neighbours, almost as poor.⁴³

Morris viewed the Bank Fishermen's Insurance Fund as a buffer against the weakening of community ties and used the Crown to support his arguments. He followed this with selections from articles by C.W. Morris, "The Regulation and Protection of the Deep Sea Fisheries," and J.W. DeCaux, "Life Insurance for Fishermen." Both of these authors

recommended government intervention as the appropriate mechanism to establish an insurance programme for fishers.⁶⁴

Morris, expecting resistance from the pro-merchant Thorburn administration, made a convincing presentation. He offered evidence of over 1000 New England bank fishers lost at sea from 1876 to 1886 as proof of the dangerous nature of the bank fishery.⁶⁵ Morris estimated that over 100 Newfoundland bank fishers died on the job in the previous ten years with 45 lost in 1887 alone.⁶⁶ He presented a draft copy of the bill and information on the projected costs of the insurance plan for five years. The draft bill contained nine sections. They included suggested premium rates to be paid by both the owners and crew members, the benefit amounts paid to dependents, and the basic emergency food requirements for each dory.

Apparently based on the rapid expansion of the fishery over the previous decade, Morris over-optimistically forecast the Newfoundland bank fishery would increase to 600 vessels employing approximately 9000 fishers by the mid 1890s.⁶⁷ This vision of a huge offshore banking fleet obviously permitted dollar signs to cloud the minds of the Newfoundland fish merchant parliamentarians in Thorburn's government. All further discussion centred on Morris' draft of the bill and on the information he presented. Although Morris sat as an opposition member to an overtly pro-fish merchant government, his preparedness gave him the opportunity to negotiate from a position of strength. While members on the government side might despise the notion of paying into this scheme, any public opposition after Morris' presentation would have placed them in

the position of not only denying Morris but also the Prince of Wales, and supposedly the opportunity for increased profits.

The Newfoundland fish merchants regarded the local bank fishery in a positive light. This fishery had by 1888 enjoyed several prosperous years, and it served as a buffer to the poor voyages which plagued the Labrador fishery in the wake of the disasters of 1885.⁴⁸ Various firms engaged in it to spread their risk. The previous few years saw annual landings in the bank fishery increase, and despite the August 1887 gale the fishery offered the fish trade a constructive option for 1888.

The Daily Colonist worked actively as a campaigner for improved dory safety. Eleven days before Morris introduced the motion to consider a government administered life insurance scheme for bank fishers, the paper followed up on its July 1886 piece and ran another article on legislation for the protection of dory fishers being considered by the United States Congress. The column indicated that bank fishers adrift in a dory had a good chance of survival if the dory carried adequate food and water to sustain them until they sighted another vessel, or they were able to row to land. The article went on to make the case that:

in addition to the protection of life and the comparative comfort while adrift thus allowed the fishermen, and on account of the latter there would be saved the government by no means inconsiderable expense now annually incurred for the board and medical attention during weeks and even months of these unfortunate mariners, who, if rescued by chance, are often landed in a condition of physical helplessness truly deplorable.⁴⁹

It verified the legitimacy of Morris' draft bill which included provisions for emergency

food supplies for dories. The legitimacy offered by the United States Congress mollified local concerns over the proposed Newfoundland legislation being new, unusual, or groundbreaking – a legislative arena rarely entered by Newfoundland politicians.

Speaking in the House of Assembly on the principle of the bill, Morris offered the following comments:

I am perfectly aware that there is no precedent on our statute books for such a measure; there are many valuable laws not on our statute books and for which we have no precedent that might be adopted by us.....I know of no law to-day either on this or the other side of the water, [Atlantic Ocean] which adopts the principle of compulsory life insurance and how to meet this objection has given me considerable thought.⁹⁰

In order to find legitimacy for his arguments, Morris looked to the private sector and offered a local example:

In nearly all factories and machine shops in the old and new world, where mutual life insurance exists amongst the hands, it is a recognized principle that the owner should contribute towards the insurance of the lives of the operatives, and owners of such works consider it pays them to do so, and removes them from the onus of providing for the widows and orphans in case of accident or death. This system has been adopted by the Ropewalk in this city, and works I am informed, admirably.⁹¹

The impetus for this legislation came from a Methodist clergyman and a Catholic member of the Legislature and apparently not from a delegation of fishers or their families. Morris, in offering his explanation of which constituency he represented in this matter, gave this account.

When on circuit this summer, I made it my business to talk over this banker's insurance with both owners and fishermen, especially at Trepassy, Placentia, Burin, Harbour Breton, Fortune, Grand Bank, and Burgeo. In no case did I hear opinions adverse to the scheme, on the

contrary most people were enthusiastic.⁹²

He recounted his experience of the previous summer in the aftermath of the disastrous gale of 26 August 1887.

I happened to be at Burgeo in August just two days after the big gale in which three Newfoundland bankers were lost. Evening after evening, morning after morning, might be seen the several relatives and friends of the crew of the ill-fated schooner "Grace Hall," looking out from the high hills of Burgeo, out over the sea for the return of that good ship which never came.⁹³

It remains unclear what correspondence or communication, if any, transpired between Rev. Goodison and Morris, although it seems incomprehensible that none occurred. Morris, seasoned by his experiences along Newfoundland's south coast the previous summer and buoyed by the support generated by Rev. Goodison, borrowed the observations of the Prince of Wales on the need for this program when making the argument on its behalf in the Newfoundland House of Assembly:

This [in this context the Bank Fishermen's Insurance Fund bill] is a contingency which is necessary for our fishermen to face, and I think the time has arrived when they should add one more to their other good qualities and resolve within themselves to adopt the prudent plan making some little provision for their wives and children or for their old age when they will be obliged to give up active work.⁹⁴

Others supporting the bill pointed out that public appeals for funds would be no longer needed and families of lost bank fishers would no longer end up on Newfoundland's poor lists.⁹⁵

Walter Grieve, another member of the House and owner of Baine, Johnston Co. Ltd., a major fish buyer with interests in the bank fishery, offered a more cold-eyed view

of the bill.

It appears to me to be incorrect to regard it [the Bank Fishermen's Insurance Fund] as an ordinary insurance against loss of life, and I look at it as simply providing a makeshift to enable the families of a drowned fisherman to tide over the first winter and does not provide any permanent assistance or support for his widow and orphans. It affords them some one hundred fifty dollars [later negotiated down to eighty dollars] to help them in what must necessarily be the time of their greatest loss, and enable them to look around them for some means of earning a living.⁹⁶

The House accepted the resolution and struck a committee with Morris as chair to draft a bill for further debate. Approximately one month later Morris reported to the House that the significant point for discussion centred on compelling owners of bankers to contribute to the insurance fund -- not surprising in a pro-fish merchant legislature which had a majority of sitting members with direct interests in the Newfoundland cod fishery. Initially these members agreed to bank fishers paying into the fund but saw their own contributions as being "voluntary."

Morris buttressed his argument with examples of the practice of compulsory payment by owners in the British Merchants Seamen's Fund Bill of 1848.⁹⁷ In debate during second reading, several members from the government side attacked the section that required compulsory contributions from the owners of banking vessels.⁹⁸ This resulted in the bill being sent back twice to committee for reconsideration. Finally, the House agreed to a compromise. It accepted the principle of compulsory payments by both owners and fishers, but reduced the owner's contribution from fifty to twenty cents per crew member per year and the crew members' contributions from the original one dollar

to fifty cents per annum. The committee agreed to decrease death benefits for dependents from the intended \$150 to \$80. In addition, they amended the requirement for provisioning dories with emergency food supplies from ten days to four and re-defined bank fishers as those catching fish more than 40 miles from the coast.⁹⁹

This latter concession provided a loophole for those vessel owners and captains who fished on the nearshore banks, particularly during the spring fishery or "frozen trip" which occurred in the Gulf of St. Lawrence and along the southwest coast of Newfoundland. These fishing grounds fell inside forty miles, so fishers working from these vessels were excluded from the protections afforded other bank fishers, including the death benefits for surviving family members.¹⁰⁰ It was not until 1916 with the passage of the Trawl Fishery Act¹⁰¹ in the aftermath of the 1914 sealing disaster that the Newfoundland government rectified the situation.

Morris, operating on the premise that half a loaf was better than none, relented and accepted the compromise.¹⁰² Morris, as originator of the bill, and Walter Grieve, representing the Thorburn government, took the proposed legislation to the Legislative Council to secure passage by that body. In the Council, the two major opposing forces in bank fishery debates chose predictable sides. Moses Monroe, an influential St. John's based, bank fishery supplying merchant, adopted a dismissive approach:

He thought this whole measure involves a troublesome interference with trade and for very little beneficial purpose. He did not object to the principle of the measure and did not see how anyone having the interests of the colony in view could fail to support it. He should be glad to encourage any well-devised system of insurance amongst the fishermen so

as to form a fund for the future of their families, but the scheme herein projected contains no indication of good result.¹⁰³

Captain Philip Cleary, well known for his position on bank fishing safety from the Shipbuilding Act debates the previous year, viewed the act as relieving short term hardship:

That sum [death benefit] would give a large number of widows and orphans a winter's diet should their bread winners be taken away from them on this hazardous voyage, and would prevent them from having to appeal to the cold charity of the public.¹⁰⁴

The Legislative Council amended the bill to permit granting benefits to those who died within six months after returning from the bank fishery from accidents sustained while on the job.¹⁰⁵ The new act passed in the spring of 1888 and came into force in January 1889. This delay permitted vessel outfitters and the Newfoundland government to make the necessary arrangements for outfitting vessels and collecting premiums.

The act provided both a death benefit insurance programme for fishers and improved safety measures for dories. Two of the Act's twelve sections established standards for the well being of the crew while at sea. Another section set out the duties of the master in providing for the safety of the crew:

Every master of a Banking schooner or vessel shall see that each dory, when on the Banks, before leaving his said schooner or vessel for any purpose whatever, has a compass, and a sufficient supply of food and water hermetically sealed for two men for at least Four days, under a penalty of Twenty-five dollars for each violation of the provisions of this Section, to be recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same.¹⁰⁶

Yet another section stipulated the provision of a medicine chest for each banking vessel:

Every vessel employed in the Bank fishery of this Colony shall, before proceeding on any such voyage, be provided with a medicine chest containing a sufficient supply of medicine and the master of every such vessel shall, on clearing for a first voyage for the season, be compelled to produce to the Collector or Sub-Collector of Customs a certificate under the hand of some respectable Medical practitioner or druggist of such vessel being provided with a sufficient medicine chest as aforesaid or otherwise satisfy such Collector or Sub-Collector.¹⁰⁷

Some proposed amendments apparently failed to pass. Morris, during the bill's second reading, had suggested the installation of life lines along the exterior bottom of the dory. Such lines would permit an overturned dory to be righted and provide fishers with a safety line to hold onto if the craft overturned.¹⁰⁸ The legislation did not contain this stipulation and it did not appear in subsequent amendments to the act.

Local and international newspapers offered mixed responses to the introduction and eventual passage of the bill. Initially, the Evening Telegram predicted the bill's defeat, citing the lack of precedent in other jurisdictions as a major difficulty.¹⁰⁹ On the other hand, the Gloucester Advertiser viewed the passage of this bill with enthusiasm. Commenting on the bill, it stated: "The experiment in Newfoundland will be watched with much interest and if it works well will doubtless be copied by other fishing countries."¹¹⁰

The anti-government Daily Colonist,¹¹¹ in what appears as an attempt to boost the political stature of Morris, launched an editorial critical of the legislation once passed. The paper pointed out that while the act contained well intentioned principles, it required further amendments to make it an effective piece of legislation. According to

the paper, Newfoundland taxpayers would bear the cost of administering the act which it viewed as fairly expensive. Furthermore, The Colonist indicated that the legislation made no provisions for those fishers injured on the banks. The editorial offered the Flemming brothers' case as an example of the failure of the act to address the problem of accidents in the fishery. These two fishers went adrift from their banking schooner, the "Jubilee," in the spring of 1888. After twelve days, a passing ship picked up the brothers and took them to Quebec City. They suffered immensely, each losing their feet to frostbite. Returning to Torbay, they found themselves unable to work at any of their former jobs.¹¹² The Colonist editorial concluded with an invitation to Morris to introduce further amendments to the act at the next sitting of the House.¹¹³

Morris quickly responded to the editorial. In a letter to the editor he refuted the paper's claims about the cost of administering the programme. According to Morris, the existing government administrative structures would absorb the extra burden involved with running the programme. Morris pointed to the act as a compromise, indicating that in his view: "half a loaf was better than none." Responding to the failure of the act to address the question of accident insurance, he referred to Section VII of the act which dealt with safety regulations for dories and would, in his opinion, minimize the risk of accident on the banks. Morris ended his letter with a "correct" copy of the act attached.¹¹⁴

The Colonist did not debate Morris over the act but merely permitted him to explain his position. By furnishing Morris with a platform, the Colonist in effect

endorsed Morris, a Liberal and Roman Catholic, for the upcoming election of 1889. The Colonist printed one letter in response to Morris. Signed "Bankers' Friend," it supported the criticisms put forth by the editorial, and while not condemning Morris for his failings, pointed to his youth and his failure to accept criticism gracefully.¹¹⁵

Nevertheless, the Colonist, with the passing of the Bank Fishermen's Insurance Act, reduced its coverage on improved health and safety for bank fishers. Its vigour in pursuing the question of accident insurance and better protection for bank fishers diminished. However, this paper lobbied for workers' insurance in other fields. It reported on discussions in the House of Assembly regarding the possibility of establishing retirement pensions and social insurance programmes for retired fishers.¹¹⁶

The Colonist advocated a similar type of life insurance for Newfoundland miners in concert with a scheme being proposed for Cape Breton coal miners.¹¹⁷ In Nova Scotia, the provincial government introduced the Miner's Insurance Bill to provide life and accident insurance for coal miners. That legislation went beyond supplying a death benefit programme to widows, and instead committed the Nova Scotia provincial government, the mine owners, and the workers to contribute to a fund which provided insurance for both deaths and accidents. In all probability the level of organization among Nova Scotia miners reflected the comprehensive scope of this Act compared with the Newfoundland Bank Fishermen's Insurance Act. While these miners were active in their union, the Provincial Workmen's Association founded in 1879,¹¹⁸ Newfoundland bank fishers belonged to no similar organization. The absence of a collective body limited the

latter's ability to organize a concerted lobby for effective legislation to protect themselves and their interests.

The Flemming brothers' case proved the exception to the rule. Their proximity to St. John's enabled them to become a cause celebre in the local newspapers. This publicity enabled their supporters to mount a campaign that culminated with the introduction of a petition in the House of Assembly and the granting of a pension by the Newfoundland government. Other disabled bank fishers in many communities far from the centre of power in St. John's remained isolated and powerless. For them, their work-ending injury became a private or at best a community problem, one with which their families, friends, and neighbours coped as best they could. Amendments to the Bank Fishermen's Insurance Fund never included extension of coverage to those injured on the job.

The concept of accident insurance for bank fishers never made the Newfoundland political agenda. Several explanations offer themselves. The Bank Fishermen's Insurance Fund did not originate as part of the agenda of a union or organization of bank fishers negotiating earnings and working conditions. Instead, the notion for the fund came, in part at least, from information garnered at the 1883 International Fisheries Exhibition held in London. The ideas put forth in the literature coming out of that exhibition advocated a death benefit insurance program, but made no mention of accident insurance. In addition, the lobbying efforts of Rev. Goodison in St. John's and around Conception Bay again advocated only a death benefit insurance program. Goodison, for his part,

probably saw his efforts as only partially successful. He had originally advocated a four year insurance programme which would have afforded some cushion to permit recovery by the deceased's family. What resulted was a one time payment which offered only short-term relief.

Liberalism, based on patronage and piecemeal reforms, not an integrated-working-class ideology, served as the motivating force for its advocate, Edward P. Morris, and fit well into his personal political image as someone who supposedly fought for the underdog. Piloting the Bank Fishermen's Insurance Act through the House of Assembly, Morris found himself on the moral high ground, championing the most vulnerable group in Newfoundland society, the widows and orphans of Newfoundland fishers – the deserving poor. His failure to maintain or expand the reforms introduced in the initial act revealed his lack of ideological commitment. He never re-introduced the proposed amendments for accident insurance or lifelines for dories. It would take another 24 years, in the middle of World War I, with the strong fishers' presence of the FPU and representations from the prominent bank fishing community of Grand Bank, before the Newfoundland government introduced further regulations governing safety aboard banking schooners.

The ideas which the advocates introduced in the Bank Fishermen's Insurance Fund debate require scrutiny. The state regulated insurance plan adopted an insular upper middle class view which saw fishers as the architects of their own fate and blamed them for failing to provide for the long term well being of their families. The main focus was

on the fishers, for it was they who neglected to put aside something for a rainy day. The no fault death benefit insurance plan meant the next of kin did not have to prove death was due to working on the job. The plan failed to articulate insurance as a cost of production as was the case with later compensation programmes in other jurisdictions. Vessel suppliers and outfitters resisted paying for even part of the cost of the insurance, not so much for the cost of the program, but for the appearance that they were somehow responsible for the lives of the crew and the safety of the vessels – an area they wished to avoid, both legally and morally. Those more patronizing were willing to contribute to the various disaster fund drives. Here, a contribution of \$10 portrayed them in a positive light, as generous and willing benefactors to those less fortunate.

In 1891 the Whiteway government moved to amend the Bank Fishermen's Insurance Act. The amendment proposed did not address the issue of mouldy emergency provisions aboard the dories, a problem which occurred the first year the act was in place.¹¹⁹ Instead, the proposed changes attempted to clarify the definition of a deceased bank fisher's legal representative. This minor change, made to provide for speedier payment to deceased bank fishers' relatives, came about because of complaints from families over the slowness in receiving death benefits. Responding to an inquiry from opposition member Daniel Greene as to why payments from the fund took so long, the Receiver-General offered this explanation:

Some of the men who go to the banks have been in the habit of taking assumed names, in order, no doubt, to save their earnings from being stopped by former creditors. This practice led to difficulty in which

retarded to a great extent, the progress of the work.¹²⁰

Such were the conditions experienced by some fishing families connected to the Newfoundland bank fishery.

Unfortunately, aside from this minor change in the act in 1891,¹²¹ successive administrations made no further amendments to expand its range to provide fishers with accident insurance. (By 1952 -- 61 years later -- the Newfoundland government had increased the death benefit from \$80.00 to \$160.00.¹²² In 1990 the Government of Newfoundland and Labrador finally retired the Bank Fishermen's Insurance Fund Act from the Provincial Statutes.) While the Bank Fishermen's Insurance Fund Act fizzled and eventually faded in the early to middle decades of the twentieth century, it represented one of many efforts of the Newfoundland government to improve safety not only in the bank fishery but in all marine industries.¹²³

At the same time as the Bank Fishermen's Insurance Act was being debated, various technological changes were introduced to the bank fishery to make the occupation less hazardous. Some attempts to improve health and safety centred on dories. Various dory manufacturers, both in Newfoundland and outside, advertised their craft as being seaworthy, stable, and well built. The Newfoundland government encouraged local dory construction by imposing a \$2 tax on imported dories in 1885. This incentive apparently encouraged local dory makers. Thomas Carter, a dory builder in the Bay of Islands, constructed them using wooden knees¹²⁴ instead of iron clasps,¹²⁵ an innovation which apparently made the vessel much stronger and more seaworthy. Herder and Halleran, a

St. John's dory manufacturing company, produced the "Excelsior" dory which was based on the well-known Shelburne County, Nova Scotia model. According to all accounts this craft performed competently in adverse conditions.¹²⁶ The Flemming brothers from Torbay credited their "Excelsior" dory as part of the reason they survived their twelve day ordeal in the North Atlantic. However, this dory, as good as it was, could not prevent them from losing their feet to frostbite.

In 1887 St. John's resident James G. Murphy invented a locating buoy and cable protector. The buoy, a canvas covered dory fitted with a bell, sat on top of the other bank fishing dories on the deck of the schooner when not in use. Once in the water, the wave motion rang the bell which could be heard for a considerable distance. In addition, a rope attached from the buoy to the ship's anchor provided a mechanism to recover the anchor in the event the vessel's cable chafed off, as was occasionally the case.¹²⁷

Other efforts to increase life expectancy of those adrift in dories included the invention of watertight containers to carry food and fresh water. Several individuals devised these sealed containers. Dories fishing from Bradshaw's banking schooners operating out of Placentia apparently carried food in sealed containers as early as 1886 - three years before any legal requirement. Charles Clift of the firm of Clift, Wood, and Co., St. John's, developed a galvanized iron, water tight container shaped to fit in the stern of dories using a minimum of space.¹²⁸ W.T.S. Pooke, another St. John's resident, designed a similar container at approximately the same time.¹²⁹

Other efforts included those of Mr. Golder of Carbonear who invented Golder's

Patent Victoria Anchor and Oil Buoy. Golder devised an easily retrievable anchor and a system whereby seal or other oils could be pumped over the side to diffuse the impact of the waves against the hull of the dory. So significant was Golder's device that the Newfoundland government placed a model of it on display at the Colonial Building in St. John's.¹³⁰ For his efforts, the 1888 International Fisheries Exhibition, held at Barcelona, Spain, awarded him a gold medal for his patent. Prior to this, Golder had received a gold medal and diploma for his models displayed at the 1883 London International Fisheries Exhibition.¹³¹

Thomas Calpin's anchor must rate as the most advertised improvement in the fishery at the time. During the late 1880s, numerous advertisements ran almost daily in most St. John's and Conception Bay newspapers from early March until late autumn. The advertisements included testimonials, usually from bank fishing and coasting captains, which attested to the anchor's improved safety and ease of handling.¹³² Calpin, who resided in Bay Roberts, attempted to market his product internationally by taking out patent letters for England, Norway, the United States and Canada. While the fate of Calpin's Anchor and Golder's Patent Victoria Anchor and Oil Buoy remains obscure, the ability of these individuals to create products in response to local needs deserves recognition. Other efforts to improve safety included the invention of fog alarms by Smith and Booth in 1879, an improved fog horn by O.C. Hanson in 1888 and another by E.G. Coleman in 1890.¹³³

Attempts to reduce risk of injury and loss of life went beyond providing aids to

navigation or inventing better life saving devices. In the bank fishery these efforts at increasing safety saw two large St. John's firms, Bowrings and Jobs, employing the sealing steamers "Falcon" and "Alert" for voyages in the bank fishery in the 1880s. These large steam powered vessels relied on sources other than wind for power, were more manoeuvrable on the fishing grounds and had an enhanced ability to ride out storms more safely. While the economic success of these craft in the bank fishery remains unclear, their use marked the first time companies deployed ships other than sail-powered craft, in this fishery. Sail powered banking schooners began converting to internal combustion engines in 1914 when Captain John Lewis began using one aboard his schooner while fishing out of Harbour Breton.¹³⁴

St. John's newspapers in the 1880s carried various stories on the benefits of life saving appliances. In the summer of 1888 the Daily Colonist ran a three part letter to the editor on this question. The author, Henry Coombs, offered the article:

to direct the attention of the public, and particularly legislators to the pressing need for a stringent law and regulations under which unseaworthy ships can be detained, and the owners of seaworthy ships may be compelled to provide their vessels with a sufficient number of good strong and sound boats always ready provisioned and fitted up with life saving appliances, so as to afford the largest possible safety.¹³⁵

The author expounded on the need for life saving stations around the coast and various kinds of life saving appliances including life boats containing water tight food and water boxes, a compass and sail, oars and metal oarlocks, a can of oil, and a signalling apparatus. Coombs pointed out the need to use all the hull of the life boat in case it

capsized. Here he recommended having iron rods installed along the life boat's bottom to assist in righting the craft.¹³⁶ In September that same year, the Daily Colonist reported the invention of a new marine distress signal shell by a local resident identified only as Mr. Earle. While the fate of Earle's distress shell remains unclear, the British Navy expressed enough interest to authorize tests.¹³⁷

Unfortunately, within two years of the passing of the Bank Fishermen's Insurance Act, the bank fishery began leaving St. John's for ports mainly on the south coast of the island and to a lesser extent in Trinity and Conception Bays. These communities, far from the centre of power, afforded disgruntled bank fishers little opportunity to make their grievances known to the St. John's-based politicians. Prior to the 1890s, crews working on banking vessels landing in St. John's enjoyed ready access to sympathetic local politicians. Many of these bank fishing crews knew these politicians as lawyers who defended them in court cases on the question of the seaworthiness of banking vessels or in contractual disputes with owners or suppliers. The movement of the bank fishery to other locations resulted in the question of health and safety in the industry falling to a lower rung on the national political agenda.

Other interested outside parties developed concern for the working conditions of bank fishers in this period. In 1891, The Missions to Deep Sea Fishermen sent F.J.S. Hopwood to Newfoundland to investigate the conditions of fishers on the Grand Banks.¹³⁸ His presence in Newfoundland was due to the efforts of several individuals including Rev. Henry How, a St. John's clergyman. Hopwood, after intense discussions

with Rev. Moses Harvey,¹³⁹ Secretary to the Newfoundland Fisheries Commission, dismissed the original idea put forth by the Mission of having a hospital ship stationed on the Grand Banks similar to one it operated in the North Sea. Apparently, logistical impracticality prevented this from happening on the Grand Banks. According to Hopwood, one hospital ship simply could not effectively cover the vast expanse of the northwest Atlantic fishing grounds frequented by Newfoundland banking vessels. Unlike the Grimsby and Hull fishing fleets which operated in close proximity to each other on Dogger Bank in the North Sea, the expanse of the Grand Banks made a similar operation, at a time prior to the invention of wireless telecommunication, impractical.

Harvey pointed to the poor conditions existing in the Labrador fishery as deserving the attention of the Mission. As a result of meetings with Harvey, Hopwood wrote a report which recommended establishing medical services for Labrador and northern Newfoundland. Hopwood, described the awful conditions existing in the bank, Labrador, and seal fisheries – circumstances he apparently never actually witnessed. He recommended the abolition of criminal penalties in the Newfoundland Master and Servant Act, pointing out that Newfoundland law should conform to British law which saw agreements between masters and crews as civil contracts.¹⁴⁰ It appears Harvey diverted the original thrust by the Mission away from the bank fishery and towards the Labrador fishery. In 1892 the Mission dispatched its superintendent, Wilfred Grenfell, to head its operation in northern Newfoundland and southern Labrador. After this the Mission did not pursue any interest in improving conditions in the bank fishery.

Successive Newfoundland administrations from the 1890s onward maintained the Bank Fishermen's Insurance Fund. Sir Robert Bond's government amended the act in 1902.¹⁴¹ It retained the legislation but transferred the administration of the Insurance Fund to the Customs Department from the Department of Marine and Fisheries under what was supposed to be known as "Customs Trust Fund."¹⁴² More than anything else, efficiency and practicality predicated the move. Bank fishing vessels reported to local Customs offices at the beginning of each fishing season to provide a list of the crew, pay the insurance premiums for the Insurance Fund, show proof of having an adequate medicine chest on board, and to remit light dues -- the tax charged to all larger vessels in Newfoundland to cover part of the maintenance and upkeep of the lighthouses scattered around the island. For many in Newfoundland, the local Customs Office represented one of the few contacts they maintained with the Newfoundland government.

Table 5.1 below outlines the number of vessels and crew engaged in bank fishing, the total annual tonnage, the annual premiums paid into the Insurance Fund, the benefits paid out by the fund and the number of deaths. The number of deaths recorded per year was not necessarily a representation of conditions for that year. It simply records the year

TABLE 5.1

NEWFOUNDLAND BANK FISHERMEN'S INSURANCE FUND, 1889-1920

Year	No. of Vessels	Tonnage	No. of Crew	B.F.I.F* premiums	B.F.I.F benefits	No. of Deaths
1889	330	18890	4401	3086.30	NA	NA
1890	279	15212	3719	2611.70	1200	15
1891	165	9838	2175	1522.50	3520	44
1892	100	6270	1392	974.40	NA	NA
1893	71	4409	957	669.90	3920	49
1894	58	3516	785	549.50	NA	NA
1895	43	2537	565	395.50	480	6
1896	48	2652	616	431.20	880	11
1897	66	3684	872	610.40	960	12
1898	74	4222	1000	700.00	1520	19
1899	90	4722	1163	814.10	1040	13
1900	112	5757	1400	980.00	1760	22
1901	118	6282	1531	1071.70	1360	17
1902	110	5964	1444	1010.80	3280	41
1903	100	5529	1386	970.20	240	3
1904	87	5039	1215	850.50	NA	NA
1905	83	4838	1161	812.70	NA	NA
1906	97	5783	1378	964.60	NA	NA
1907	83	4286	1261	845.20	NA	NA
1908	107	5976	1433	896.80	1760	22
1909	100	5818	1377	935.10	640	8
1910	101	6630	1567	1096.70	80	1

1911	122	8281	1924	1378.88	320	4
1912	124	8696	2065	1453.40	800	10
1913	104	7551	1830	1291.50	560	7
1914	105	7790	1892	1312.04	640	8
1915	102	7526	1806	1285.40	2160	27
1916	87	6762	1645	1196.40	240	3
1917	78	5334	1298	908.60	2160	27
1918	56	3904	940	379.85	NA	NA
1919	41	2770	732	569.90	NA	NA
1920	50	3154	793	601.50	NA	NA

Sources: Newfoundland, Census of Newfoundland and Labrador, St. John's, Newfoundland, 1884. Newfoundland, "Bank Fishery Returns," Journal of the Newfoundland House of Assembly, Appendices, St. John's, Newfoundland, 1890-1902. Newfoundland, "Bank Fishery Returns," Newfoundland Customs Returns, St. John's, Newfoundland, 1901-17.

*B.F.I.F. (Bank Fishermen's Insurance Fund): Figures in the premiums column for the years 1894 to 1906 and 1908 to 1917 represent estimates of premiums based on 70 cents per crew member. Individual crew members share was 50 cents and the company's share was 20 cents per crew member. Families of a deceased bank fishers received a death benefit of \$80.¹⁴³

when the Fund made payment to the next of kin. The number of deaths recorded does not represent the total number of individuals who died on the job in the bank fishery. That figure remains unknown. The deaths recorded represent those bank fishers whose families claimed the death benefit from the Fund.

Figures contained in the 1902 Annual Report of the Newfoundland Department of Marine and Fisheries compared the number of deaths in the Newfoundland bank fishery to those in the American bank fishery. An official in the Newfoundland Customs

Department calculated the percentage loss of life in the Newfoundland bank fishery for the previous five years as 1.24 percent based on an average of nineteen deaths a year in that industry and for the past year 1.12 percent.¹⁴⁴ For the American bank fishery, this official offered percentages as high as 6 percent, commenting that such high figures resulted from the American practice of prosecuting the bank fishery during the winter months.¹⁴⁵ These figures were at best confusing and the report failed to provide data supporting the 6 percent determination for the American bank fishery. In the five year period between 1897 and 1902, 7410 crew members joined Newfoundland bank fishing schooners (See Table 5.1). Of these, 112 died¹⁴⁶ while working on the job or 1.5 percent of the total workforce. It appears that Newfoundland bank fishers and vessel owners, for various reasons, ranging from their often older and not as well equipped vessels to their learned experience of the ferocity of the North Atlantic, decided not to prosecute the bank fishery in the winter months. Winter fishing in Newfoundland was relegated to the island's southwest coast -- to those near shore banks in the Port Aux Basques - Burgeo area located within a few miles of land and to the winter herring bait fishery conducted in Placentia and Fortune Bays and the Bay of Islands.

According to the Newfoundland Department of Marine and Fisheries, 25 Newfoundland fishers engaged in the shore, Labrador, and bank fisheries died while working on the job in 1902. Calculated on the basis of approximately 40,000 Newfoundland fishers, the Department estimated that 0.16 percent of this labour force died on the job.¹⁴⁷ These kinds of calculations are similar to those made in other

industries when determining accident rates and safety levels. However, it appears that, for whatever reason, officials in the Newfoundland government decided not to pursue an industrial model for measuring health and safety conditions in the fishery, particularly the bank fishery. For the next 17 years the Annual Reports offer only intermittent and superficial summaries on deaths in the bank fishery and make no attempt to analyze it in terms of its health and safety impact.¹⁴⁸

The next legislative efforts to improve working conditions for bank fishers occurred during the 1910s. That period of Newfoundland political and social history witnessed dynamic social movements and tragic disasters. The rise of the Fishermen's Protective Union (FPU), commencing in 1908, formalized the strong undercurrent of defiance expressed by Newfoundland fishers and sealers through candid and spontaneous resistance during the nineteenth century. The FPU provided a forum and a channel for this dissent and offered, through its political wing, the Union Party, the opportunity to place fishers' issues high on Newfoundland's political agenda.¹⁴⁹

Edward Morris, by then a senior Newfoundland politician, served as premier of Newfoundland throughout most of this period and retained his interest in safety in the fishery. Speaking in the House of Assembly in 1913, Morris presented a resolution to establish a death benefit fund for the families of fishers and sailors lost at sea. In a style similar to his presentation for the Bank Fishermen's Insurance Act, he offered scattered information on Newfoundland marine losses for the nineteenth century for the period from 1822-1898.¹⁵⁰ Morris informed the House that in 1912 some 65 Newfoundland

fishers and sailors lost their lives.¹⁵¹ Considerable debate followed the resolution's presentation. While all members supported the resolution, some raised the need for prevention and improved regulation of safety.¹⁵² This initial debate over the resolution served as the main forum for the bill, as it passed second reading and the committee stage with only perfunctory discussion. Members of the Legislative Council rehashed their experiences with the relief fund efforts of the previous few years. While expressing support for the bill, they focused their comments on the need to establish a permanent marine disaster fund.¹⁵³ The bill, "An Act respecting the Assistance of Sufferers in Marine Disasters," established a death benefit programme which paid \$100 to the families of those sailors or fishers lost at sea. Money for the programme came from the Newfoundland treasury out of the Consolidated Revenue Fund.¹⁵⁴

A year later, in the spring of 1914, two major sealing disasters resulted in the loss of 253 lives. These tragedies sharpened the awareness of Newfoundland society on the importance of marine safety and the negligence of some sealing firms to outfit and operate vessels properly.¹⁵⁵ In the aftermath of those sealing disasters, the Newfoundland government established the Permanent Marine Disaster Fund Committee and empowered it to set up and administer a permanent relief fund to compensate the families of those fishermen or sailors lost or injured while employed on the high seas or in the territorial waters of the Colony.¹⁵⁶

However, none of the debate on either of these statutes raised the issue of considering these insurance funds as a cost of production. Neither was any consideration

given to the notion of levying a special tax or fee for this purpose. By 1916, workers' organizations in both Britain and Canada successfully lobbied governments to accept the concept of compensation to workers for injuries or deaths on the job as a cost of production -- a cost borne by employers. Workers realized the fruits of this international struggle only after decades of organizing and agitation. In 1915, as a result of an Ontario Royal Commission, the Meredith Commission, the Ontario government adopted worker's compensation legislation which established compensation for workers killed or injured on the job as a cost of production.¹⁵⁷ Within ten years all Canadian provinces adopted this form of worker's compensation legislation. The Nova Scotia government, which experienced strong lobbying efforts for workers led by John Joy, the President of the Halifax Longshoremen's Union, went even further in this regard and included bank fishers under its workers compensation legislation commencing in 1919 -- the only Canadian province to do so.¹⁵⁸ In Newfoundland, apparently, no such movement to gain this kind of protection germinated.

At least one non-labour group made a representation to government on behalf of bank fishers. In 1915, as a result of inquiries made by the Orange Lodge in Grand Bank,¹⁵⁹ the Newfoundland government introduced legislation covering safety requirements aboard bank fishing vessels.¹⁶⁰ The bill, known as the Bank Fishery Act, required each banking schooner to carry three life preservers, a compass, and a patent fog horn for each dory. It compelled all vessels proceeding to the bank fishery to show proof of these life saving appliances to the local Customs Officer before clearing port for

the season. Masters of vessels convicted of failing to meet these requirements could be fined up to \$100 or faced jail terms of up to 30 days.¹⁶¹

Commenting on the 1915 Newfoundland bank fishery bill, A.W. Piccott, the Minister of Marine and Fisheries, indicated a preference for adopting certain rules and regulations from the British Merchant Shipping Act and the English Board of Trade regulations.¹⁶² Apparently, in the process of debating the bank fishery bill, legislators discovered the existence of the earlier Bank Fishermen's Insurance Act. The resulting Bank Fishery Act amounted to an amendment to the existing Bank Fishermen's Insurance Act. This discovery indicated the low position which bank fishers' health and safety occupied on the political agenda until the 1914 sealing disaster. Indeed, it reflected the fishers' low level of organization and how little influence they wielded in the halls of Newfoundland political power.

The following year in 1916, to rectify this situation, the House of Assembly consolidated both acts into the Trawl Fishery Act.¹⁶³ Again in this debate no side raised workplace health and safety as a production cost. In Newfoundland this situation held true not only for the bank fishery but for workers in all industries. Worker's compensation legislation which regarded health and safety as a cost of production only came into effect in Newfoundland in 1948,¹⁶⁴ just prior to Confederation with Canada.

The 1914 sealing disaster occurred at a time when the Fishermen's Protective Union (FPU) played a prominent role in the political life of Newfoundland.¹⁶⁵ In the House of Assembly, the FPU's political wing, the Union Party, was the official

opposition and represented the class interests of many Newfoundland fishers. Consequently, the legislature considered many issues of marine safety, especially living and working conditions aboard sealing vessels. Our understanding of the FPU and the Union Party's position regarding bank fishers and the bank fishery remains ambiguous. In the debates on the 1915 Bank Fishery Act and the 1916 Trawl Fishery Act, the Union Party supported both bills but no clear policy statement arose from party members on their commitment to protect the interests of bank fishers or of the inherent dangers associated with this fishery. As outlined in Chapter I, bank fishers apparently exerted little influence in the FPU.¹⁶⁶

The passage of the 1916 Bank Fishery Act failed to stem the declining political influence of bank fishers. Interviews with individuals who were connected with the south coast bank fishery in the 1930s reveal no knowledge of the Insurance Fund. It is unclear when the Customs Department and the Newfoundland government ceased making payments of death benefits to family members. Similarly, it remains murky as to when Newfoundland Customs Officers ceased collecting the annual premiums for the Insurance Fund.¹⁶⁷ However, by 1952 the Newfoundland government revised the act increasing the death benefit to \$160, although it failed to extend coverage beyond the bank fishery to the emerging deep sea side dragger fishery.¹⁶⁸

Newfoundland fishers engaged in a continuous struggle throughout the nineteenth and early twentieth centuries to organize around issues and form organizations to further their interests and well-being. These efforts occurred mainly in the seal fishery and

focused on the terms and conditions of work in that industry. Many Newfoundland fishers recognized the need to provide a safety net for themselves and their families. They organized and joined various friendly or mutual aid societies. These self-help organizations served a variety of functions from social club to welfare agency. Generally organized by religion and community, they reinforced their members' sense of identity and belonging. This was a double edged sword because they sometimes encouraged isolation and sectarian bigotry. Such are the inclusion-exclusion characteristics of organizations. Those who organized and joined these societies saw them as having the ability to offer collective protection and assistance to themselves and their families in times of hardship and distress. At least one of these societies, the Society of United Fishermen, looked beyond the narrow definition of self-help and lobbied to have broader fishery issues discussed on Newfoundland's political agenda.

The Bank Fishermen's Insurance Act and its successor the Bank Fishermen's Protection Act provided a government administered death benefit insurance programme for bank fishers. The impetus for the legislation found its origins in a variety of sources. Within Newfoundland, the operations of friendly societies offered practical examples of self-help. The 1883 International Fisheries Exhibition in London saw considerable discussion on providing assistance to the widows and children of lost fishers. During the late 1880s, various Newfoundland newspapers carried stories on how other fishing nations dealt with questions of health and safety in their fisheries. Various individuals within Newfoundland actively lobbied to raise issues of the poor conditions in the local

fishery. The August Gale which took the lives of approximately 57 bank fishers during the bank fishing voyages of 1887 galvanized this concern. In the aftermath, local social reformers lobbied for better regulation and protection. Families of those deceased bank fishers, mainly widows and children unable to provide for themselves, turned to the Newfoundland government for any assistance, however meager. The notion that fishers and their employers should contribute to some kind of life insurance appealed to governments as it permitted a portion of the financial burden of looking after those widows and orphans to rest outside the state.

The absence of a bank fishers' organization to ensure the enforcement of the act and to lobby for improved protections, coupled with the bank fishery moving from St. John's to ports predominately along the island's southcoast, resulted in this issue falling from the Newfoundland government's political agenda. It was only in the aftermath of the 1914 sealing disaster and with prodding from community representatives that further improvements did occur in the mid 1910s. However, the notion of a compensation programme for bank fishers injured on the job, while discussed, was never achieved. Similarly, recognizing health and safety on the job as a cost of production was not attained in this period. Newfoundland offshore fishers would not enjoy coverage of a government run workers' compensation programme until 1948.¹⁶⁹ Health and safety issues endured low priority status in the Newfoundland fishery until the formation of the Newfoundland Food, Fishermen, and Allied Workers Union in the 1970s. It was only

then, with the backing of an ongoing organization, that governments and companies implemented improved health and safety practices for fishers and fishery workers.

ENDNOTES

1. The Newfoundland government made an earlier attempt to provide for shipwrecked sailors in 1843 with the establishment of the Shipwrecked Sailors Fund. The fund was set up originally to provide for sealers whose vessels were lost or crushed in the ice pack or who became separated from their boats and had no funds to pay for their passage home. See Newfoundland, Journal of the Newfoundland House of Assembly (JNHA), Appendix, St. John's, Newfoundland, 1843, p. 250; Newfoundland Patriot, 19 April 1843, p. 1.
2. Many British fishers in the 19th century expressed ambivalence towards organizing efforts and the same probably held true in Newfoundland. See Paul Thompson, Living the Fishing, London, 1983, pp. 49-53. Fishers in the major offshore fishing ports of Grimsby and Hull, England, apparently did not commence organizing until the 1880s. See Edward Gillett, A History of Grimsby, London, 1970, pp. 267-73; Edward Gillett and Kenneth A. MacMahon, A History of Hull, Hull, 1980, pp. 316-9. Several fishers' organizations of indeterminate size existed in England at the end of the 19th Century. See F.G Aflalo, The Sea-Fishing Industry of England and Wales, London, 1904, pp. 119-120.
3. James Murphy, Murphy's Old Sealing Days, St. John's, Newfoundland, 1916, p. 9.
4. Philip Toque, Newfoundland as it was. As it is in 1877, Toronto, 1878, p. 33.
5. William Gillespie, A Class Act: An Illustrated History of the Labour Movement in Newfoundland and Labrador, St. John's, Newfoundland, 1986, pp. 16-17. The formation of such fishers' organizations appears to be unique to Newfoundland. No evidence of such organizations appears for New England or Nova Scotia. See George Brown Goode, The Fisheries and Fishery Industries of the United States, Section IV, Washington, D.C., 1887, pp. 126-9. See also B.A. Balcom The History of the Lunenburg fishing industry, Lunenburg, Nova Scotia, 1977.
6. Linda Little, "Plebeian Collective Action in Harbour Grace and Carbonear, Newfoundland, 1830-1840," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1984.
7. Newfoundland Patriot, 19 March 1845, p. 2.
8. Eugene Forsey, Trade Unions in Canada, Toronto, 1982, p. 14. See also letter of James Murphy to the Evening Herald (EH), St. John's, 29 April 1913; and Gillespie, A Class Act, pp. 13-16.

9. Trinity Weekly Record (TWR), Trinity, Trinity Bay, Newfoundland, 8 May 1890, p. 2.
10. See the "Bonavista Platform." William Coaker (ed.), Twenty Years of the Fishermen's Protective Union of Newfoundland, St. John's, Newfoundland, 1930, p. 50.
11. Fishers in Scottish coastal villages such as Gardenstown and Rosehearty organized friendly societies in the 1830s. Those fishers residing in the English inshore fishing village of Marshside organized the Fishermen's Provident Association in 1877. See Thompson, Living the Fishing, pp. 58, 82-3.
12. Paul Thompson makes this same observation about British fishers in the same period. See Thompson, Living the Fishing, pp. 82-3.
13. Apparently the Great St. John's fire of 1892 destroyed the records of the Society of United Fishermen, the Newfoundland Star of the Sea Society, and the St. John's Temperance and Abstinence Society. In many communities old records considered to have no value were taken out and burned.
14. Bank fishing communities such as Heart's Content, Bay Roberts, Burin, Harbour Grace, St. John's, Trinity, Catalina, Burgeo, and Belleoram all organized lodges of the Society of United Fishermen in the late 19th century. See C.T. James, "The Society of United Fishermen," The Books of Newfoundland, Vol. II, J.R. Smallwood (ed.), St. John's, Newfoundland, 1937, p. 192.
15. The bank fishing communities of Burgeo, Grand Bank, Fortune, Burin, St. John's, Bay Roberts, Harbour Grace, Carbonear, Trinity, and Catalina all had branches of the Orange Lodge in 1889. See Elinor Senior, "The Origin and Political Activities of the Orange Order in Newfoundland, 1863-90," Unpublished M.A. Thesis, Memorial University, St. John's, Newfoundland, 1960. Note: Thesis contains a map of Orange Lodges in Newfoundland in 1889.
16. Personal Interview with Len Brushett, Burin, Placentia Bay, Newfoundland, July 1992. Mr. Brushett pointed out that even in the 1920s most young men joined friendly societies.
17. Margaret D. Fuller, West Country Friendly Societies, Lingfield, England, 1964, p. 25.
18. TWR, 7 February 1891, p. 2.
19. Gillespie, A Class Act, p. 16.

20. Centre for Newfoundland Studies (CNS), Memorial University, St. John's Newfoundland, L.L. Hodder, Brief History of the Society of United Fishermen, St. John's, Newfoundland, 1973.
21. Small community based friendly societies in the West Country of England experienced similar problems at this same time. See Fuller, West Country Friendly Societies, pp. 26-7.
22. James, "The Society of United Fishermen," Books of Newfoundland, Vol. II, p. 192.
23. CNS, Hodder, Society of United Fishermen, p. 4.
24. James, "Society of United Fishermen," Books of Newfoundland, Vol. II, p. 192.
25. CNS, Hodder, Society of United Fishermen, p. 5.
26. CNS, Anon., "The Society of United Fishermen," Christmas Bells, St. John's, Newfoundland, 1898, p. 15.
27. Provincial Archives of Newfoundland and Labrador (PANL), MG 643, Society of United Fishermen Collection, Annual Report for 1921, St. John's, Newfoundland, 1921.
28. PANL, MG 633, St. John's Chamber of Commerce, Box 7, File #4, Correspondence Re Society of United Fishermen, 1876.
29. PANL, MG 633, St. John's Chamber of Commerce Collection, Box 7 File # 4, Letter to St. John's Chamber of Commerce from Society of United Fishermen, 4 July 1876.
30. Ibid.
31. Newfoundland, Report of the Fisheries Commission to Investigate the Operations of Fisheries Departments in Other Countries, St. John's, Newfoundland, 1888, p. 2.
32. CNS, Anon, "The Society of United Fishermen," Christmas Bells, p. 15.
33. PANL, MG 643, Society of United Fishermen Collection, Annual Report, St. John's, Newfoundland, 1926, p. 6.
34. PANL, MG 643, Society of United Fishermen Collection, Annual Report, 1922, p. 10.

35. Ian McDonald, "W.F. Coaker and the Fishermen's Protective Union in Newfoundland Politics 1908-1925," *Unpublished Ph.D. Thesis, University of London, London, 1971, pp. 218-71.*
36. PANL, MG 643, Society of United Fishermen Collection, Annual Report, 1922, p. 11.
37. The SUF remained active in influencing Newfoundland fisheries policy well into the 20th century.
38. Melvin Rowe, I Have Touched the World's Greatest Ship, St. John's, Newfoundland, 1976, p. 181.
39. Patriot and Terra Nova Herald (PTNH), St. John's, 6 March 1871, p. 4.
40. The Benevolent Irish Society was organized along secular lines as it originally was comprised of Irish Catholics and Protestants. However the majority of its membership was Irish Catholic.
41. William F. Graham, "The Star of the Sea Society," The Books of Newfoundland, Vol. II, J.R. Smallwood (ed.), St. John's, Newfoundland, 1937, p. 196.
42. PANL, MG 604, Newfoundland Fishermen's Star of the Sea Association Collection, Box 3, Minutes of Meetings 1895-1900, 28 April 1898 Minutes, Special meeting to adopt rules for the Star of the Sea Association, pp. 143-55.
43. Graham, "The Star of the Sea Society," Books of Newfoundland, Vol. II, 1937, p. 196.
44. PANL, MG 604, Newfoundland Fishermen's Star of the Sea Society Collection, Box 3, Minutes of Meetings, 1895-1900, 2(?) November 1896 Annual Meeting.
45. PANL, MG 604, Newfoundland Fishermen's Star of the Sea Society Collection, Box 3, Minutes of Meetings, 28 April 1898, Special meeting to adopt new rules for the Star of the Sea Society.
46. PANL, MG 604 Newfoundland Fishermen's Star of the Sea Society Collection, Box 3, Minutes of monthly meetings 29 December 1895 to 2? November 1896.
47. Ibid., 28 April 1897, p.146.
48. Ibid., 28 April 1898, p.143.
49. Ibid., 23 December 1897.

50. Cecil J. Houston and William J. Smyth, The Sash Canada Wore: A Historical Geography of the Orange Order in Canada, Toronto, 1980, p. 80.
51. PANL, MG 605, St. John's Total Abstinence and Benefit Society Collection.
52. While sectarianism was an issue in Newfoundland, the St. John's Lodge of the Society of United Fishermen held its annual dance in the Benevolent Irish Society's St. Patrick's Hall throughout the 1880s.
53. Loyal Orange Lodge, Grand Bank "Orangeism, Grand Bank, Nfld., 1873-1987, 114 Years," Typescript, Grand Bank, 1987, p. 10.
54. Evening Herald (EH), St. John's, Newfoundland, 26 June 1915, p. 6.
55. Newfoundland, "An Act to provide Compensation for the Relatives of Fishermen lost when engaged in the Bank Fishery, and also for the preservation of the Lives of the Bank Fishermen," Statutes of Newfoundland, St. John's, Newfoundland, 1888, pp. 79-82.
56. Daily Colonist (DC), St. John's, Newfoundland, 16 April 1888, p. 3.
57. DC, 13 April 1888, p. 3. See also Newfoundland, "An Act to provide for the Performance of Contracts between Masters and Servants in the Colony," Statutes of Newfoundland, St. John's, Newfoundland, 1858, pp. 76-8.
58. Newfoundland, "An Act for the Relief of Sick and Disabled Seamen, Fishermen and Other Persons," Statutes of Newfoundland, St. John's, Newfoundland, 1836.
59. Masters, mates and seamen employed on Newfoundland coasting vessels paid six pence per month, sealers paid three pence per voyage, and fishermen and shoremen contributed two shillings and six pence per season. See "The Act for the Relief of Sick and Disabled Seamen, Fishermen, and Other Persons," Statutes of Newfoundland, St. John's, Newfoundland, 1836, p. 3.
60. DC, 2 July 1886, p. 4.
61. DC, 26 July 1886, p. 4.
62. Evening Mercury (EM), St. John's, Newfoundland, 27 August 1887, p. 4.
63. Collins began advocating for safer offshore vessels in the New England bank fishery in the aftermath of disasters in that fleet in the 1860s, 1870s, and 1880s. See H.I. Chapelle, American Fishing Schooners, 1825-1935, New York, 1973, pp. 134-7.

64. J.W. De Caux, "The Best System of Life Insurance for Fishermen and of Insuring Boats, Gear, Nets, Etc.," The Fisheries Exhibition Literature, Vol. IX, Prize Essays, Part II, London, 1884, p. 115.
65. Chapelle, American Fishing Schooners, pp. 134-5.
66. De Caux, "The Best System of Life Insurance for Fishermen," p. 115.
67. Illustrated London News (ILN), London, Great Britain, 28 April 1883, p. 419.
68. ILN, London, 23 June 1883, pp. 474, 508.
69. Canada, "An Act in further amendment of an Act Respecting the Treatment and Relief of Sick and Distressed Mariners," Statutes of Canada, Ottawa, Canada, 1884, p. 95. See also Judith Fingard, Jack in Port: Sailortowns of Eastern Canada, Toronto, 1988, pp. 114-118.
70. Canada, "Fishing Bounties," Sessional Papers, Vol. 11, No. 37, Ottawa, Canada, 1883. Canada, "An Act in further amendment of an Act Respecting the Treatment and Relief of Sick and Distressed Mariners," Statutes of Canada, Ottawa, Canada, 1884, p. 95.
71. DC, 26 September, 1887, p. 4.
72. It is not exactly clear how many died in the August Gale of 1887. Communications between the outports and St. John's were poor at best, especially in those communities along the south coast. Furthermore, the Newfoundland government did not keep statistics on the number of fishers killed or injured in the bank fishery or in any fishery, for that matter.
73. TWR, 26 November 1887, p. 2.
74. EM, 14 November 1887, p. 4.
75. EM, 12 October 1887, p. 4.
76. Stuart R. Godfrey, Human Rights and Social Policy in Newfoundland, 1832-1982, St. John's, Newfoundland, 1985, p. 24.
77. EM, 14 November 1887, p. 4.
78. EM, 16 November 1887, p. 4.
79. EM, 14 December 1887, p. 4.

80. Ibid.
81. DC, 11 April 1888, p. 3. See also The Fisheries Exhibition Literature, Vol. IX, Prize Essays, Part II, London, 1884.
82. DC, pp. 3-4.
83. Ibid., p. 3.
84. Ibid., pp. 3-4.
85. Ibid., p. 3.
86. This is a conservative estimate for the previous ten years. Later the estimates of number of deaths for 1887 were increased to 56. See DC, 15 May 1888, p. 4.
87. DC, 12 April 1886, p. 3.
88. Evening Telegram (ET), 10 October 1887, p. 4; ET, 14 October 1887, p. 4; DC, 3 March 1891, p. 2.
89. DC, 3 March 1888, p. 3.
90. DC, 10 April 1888, pp. 3-4.
91. Ibid.
92. DC, 12 April 1888, p. 3.
93. Ibid.
94. DC, 11 April 1888, p. 3.
95. DC, 13 April 1888, p. 3.
96. Ibid.
97. DC, 16 May 1888, p. 3.
98. EM, 3 May 1888, p. 3.
99. EM, 7 May 1888, p. 3.
100. Daily News (DN), St. John's, Newfoundland, 22 April 1916, p. 2.

101. Newfoundland, "An Act for the Protection of Persons Engaged in Trawl Fishing," Statutes of Newfoundland, St. John's, Newfoundland, 1916, pp. 174-7.
102. John P. Greene, "Edward Patrick Morris, 1886-1900," Unpublished Hons. Dissertation, Memorial University, St. John's, Newfoundland, 1968, pp. 7-9.
103. ET, 15 May 1888, pp. 3-4.
104. Ibid.
105. This amendment later appeared as Section IV of the Act.
106. Newfoundland, "The Bank Fishermen's Insurance Act, Section VII," Statutes of Newfoundland, St. John's, Newfoundland, 1888, p. 81.
107. Ibid.
108. DC, 16 May 1888, p. 3.
109. ET, 15 March 1888, p. 4.
110. DC, 12 January 1889, p. 4.
111. The Daily Colonist generally represented the position of the pro-Liberal, pro-Whiteway Catholic opposition against the Protestant pro-fish merchant government of Robert Thorburn. Commenting on the Bank Fishermen's Insurance Act placed this paper in an awkward position since Edward Morris, the Catholic and Liberal from St. John's West, piloted the bill through the House of Assembly. For a profile of the Daily Colonist see Suzanne Ellison, Historical Directory of Newfoundland and Labrador Newspapers, St. John's, Newfoundland, 1988, p. 86.
112. Finally, residents of Torbay and the surrounding area took up a petition requesting a pension for them and had it presented to the House of Assembly. The House eventually agreed to a small annuity for these two brothers. See DC, 31 May 1890, p. 4; DC, 2 June 1890, p. 4.
113. DC, 25 February 1889, p. 4.
114. DC, 28 February 1889, p. 4.
115. DC, 2 March 1889, p. 4.
116. DC, 13 March 1890, p. 4.

117. DC, 17 April 1889, p. 4.
118. Forsey, Trade Unions in Canada, pp. 65-7.
119. DC, 25 July 1889, p. 4.
120. DC, 11 April 1891, p. 3.
121. Newfoundland, "An Act to Amend the Bank Fishermen's Insurance Act," Statutes of Newfoundland, St. John's, Newfoundland, 1891, p. 137.
122. Newfoundland, "An Act for the Protection of Bank Fishermen and their Families," Revised Statutes of Newfoundland, St. John's, Newfoundland, 1952, pp. 2318-20.
123. The act remained on the books until it was rescinded in 1990. See Newfoundland, "An Act to Repeal certain Obsolete and Spent Statutes," Statutes, St. John's, Newfoundland, 1990, pp. 338-9.
124. Knees--A timber or metal bar fashioned into a right-angle to provide strengthening and support at the points of intersection of ship's timbers (frames or ribs) in a wooden ship. See Peter Kemp (ed.), The Oxford Companion to Ships and the Sea, Oxford, 1976, p. 452.
125. DC, 23 October 1886, p. 4.
126. Ibid., p. 4.
127. DC, 20 August 1887, p. 4.
128. ET, 17 April 1888, p. 4.
129. EM, 3 April 1888, p. 4.
130. DC, 16 March 1889, p. 4.
131. Harbour Grace Standard (HGS), Harbour Grace, Newfoundland, 6 February 1889, p. 3.
132. DC, 17 April 1886, p. 4.
133. CNS, Anon., A Yearbook and Almanac of Newfoundland for 1892, St. John's, Newfoundland 1892, pp. 142-3.

134. Anon. "The Motor Engine in Bank Fishing Vessels," Canadian Fisherman, Gardenvale, P.Q., July 1914, p. 195.
135. DC, 28 July 1888, p. 4.
136. DC, 6 August 1888, p. 4.
137. DC, 5 September 1888, p. 4.
138. Ron Rompkey, Grenfell of Labrador, Toronto, 1991, p. 37.
139. Ibid., p. 40.
140. F.J.S. Hopwood, "The Newfoundland Fisheries and Fishermen," Toilers of the Deep, London, 1892, pp. 34-44.
141. Newfoundland, "An Act to Amend Chapter 29 of the Consolidated Statutes (Second Series) entitled 'Of the Insurance of Bank Fishermen,'" Statutes of Newfoundland, St. John's, Newfoundland, 1902, p. 98.
142. The Customs Trust Fund was the term used in the 1902 amendment to the legislation. The term used in all of the Customs Department reports was BFIF -- Bank Fishermen's Insurance Fund.
143. Newfoundland, "The Bank Fishermen's Insurance Act," Statutes, 1888, p. 80.
144. Newfoundland, Annual Report of the Newfoundland Department of Marine and Fisheries for the Year 1902, St. John's, Newfoundland, 1903, p. 29.
145. Ibid.
146. Ibid. Two figures are offered in this analysis. The actual period covered represents 5.5 years. For that time period 112 bank fishers died on the job. Calculations made for 5 years show 95 deaths, or an average of 19 deaths per year.
147. Ibid.
148. Newfoundland, Annual Reports of the Newfoundland Department of Marine and Fisheries, St. John's, Newfoundland, 1904-20.
149. For an outline of the FPU's political agenda see "The Bonavista Platform" Twenty Years of the Fishermen's Protective Union in Newfoundland, William F. Coaker (ed.), St. John's, Newfoundland, 1930, p. 50. Unfortunately the bank fishery is not

mentioned in "The Bonavista Platform" nor in virtually any other material pertaining to the FPU or the Union Party.

150. DN, 22 March 1913, p. 9.

151. Ibid.

152. Ibid.

153. DN, 4 April 1913, pp. 9-10.

154. Newfoundland, "An Act for the Assistance of Sufferers in Marine Disasters," Statutes of Newfoundland, St. John's, Newfoundland, 1913, pp. 201-2.

155. In one disaster 70 men aboard the sealing vessel "S.S. Newfoundland" died on the ice while trying to return to their ship. In the second, 184 sealers died when the "Southern Cross" went down on the Grand Banks. See Cassie Brown, Death on the Ice, New York, 1972.

156. Newfoundland, "An Act respecting the Establishment of a Permanent Marine Disasters Fund," Statutes of Newfoundland, St. John's, Newfoundland, 1915, pp. 96-9.

157. R.C.B. Risk, "'This Nuisance of Litigation': The Origins of Workers' Compensation in Ontario," Essays in the History of Canadian Law, Vol. II, David Flaherty (ed.), Toronto, 1983, pp. 418-91.

158. Nova Scotia, "An Act to Amend Chapter 1, Acts of 1915, The Workmen's Compensation Act and Acts in Amendment thereto," Statutes of Nova Scotia, Halifax, Nova Scotia, 1919, pp. 260-73.

159. Anon. "Orangeism in Newfoundland," Grand Bank, Newfoundland, 1987, p. 10. See also EH, 26 June 1915, p. 6.

160. Newfoundland, "An Act Respecting the Bank Fishery," Statutes, 1915, p. 95.

161. Ibid.

162. EH, 26 June 1915, p. 6.

163. Newfoundland, "An Act for the Protection of Persons Engaged in Trawl Fishing," Statutes, 1916, pp. 174-7.

164. Newfoundland, "Workmen's Compensation Act, 1948," Statutes, pp. 300-2.

165. Coaker (ed.), Twenty Years, 1930, pp. 81-2. See also Fishermen's Advocate, St. John's, Newfoundland, April-June, 1914; S.J.R. Noel, Politics in Newfoundland, Toronto, 1971.
166. Coaker, Twenty Years, 1930, p. 50.
167. Centre for Newfoundland Studies Archives, Memorial University, St. John's, Collection 043, Forward and Tibbo Ltd. Collection, Box 2 Book H2, Bank Fishermen's Insurance Premiums paid in 1928 for crews of the "Harold Conrad" and "Irene Corkum."
168. Newfoundland, "An Act for the Protection of Bank Fishermen and Their Families," Revised Statutes of Newfoundland, Vol. 4, St. John's, Newfoundland, 1952, pp. 2318-20.
169. Newfoundland, "Workmen's Compensation Act, 1948," Statutes, 1948, pp. 300-2. See also Newfoundland, "Workmen's Compensation Act (1948) Amendment Act," Statutes, 1964, p. 415.

CONCLUSION

The re-vitalization and rapid expansion of the Newfoundland bank fishery in the late nineteenth century reflected efforts by the Newfoundland government and local fish merchants to diversify harvesting capacity in the Newfoundland salt cod industry. After several failed attempts, the expanded presence of foreign bank fishing fleets coupled with financial incentives introduced by the Newfoundland government in the mid-1870s stimulated and encouraged the prosecution of a domestic bank fishery. The financial assistance included direct subsidies to local firms and individuals outfitting their vessels to engage in this fishery, and grants to those having bank fishing vessels constructed in Newfoundland. In addition, in an effort to appease local fish merchants, the Newfoundland government made several attempts to control the sale of bait to foreign bank fishing fleets. At best, these latter efforts produced mixed results.

The decision to expand Newfoundland's salt cod fishery into bank fishing fit with both the Carter and Whiteway administrations' policy of economic diversity. While these governments envisioned railway construction as the engine to generate economic prosperity, the move to encourage a domestic bank fishery proved moderately popular locally as it provided much needed employment opportunities. In addition, it gave Newfoundland a physical presence on the offshore fishing grounds, and re-established it as a significant player in the north-west Atlantic international offshore fishery. The stable catches and prices experienced throughout most of the 1880s, coupled with the subsidies mentioned above, assisted in its growth. The initial success of the re-established

bank fishery favourably augmented the political agendas of the Carter, Whiteway, and later Thorburn administrations.

In terms of net profitability, the Newfoundland fishery apparently peaked in 1888, and St. John's basked in its role as the largest bank fishing community. Commencing the following year, however, it underwent a rapid decline. By the mid 1890s only a few vessels operated out of St. John's, and by the end of the century virtually none. As overall participation fell in the 1890s, the core of the bank fishery shifted from St. John's to ports in Conception and Trinity Bays, and to the south coast of the island.

All fishing nations operating on the Grand Banks experienced similar reductions in cod landings commencing in 1889. Various environmental factors including the scarcity of bait, coupled with the failure of cod to appear, saw the offshore fleets of many nations shrink rapidly in the early 1890s. Some companies and vessel owners pursued other species, such as herring or mackerel on other north-west Atlantic fishing grounds. It appears that for the Newfoundland bank fishing fleet, the massive decline in landings forced many vessel owners to shift their craft to other marine industries such as the coasting trade or the Labrador fishery.

By the start of the 1920s virtually all bank fishing activity had shifted to the south coast. Ports such as Grand Bank, Burin, Fortune, Harbour Breton, and Belleoram were the centres of activity. There bank fishing continued on a smaller scale until the early 1950s when an ostensibly safer and more productive offshore fishing technology, otter trawling or dragging, replaced it.

The Newfoundland government made no further attempts to encourage the bank fishery in the aftermath of the nosedive in the 1890s. During the first two decades of the twentieth century, governments flirted with the idea of encouraging beam trawling or side dragging as it appeared to be a safer method of fishing offshore. However, opposition to the destructive nature of dragger technology expressed by the Fishermen's Protective Union's political wing, the Union Party, inhibited any attempts by governments to encourage this kind of offshore fishery.

Revitalizing the bank fishery was successful, but intervention failed to ameliorate the hazardous conditions Newfoundland bank fishers confronted. Employment in this fishery required many skills, most learned as a child fishing with parents or other extended family members. For young fishers, it offered an opportunity to travel and work away from home in an occupation they knew well. The nature of the bank fishing process, involving one or two individuals in 12 -14 ft. dories miles from land, offers a clear image of the vulnerability these people faced. Even the larger vessels which served as their base often times suffered a disastrous fate in the powerful storms which frequented the fishing grounds. Newfoundland vessel owners frequently attempted to cut costs by using older or inferior vessels and inadequately equipping and outfitting them. These practices exacerbated an already precarious situation and served to further deter many from earning a living from the sea.

The bank fishery, for both vessel owners and bank fishers, often proved highly transitory. Vessel owners and suppliers saw it as one of several business options open

to them. To own and operate vessels in the bank fishery required a personal capital investment in the vessel or vessels, and access to a line of credit for operating capital. Occasionally vessel owners leased their vessels to supplying merchants. The decision to enter or remain in the bank fishery, as opposed to engaging in the Labrador fishery, the coasting trade, or the bait fishery, rested on the profitability of that enterprise. Two-masted schooners, the vessel of choice for many Newfoundland vessel owners, were versatile craft which could be easily adapted to these various endeavors.

It required little, if any, capital to become a crew member on a bank fishing vessel. Vessel owners and suppliers hired captains who in turn often had authority to hire their own crews. Frequently, the dismissal of a captain meant the firing of crew as well. Once hired, most crew members received their fishing supplies as cash advances on which the vessel supplier charged interest rates of up to 20 per cent. Bank fishers invested no capital in the vessel or gear, and neither did they share in the profits earned from the resale of the product in overseas markets. The earnings they received from their share, garnered from the sale of the catch to the fish merchant or supplier, was their only income from the voyage. With no organization to represent their interests, and often little chance for upward mobility⁴, they adopted a stance as workers with little access to or control over the means of production. Their skilled labour served as their only commodity in a market where an oversupply often existed. After a few years, they would often turn to other types of employment in either the fishery or other marine industries, or seek work in totally different labour markets frequently outside of Newfoundland.

Some Newfoundland bank fishing merchants tried to impose labour discipline on their crews through the use of written bank fishery agreements. Fishers contravening these agreements were subject to criminal prosecution. However, they failed to deter bank fishers from deserting vessels in the late nineteenth century because of low earnings and poorly equipped and unseaworthy vessels. Some Newfoundland politicians tried to introduce legislation to control the repressive conditions outlined in these agreements, but were stymied in their efforts. Later, many of these same politicians reversed their positions and sided with merchants by enacting more severe punishments. These attempts to increase criminal punishments through amendments to the Masters and Servants Act apparently did not succeed in curbing desertions.

In certain areas, particularly along the south coast of the island, bank fishing suppliers tended to avoid written bank fishery agreements, opting instead for more informal verbal understandings. These latter arrangements made for more fluid business practices as vessels engaged in unsuccessful bank fishing ventures could be re-deployed to the Labrador fishery or the coasting trade in mid-season without breaching contractual obligations to the crew. Similarly, crew members who decided to depart vessels in the middle of the fishing season could do so without any fear of criminal charges being laid. While the exact reasons for the business pragmatism of bank fishing merchants in this region remains unknown, it can probably be traced to their longstanding trade connections with the French island of St. Pierre and the bank fishery which operated from that port for most of the nineteenth century.

The Newfoundland government's attempt to revitalize the ship building industry offers another example of a poorly considered economic development strategy and the weakness of the Newfoundland reform movement. The shipbuilding program was intended to increase the quantity and improve the quality of vessels constructed in Newfoundland, while providing much needed employment during the winter months. While the employment objectives were apparently met, the vessels built proved to be as bad as, if not worse, than ships constructed before the program was launched. The use of these poorly constructed and often leaky vessels sparked reform efforts. The reformers lobbied for the appointment of an independent Lloyd's Surveyor, which they saw as the key to improving the quality of these vessels and ultimately improving safety and working conditions for bank fishers. A Lloyd's Surveyor was eventually appointed, but his jurisdiction was limited to determining vessels' eligibility for subsidy and insurability. Unfortunately the reformers failed to follow-up on this and other ship safety issues. The net improvement to the health and safety of bank fishers was at best questionable. The exercise revealed not only the weaknesses in the government's ship building policy, but also the deficiencies of the local political reform movement.

Newfoundland bank fishers, while they played a minor role in late nineteenth century political reform, recognized the benefits of organization and adopted a different focus to their activities. Many organized and joined mutual benefit societies to provide some form of assistance, financial or otherwise, to the families of sick, injured, or deceased members. Questions of health and safety were part of the lives of the bank

fishers. While they organized and joined self-help organizations, they were unable to create an effective political organization and could not sustain the pressure necessary to enforce existing legislation or bring about further improvements. As with the efforts to improve the quality of bank fishing vessels, middle class reformers based in St. John's spearheaded the efforts to improve health and safety conditions for bank fishers with a drive to establish the Bank Fishermen's Insurance Act. The efforts of these urban reformers fizzled when the bank fishery departed St. John's during the 1890s and no subsequent organization of bank fishers was formed to continue this kind of political lobbying.

The transitory and diffuse nature of the bank fishery inhibited the kinds of collective workplace interactions and formations required to establish a strong sense of familiarity and unified purpose. This spatial condition inhibited the creation of industrial class consciousness. In addition, those in positions of power actively discouraged and frowned upon political organizations among fishers, viewing them as "combinations." Workplace fragmentation prevented qualified and experienced Newfoundland bank fishers from organizing unions or employing tactics such as political lobbying and industrial negotiations to protect their interests and reform this structure. The apparent frequency with which individuals left the bank fishery indicates less than attractive overall earnings, another reason why fishers failed to commit themselves to creating a safer, more stable, work environment. The lack of formal organization by fishers was a major structural weakness in their ability to lobby for their interests on a long term basis and to ensure

that their concerns received attention on the political agenda.

In addition to the fragmented and transitory workforce and work places, low literacy levels exacerbated the situation. David Alexander, in his examination of nineteenth century Newfoundland literacy and economic development, offered the following observation on Newfoundland culture: "Its enormous capacity to absorb hardship without sinking into despair, and the deep conservatism which assures survival but may indicate an inclination to absorb change rather than initiate reform."² In the late nineteenth century the Newfoundland government made various attempts to stimulate economic development to alleviate the high rates of underemployment and unemployment. Their efforts to revitalize the bank fishery reveal their inability to initiate reforms articulated by this fishery as it grew and as the shortcomings were exposed. The government failed to articulate a clear vision of how it saw the fishery unfolding, preferring instead to focus on the short term goal of creating employment. The reformers were similarly afflicted as they tried to improve health, safety and working conditions but probably because of their inexperience, they failed to maintain their vigil.

Elected politicians and other appointed representatives such as Edward Morris, James Murray, T.J. Murphy, David Webber, Reverend John Goodison, and Philip Cleary, for reasons not always clear, elected to champion the cause of Newfoundland fishers and their families. In these endeavors, they acted individually or in small groups; however there is no evidence they met or acted as a single unified body. The written record documents them as often the only ones participating in these actions. Their efforts

varied. Some, like Philip Cleary, functioned with a deep sense of commitment and a strong determination to maintain the struggle despite stern opposition. Cleary used the unlikely forum of the Newfoundland Legislative Council as his platform. Others like Edward Morris and T.J. Murphy tempered their commitment with a strong dose of political savvy, viewing it as a way to gain re-election in predominantly Irish Catholic working class St. John's -- a strategy which paid off as Morris later became Premier of Newfoundland and Murphy served for several years as the Minister of Marine and Fisheries. Others, like David Webber, the editor of the Trinity Weekly Record and an MHA, and James Murray, a St. John's merchant and the independent progressive member for Burgeo and Lapoile, offered constructive ideas, but did not remain in the political arena long enough to make a sustained impact.

Unfortunately, aside from the stand made by Thomas Sparrow and Bob Mooney, we know little of the efforts of bank fishers to influence the local political agenda to improve their health, safety, and working conditions. Written records, if there were any, have not survived. The political actors studied here are those whose names found their way into the few published sources. They were educated and literate. Of the others, we know little; they left only a smattering of written records. Accounts of their struggles and efforts are lost to us. This latter group did not enjoy the financial or organizational independence to mount long term political struggles. In addition, individuals involved in political activity advocating the rights of the working class faced blacklisting and loss of employment from the disgruntled fish merchant class. For many, the choice was either

succumbing to these unjust and often inhuman working and living conditions, or emigrating, and for many the latter apparently became the preferred choice. The views we are offered on bank fishing agreements, vessel safety, or desertions in the fishery are those of mainly conservative, occasionally liberal, and rarely progressive politicians and newspaper editors.

The solutions to the health and safety problems facing bank fishers were not implemented because they offered a shortsighted or incorrect explanation. The answer lies in the absence of formal or informal democratic structures to foster sustained and sophisticated dialogue.³ In the debates on health and safety issues in this industry, bank fishers were conspicuous by their non-participation. Even in the ongoing discussions regarding improved ship and boat building standards, the Newfoundland government only solicited views from a few boat builders and some bank fishing captains, but the crews remained excluded. Their silence and non-involvement was the most conspicuous feature in the bank fishery health and safety debates. The structural failure to encourage ongoing discussion, something which prevailed in all areas of the fishery, stifled efforts to improve working conditions.

Exclusion of the bank fishery and bank fishers from the Newfoundland political agenda became even more exacerbated when its centre shifted from St. John's to the Burin Peninsula. There the fishery could operate as a regional anomaly separate and distended from the political agenda of the government in St. John's. Its low population base and consequent small representation in the House of Assembly meant a weak

political voice. It should be little wonder that Newfoundland politicians in the 1910s had already forgotten about legislation passed some twenty-five years earlier, or that few widows and families of lost crew members from south coast bank vessels from the 1910s onward received death benefits from the Bank Fishermen's Insurance Fund. Bank fishers had descended into obscurity on Newfoundland's political agenda.

The arrival of the Fishermen's Protective Union (FPU) in the first decade of the twentieth century addressed some of the fishers' political deficiencies within Newfoundland society. Unfortunately, the FPU showed little interest and effected little influence on the bank fishery. The majority of bank fishers remained isolated on Newfoundland's south coast, where fish landings were approximately 10 percent of the total Newfoundland cod catch. Far from the base of the FPU's operations along the northeast coast, bank fishers were again marginalized and failed to have their interests represented. It would be their children and grandchildren, toiling on steel-hulled side and stern trawlers in the early 1970s, who would finally organize to make the offshore fishers collective political agenda known.

ENDNOTES

1. This became accentuated with the shrinking of American, French and Newfoundland bank fishing fleets in the period after 1890.
2. David Alexander, "Literacy and Economic Development in Nineteenth Century Newfoundland," Acadiensis, Vol. X, No. 1, 1980, p. 7.
3. During the 1910's the Fishermen's Protective Union attempted to address the problem of no local democratic institutions with the formation of local road boards. See Ian MacDonald, "W.F. Coaker and the Fishermen's Protective Union in Newfoundland Politics, 1908-25," Unpublished Ph.D. Thesis, University of London, London, 1971, p. 133.

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V. PERSONAL INTERVIEWS

Leonard Brushett, retired Ship's Carpenter, Burin, Newfoundland, April 1992.

John Douglas, retired bank fisherman, Grand Bank, Newfoundland, April 1992.

Aubrey Farrell, retired fish buyer and grandson of Thomas R. Farrell, St. Lawrence, Newfoundland, July, 1992.

David Field, Lloyd's Surveyor, St. John's, Newfoundland, June 1993.

Otto Kelland, songwriter, poet, and model boatbuilder, Torbay, Newfoundland, November, 1991.

Con O'Brien, retired cod trap skipper and fish plant owner, Witless Bay, Newfoundland, September, 1992.

Leo Pope, retired bank and dragger fisherman, Grand Bank, Newfoundland, April, 1992.

Pius Power Sr. retired fisherman and western boat owner, Southeast Bight, Placentia Bay, August, 1992.



