

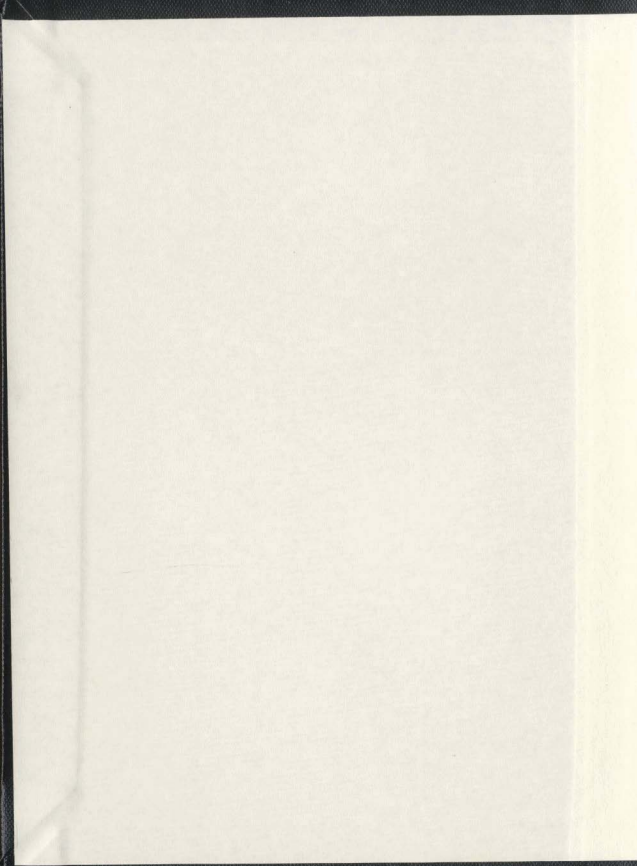
ECONOMIC AND SOCIAL RELATIONS OF PRODUCTION
ON THE NORTHEAST-COAST OF NEWFOUNDLAND, WITH
SPECIAL REFERENCE TO CONCEPTION BAY, 1785-1855

CENTRE FOR NEWFOUNDLAND STUDIES

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ECONOMIC AND SOCIAL RELATIONS OF PRODUCTION
ON THE NORTHEAST-COAST OF NEWFOUNDLAND, WITH
SPECIAL REFERENCE TO CONCEPTION BAY, 1780-1855

BY

© Sean Thomas Cadigan, B.A. (hons.), M.A.

A thesis submitted to the School of Graduate
Studies in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

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Abstract

This thesis examines aspects of northeast-coast Newfoundland society and economy from 1785 to 1855, giving particular attention to Conception Bay as the longest settled and most economically developed part of the coast. While a well-established Newfoundland historiography suggests that it is no longer acceptable to see fish merchants as responsible for Newfoundland underdevelopment, this view has still found a home in some recent marxist writing. This study departs from the view that fish merchants alone caused the colony's underdevelopment, finding instead a dynamic class relationship based on accommodation between fish merchants and fishing families. Relations between these two groups unfolded within a society and economy shaped not only by a limited resource endowment, but also by the political and legal infrastructure of a region and of a fishing industry often marked by antagonistic capitalist, colonial and imperial interests.

Fishing families, unable to see any way of producing a significant amount of subsistence or capital goods, had no choice but to rely on merchant credit and purchase imported goods. Merchants were able to manipulate prices to insulate themselves from cyclical variations in prices and catches, in exchange for accepting the risk of extending credit in both good years and bad. Merchants did not thwart agricultural or industrial alternatives to the fishery because local com-

modity producers could find no resource base from which successfully to begin such activity. The overhead costs of credit, in addition to the fishery's labour requirements and legal infrastructure, ensured that fish producers continued to rely on family labour. Only with the advent of the Reform and Liberal struggles for constitutional reform in the 1820s would merchants be cast as the class antagonists of fishing families, stifling the latter's every attempt to break the merchants' hold over their livelihoods.

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CHAPTER ONE:

Introduction: The Historiography of Merchants and The Newfoundland Codfishery

Many historians of Newfoundland have for a long time been preoccupied with the question of the island's economic development or, more precisely, its underdevelopment relative to other regions of Canada and the North Atlantic world. Early historiography split into two schools of thought. The most commonly held view was that English West Country merchants dominated Newfoundland, restricting its function to that of a gigantic fishing station designed to serve in mercantilist fashion the English migratory fish trade. The local development of agriculture, settlement, and settler institutions was forbidden. This school peaked in D. W. Prowse's 1895 history, a celebration of the achievement of colonial self-government with its accompanying economic diversification policies designed to end Newfoundland's reliance on the fish merchants' trade.¹

J.D. Rogers, a British barrister (who took an early interest in Newfoundland's historical geography), rejected the view that fish merchants had deliberately opposed diversification of Newfoundland's economy beyond the fish trade. He agreed that West Country merchants involved in the pre-seventeenth century migratory fishery opposed widespread settlement at Newfoundland, but suggested that, in the long run, Newfoundland's poor soil and climate allowed few

economic alternatives to the fishery to emerge. The economy could not develop beyond the fishery throughout the nineteenth century because the lack of agricultural stimuli for industrial diversification intensified residents' reliance on a fishery dominated by the truck system and international trade.²

Although both Prowse and Rogers' work preceded staple and Marxist analyses of Newfoundland development, elements emerge in their work which would later become important themes in the historiography of early 19th-century Newfoundland. On the one hand there stand Prowse's omnivorous fish merchants, grasping and capricious in their desire to protect the profits of their monopoly over the supply of fishing families in exchange, through truck, for fish, fish oil, and seal products: a characterization of the fish merchant as villain which has found varied expression in the dependency studies of David Alexander, as well as the marxist studies of Steven Antler and, more recently, Gerald Sider.³ On the other hand stand a number of interpretations which reject the simplicity of blaming greedy merchants for exploiting fishing families, noting that truck between the two groups involved in the fishery was a complex adaptation over time to their joint economic dependence on saltcod markets in a region with few other resources to encourage alternative economic activity.⁴

The interpretation presented in this thesis is a marxist

perspective on economic and social developments on Newfoundland's northeast coast from 1785 to 1855, but one which departs from the previous marxist view that fish merchants alone caused the colony's underdevelopment. It will examine instead a complex class relationship based on accommodation between fish merchants and fishing families as both tried to advance their interests within a society and economy shaped not only by a limited resource endowment, but also by the political and legal infrastructure of a region and of a fishing industry often marked by antagonistic capitalist, colonial and imperial interests. I do not accept that Newfoundland underdevelopment was a function of inherent merchant conservatism; rather, a dynamic class relationship between fish producers and merchants, defined by fishing families' struggle to gain a livelihood and merchants' struggle to gain a profit, entrenched household commodity production dependent on merchant credit.

Fishing families, unable to see any way of producing a significant amount of subsistence or capital goods, had no choice but to rely on merchant credit and purchase imported goods. Merchants were able to manipulate prices to insulate themselves from cyclical variations in prices and catches, in exchange for accepting the risk of extending credit in both good years and bad.⁵ Merchants did not thwart agricultural or industrial alternatives to the fishery because local commodity producers could find no resource base from which

successfully to begin such activity. The overhead costs of credit, in addition to the fishery's labour requirements and legal infrastructure, ensured that fish producers continued to rely on family labour. Only with the advent of the Reform and Liberal struggles for constitutional reform in the 1820s would merchants be cast as the class antagonists of fishing families, stifling the latter's every attempt to break the merchants' hold over their livelihoods.

This chapter will explore how a number of historiographic traditions, reread here to a certain extent in marxist language, have shaped this departure from the view of fish merchants as a class whose exploitation necessarily caused northeast-coast underdevelopment. First, the works of Keith Matthews, C. Grant Head and W. Gordon Handcock on this period forcefully suggest that merchants cannot be blamed for Newfoundland's social and economic problems. Second, the image of the conservative merchant which emerges from the work of Steven Antler and Gerald Sider resembles the image of the merchant which emerged from marxist debates about the transition to capitalism, development and dependency in colonial history, and the protoindustrialization debate.⁶ The material presented in the transition, dependency, and protoindustrialization controversies does not support seeing merchants as being hostile to diversification beyond economic activity they dominated in the colonial world. Third, aspects of staple approaches to colonial development suggest

deemphasizing the role of merchants in colonial economic and social growth, in favour of examining how early societies organized labour to produce staples as a result of the influence of the technological or resource requirements on the commodity's manufacture.⁷ This last suggestion does not mean that the staple model is technologically or geographically deterministic, but rather that staple exploitation, as Rosemary Ommer has demonstrated, takes place within a larger class-defined structural and institutional matrix.⁸ An understanding of northeast-coast society during the first half of the 19th century can benefit from an understanding of how resource and structural forces shaped the class relationship between fish merchants and fishing families.

H.A. Innis offered the first analysis of Newfoundland's developmental problems stemming from an economy dominated by the cod staple, although within an essentially descriptive treatment of the international cod industry's effects on the history of the British and French empires. Innis demonstrated at points a fundamental concern in explaining Newfoundland's long-term underdevelopment in the nineteenth and early twentieth centuries. Although identifying a late-sixteenth and early-seventeenth century English mercantile hostility to Newfoundland settlement, Innis never identified merchants as being responsible for the colony's economic problems. Instead, concerned to explain why Newfoundland lagged behind other parts of North America which early relied

on the cod staple, he explained its underdevelopment in terms of the lack of economic alternatives to, or even supplements of, the cod fishery. Merchants were quite willing to change and adapt to the improved economic opportunities of a settled fishery, particularly in response to the disruption of the migratory fishery during the wars of the eighteenth century.⁹

Innis saw merchants' use of truck in the Newfoundland fishery as a compromise between fishermen's need for credit at the beginning of the season, before merchants knew what prices for fish would be like, and merchants' need to offset debts which could result if prices dropped at the season's end.¹⁰ He felt that there was nothing inherently bad about truck, but for a number of geographic and technological reasons it persisted in Newfoundland. Unlike the New England fishery, where closer access to mid-range fish banks encouraged the growth of a local capitalist entrepreneurial schooner fishery that expanded into the coastal trade of North America, the Newfoundland fishery was either inshore, increasingly prosecuted by small-boat family units of production, or remained a large-ship bank fishery. Without alternate resources, Newfoundland remained dominated by a mercantile community interested in the fishery only as a short-term credit prospect. Newfoundland's merchant community remained tied to the fishery's weak and impoverished tropical markets where fish prices fluctuated rapidly, and to sources of supplies of agricultural and manufactured imports

in markets where prices remained high. Newfoundland was "squeezed" between the price structures of external world markets in which the "merchant and the truck system served as buffers" between discrepancies in export and import prices, forcing Newfoundland fishing families to absorb the difference by forcing down the "standard of living."¹¹

The implicit image of the fish merchants which emerges from Innis' work is not one of a class opposed to Newfoundland's development, but rather a group of entrepreneurs faced with little alternate economic activity with which to trade, and little reason to use anything but truck in the fishery. The explicit denial of fish merchants' hostility to Newfoundland's settlement and colonial development is that of Keith Matthews. His history of their role in the Newfoundland fishery denied that they opposed a resident fishery, settlement, or diversified economic activity. Matthews departed from Innis by arguing that even the earliest merchants demonstrated no hostility to settlement, only to settlers' attempts to use government regulation to injure the migratory cod fishery by engrossing shore property essential in large-scale proprietary schemes. West Country merchants were usually quite willing to profit from the opportunities to trade with Newfoundland residents, and, by increasingly relying on a year-round population to guard property and catch fish, actually encouraged settlement. Furthermore, merchants seized on new economic activities by

residents, particularly in sealing, salmon fishing, and fur trapping. Merchants and fishermen alike chafed at imperial attempts to limit settlement, and did not oppose diversified economic activity. Residents relied on truck for merchants' imports because they could not find local alternatives, and cyclical depressions in the fish trade demanded that both merchants and fishermen rely on the leeway afforded by truck's credit and debt manipulations.¹²

C. Grant Head's historical geography of eighteenth century Newfoundland reinforces the perspective that merchants did not oppose the development of settlement. Early proprietary colonial schemes failed he argued because they were based on policies of commercial economic diversification which Newfoundland's resources could not sustain. Colonists hoped to combine a commercial fishery with commercial agriculture, a fur trade, and local timber processing. While these latter activities proved to be useful subsidiary ones, they could not alone support extensive settlement. Landed proprietors withdrew from Newfoundland by leaving fish merchants to deal with resident fishing families as the migratory trade declined later in the eighteenth century. Settlement dispersed sparsely around the coasts not because people fled official opponents of settlement as myth would have it, but to be near the cod stocks in isolated harbours and bays with good shore resources for catching and curing fish.¹³ Resident fishing people, in Head's as well as

Matthews' work, built their own communities supported, not hindered, by merchant credit despite official imperial neglect.

Newfoundland historiography had, by the late 1970s, decisively shifted away from viewing merchants as hostile to Newfoundland's early local social and economic development, or even as the prime movers in Newfoundland historical development. Historians and geographers looked to the interaction between merchants and fishing people to understand Newfoundland's past. W. Gordon Handcock's 1977 essay "English Migration to Newfoundland" represents the maturation of this emphasis on the interaction of fishing people and merchants within Newfoundland's resource constraints. Handcock's analysis of the island's demographic development demonstrated that West Country merchants facilitated settlement by encouraging diversified production in furs, sealing and ship-building, as well as increasingly relying on the profits from trading with residents. Merchants, by supplying servants from the West Country, and later Ireland, also provided the source material for early resident population development.¹⁴

Handcock found that West Country merchants were, in fact, so important in actually establishing settlement at Newfoundland that, in his later monograph, he described the process as the "mercantile system of settlement." Population growth proceeded by merchants' abandoning control over

production to fishing people, withdrawing into supplying and marketing activities. Handcock agreed with Matthews' and Grant Head's earlier assessments of truck as an accommodation which proved to be the only way fishing families could guarantee access to subsistence and capital goods for merchants on a year-to-year basis, given the lack of alternative local supplies.¹⁵

The work of Shannon Ryan fully explored the problems of Newfoundland's reliance on the markets of southern Europe, Brazil and the West Indies. Ryan, as had Innis before, suggested that, given Newfoundland's tough climate and impoverishment in alternate resources, the colony was dependent upon markets beyond its control for the sale of saltfish. The low capital requirements of production in an industry dominated by a free-access resource, especially in the inshore fishery, allowed Newfoundland's population to grow much greater proportionately than any increase in saltfish production during the nineteenth century. Such conditions ensured a continuing tension between stagnant production and population growth. The consequence of such tension was the restriction of Newfoundland's internal market. The growth of a family-based inshore fishery, created by the demise of an outport planter fishery as merchant capital concentrated in St. John's, aggravated the fishery's impoverishment and encouraged producers to make a poorer quality fish cure. This technological degradation put

Newfoundland in a weak position relative to new, better organized saltfish suppliers like Norway through the 1860s, 1870s and 1880s.¹⁶

David Alexander opposed emphasizing the staple as the sole determinant in Newfoundland's underdevelopment. Alexander based his alternate analysis on the manner in which Newfoundland's dominant conservative mercantile and political strategies offered no long-term development alternatives to stagnating production in the family-based fishery. He argued that the nineteenth century witnessed the growth of a settled fishery, the end of merchant capital's investment in actual production, and the withdrawal of marketing and capital accumulation to St. John's. Merchants left production to fishing families, and looked only to the short-term profits in the fishery's extensive growth. Mercantile refusal to invest fixed capital in the fishery ensured that Newfoundland could not create a developed resource base to secure internal domestic diversification or better external markets for fish. In Alexander's view Newfoundland's developmental problem was not necessarily under-endowment in resources but rather over-domination by short-sighted merchants and politicians. His work suggested that merchants should have invested much more capital in the fishery and that politicians should have encouraged such investment if merchants failed to do so.¹⁷

Gerald Sider's work directly addressed the problem of merchant capital. He suggested that Newfoundland's develop-

ment cannot be explained by staple resource production in salt cod. It was not the "natural attributes, technology and exchange of the commodity" which defined the province's social formation, but the relations of salt cod's production. Sider believed that class, not staple commodity, was causative in Newfoundland history, that the cultural hegemony of merchant capital over all of society was responsible for the province's underdevelopment. The internal and external dynamics of class relations, between production and the market, gave rise to the merchant-controlled family fishery of the nineteenth century. Through a largely unexplored mechanism, Sider asserted that merchants engineered the impoverishment of petty production. This impoverishment subsequently inhibited domestic capital formation through truck by preventing the development of local alternatives to merchant domination, reducing the amount of cash in domestic circulation, giving merchants no reason to alter the fishery's structure in the late nineteenth and twentieth centuries, and being dialectically reinforced by a "traditionalism" - an autonomous, village-based producer culture-supplanting capitalism in the outports.¹⁸

Newfoundland's underdevelopment, Sider argued, is the result of outport society being restrained by merchant capital. The island saw little industrial capitalist development because merchants, by dominating the exchange of saltfish, harnessed household commodity production to a

larger global capitalism. Sider used "merchant capital," an abstraction used by Marx to theorize about how only change in the production, not circulation, of commodities effected revolutionary social transformation,¹⁹ as a surrogate for "merchants" in order to construct a theory about how they deliberately undermined those economic and social developments which would have allowed producers greater independence. Although citing Matthews, Handcock, and Grant Head, Sider ignored their findings about merchants' encouragement of diversified production to ensure a return on their credit, and suggested that merchants "imposed specificity of product demand" on fishing families, refusing to take anything but saltfish. Theoretically, the nature of merchant capital was not innovative, therefore, Sider proposed, merchants' unwillingness to inconvenience themselves by trading in goods other than saltfish "... may well be ... a key element in the domination of merchant capital over its producers, and part of the package of constraining alternatives (to commodity production) in the communities."²⁰ Sider furthermore returned to the old historiographic argument, long laid to rest by Matthews and Grant Head, that the state, acting as the merchants' executive, discouraged alternative production by prohibiting agriculture, not recognizing property ownership, and deliberately opposing the formation of a landed gentry.²¹

Part of Sider's argument appears to be that capitalist

productive relations can emerge out of any regional resource base. Newfoundland's nineteenth-century codfishery could have given rise to production dominated by the planters' (independent resident producers) use of wage labour. But aside from opposing agricultural development, merchant capital apparently engineered the family fishery's supplanting of the planter fishery by refusing to follow the custom of guaranteeing planters' servants' wages through the recognition of servants' lien on catches. Without a guaranteed wage, planters found servants unwilling to hire out their labour; this forced planters down into petty production alongside those who used to be wage labourers. Sider partly based his argument on Antler's largely unsubstantiated proposition that British regulation of the Newfoundland fishery prevented the development of local institutions which might have effectively protected such rights of lien and free market exchange. By 1840, according to Antler, planters had been prevented from competing with large fish merchants by merchant-oriented court rulings against the wages and supply lien system.²² This in turn centralized control of the fishery in merchant hands and prevented the creation of wage labour and capitalist relations in the fishery. Merchants exploited the fishery by impoverishing fishing families through the use of barter as their means of purchasing salt cod for resale. Families were never given cash, but rather were given accounts in which supplies were balanced against

catches; overall, some families' success balanced against others' losses so that the pattern was one of continuing debt to the merchants.²³

Sider's interpretation of fish merchants as active opponents of development comes from his conflating the complex motivations of a group of capitalists with a relatively simple marxist definition of merchant capital as conservative in that it plays the part of a parasite, living off the unequal exchange of surpluses, but not contributing to changes in the mode of producing those surpluses. The historiographic antagonism between trade and production, with its implications for the definition of the concept of merchant capital hegemony used by Sider in particular, emerged from the English-language debates over the transition to capitalism which began with Maurice Dobb's Studies in the Development of Capitalism. Dobb's book was a theory of stages in historical development: European feudalism; a late sixteenth - early seventeenth century transition of primitive accumulation; and an eighteenth-nineteenth century maturation of industrial capitalism. Dobb disagreed with the notion that primitive accumulation consisted of money and trade in surplus penetrating the self-sufficiency of the feudal manorial economy. Instead he proposed that the class relations of feudalism were responsible for their own demise through a "complex interaction of the market and these internal relationships", the latter being causative. A

fourteenth-century demographic decline led to a decrease in feudal lords' revenue (they had fewer people to squeeze rent from). In western Europe, landlords, to attract or retain labour, began to rely on contractual payment rather than political appropriation of surplus, while in eastern Europe landlords tightened feudal obligations over serfs. Such different responses arose because in western Europe the growth of towns shifted production from the subsistence of demesne or household to that of local markets. Money payment for landlords facilitated exchange in these markets better than did the yield of unfree labour on the demesne. Contractual relationships led to differentiation among peasants, some possessing the capital to hire their less productive neighbours in order to accumulate more capital: a stage of petty commodity production. Merchants accumulated the surplus of unequal exchange from this production, gaining the advantage of surplus by restricting petty commodity producers to local retail trade. Merchants, either descendant from the aristocracy or ascendant from rural or urban-artisanal petty production, gained the monopoly of wholesale trade in exchange for their financial propping up of the feudal ruling class. Only when a significant proportion of merchants were themselves excluded by monopoly did merchant capital penetrate petty commodity production through the putting-out system (an attempt to increase surplus appropriation in local markets by lowering production costs.)²⁴

Dobb's work appears to suggest that capitalism was the outcome of merchant capital activity, since some merchants were forced to concentrate on gains from unequal exchange in local petty production. Merchant investment in production was, however, only the establishment of the conditions for a qualitative shift within petty production, as a capitalist element rose to subordinate others from the "very ranks from which it had so recently risen." For Dobb, the final nature of merchant capital was conservative; it could not create, only fasten on to change already occurring in the mode of production.²⁵

The assertion that merchant capital was not the source of capitalist development sparked the transition debate of the 1950s, a debate over "prime movers" in history. Paul Sweezy criticized Dobb by arguing that trade was a prime mover, insinuating itself through merchant capital into feudal class relations, ultimately destroying them.²⁶ Dobb's reply simply reiterated his suggestion that demographic crisis, not merchant capital, undermined feudalism from within.²⁷ Kohachiro Takahashi supported Dobb in that he felt that internal feudal crises did establish the conditions of production for exchange rather than use which allowed differentiation among producers, the emergence of wage labour, and the beginning of capitalist production. But Takahashi remained unsatisfied with Dobb's interpretation. He wondered why the putting-out system led to capitalism in

western Europe, but not in eastern Europe. Takahashi concluded that Dobb described two ways of establishing capitalism which influenced each other: "in Western Europe, Way No. I (producer-merchant), in eastern Europe and Asia, Way No. II (merchant-manufacturer)." Capitalism, he suggested, was related to its resource base, and that the conditions which led to the growth of commercial agriculture existed in Western Europe, ensuring the early maturity of a mercantile class which subordinated productive activity in other regions through unequal exchange.²⁸ Rodney Hilton supported Takahashi's position, suggesting that a combination of social, economic, political, and resource factors could determine a causative role for merchant capital in the growth of capitalist production in some areas.²⁹

In the final analysis, however, Dobb opposed any attempt to suggest that the capitalist mode of production could be characterized by the organization of production for trade in distant markets. Marketing was not capitalism; capitalism was the reorganization of production, not exchange. Dobb disagreed with the notion that the trading and exchange activities of merchant capital could stimulate transitions from non-capitalist production to capitalism. The internal material conditions of feudal, non-capitalist productive relations were responsible for their own demise through a "complex interaction between the external impact of the market and these internal relationships."³⁰ Dobb's work

clearly linked together production and circulation in an explanation of the transition from feudalism to capitalism, but sparked a debate over which one was the original "prime mover" in capitalism's genesis.³¹

Debates about the transition to industrial capitalism in the colonies of capitalist Europe have absorbed much of their energy in the conceptual vortex created by the "prime mover" debate. Historians do not have to debate the ultimate origins of capitalism, and thus do not have to establish or disestablish merchant capital's credentials in such a transition, to study colonial social reformation. Yet much of the work that followed the original transition debate continued to focus on the prime mover question, particularly the work of André Gunder Frank and Immanuel Wallerstein.

Wallerstein's and Frank's work was part of a 1960s-70s reaction against marxist or rostowian ideas that there were stages of economic growth through which economies must pass in order to develop. Latin American nation-states did not, despite attempts to apply either model in study and practice, take the paths of the first industrialized regions, and so underdevelopment theorists came to the conclusion that a history of global capitalism meant that the colonial world could not replicate the history of its colonizers.³² Thus, the dependency approach rejected the application of European models of capitalist development to the colonial world because the very process of capitalist imperialism, via the

action of merchant capital, transferred the surplus of peripheral areas to the capitalist core.³³ This body of thought did not take issue with the Dobb view of the original European transition, but argued that it should not be applied to other regions in periods subsequent to the development of European capitalism.

André Gunder Frank took a position similar to that of Sweezy by arguing that trade stimulated capitalist development in Europe, especially through the quest for precious metals in the New World.³⁴ There is a tautology here: capitalism was founded by trade which was instigated by capitalism. Frank's work is the history of the international implications of western European capitalism's growth through trade with some parts of the world which had the peculiar combination of staples needed for capitalist production and indigenous social organizations that provided cheap labour subsidized through slavery or debt peonage. These circumstances prompted European superexploitation of colonial societies.³⁵ Frank openly admitted that he had not uncovered the origins of European capitalism, but was sure that marketing on a world scale accelerated its growth and shaped the nature of capitalism in colonial society, and felt that the production of staples, including the manner in which imperialist and colonial societies organized themselves around their production was an important form of noncapitalist accumulation encouraging global capitalist development.³⁶

Like Frank, Immanuel Wallerstein saw capitalism as a world-system which began with the first production of commodities for market exchange in Europe during the fifteenth century. Merchants and exchange accelerated capitalist development by linking areas of the world in a hierarchical chain of commodity production over time and place between areas with more capitalist social relations and places with noncapitalist ones. The most advanced capitalist regions, core areas, expanded their development by extracting the surplus production of semi-peripheral and peripheral areas, essentially by buying cheap (the surplus extracted from less-free labour in primary products) and selling dear (marketing products whose value was increased by wage-labour production) in both peripheral and other regions.³⁷

Wallerstein's analysis rested on the idea that original primitive accumulation, proletarianization, forced capitalists, through working-class organization and demands for a greater share of surplus value, to engage in areas characterized by less proletarianization to replace the greater share of surplus value being lost to workers at home.³⁸ Wallerstein did not seek to explain original capitalism through the "development of underdevelopment," but suggested that once production for exchange, not use, developed in Europe, capitalism rapidly subordinated areas peripheral to that production. He defined capitalism by both the development of wage-labour based production and the circulation

between that mode of production and others based on slavery, cash-cropping, share-cropping or tenancy. These modes were defined by regional labour organization, the technology of commodity production, and regional resource bases. The capitalist core, through the power of the nation-state, imposes certain types of institutionalized social relationships on peripheral and semi-peripheral areas, depending on the combination of these defining factors.³⁹

Wallerstein believed that merchants played an active role in the generation of capitalism. By trading the petty production of town and country in areas of rapidly disintegrating feudalism (due to demographic crisis and peasant flight to towns) with areas in which primitive accumulation was less pronounced, merchants provided surpluses which helped commodity producers accumulate enough capital whereby they could expand production on the basis of wage labour. England, France, and the United Provinces, the areas of Europe with the best combination of arable land, dense population, and trade facilities to encourage both commercial agriculture and related manufacture, became the world's first capitalist cores by the end of the sixteenth century.⁴⁰

Robert Brenner disagreed with Frank's and Wallerstein's suggestion that trade and merchants could play a causative role in capitalist development. As a result of his part in the transition debate which now bears his name, Brenner believed that historical change emerged only from class

struggle between producers and their exploiters.⁴¹ This emphasis on the historical primacy of productive relations in social and economic development became the essence of his attack on Frank and Wallerstein: class struggle, not the interaction of merchant capital and resources, determined whether or not imperialism would see the development of capitalism within colonial societies. Brenner asserted that Wallerstein saw capitalism only as the result of peripheral underdevelopment -- surplus transfer taking precedence over innovation in production. Peripheries' export industries determined their role in capitalist development. This, stated Brenner was a "techno-determinism" which marxists could not accept as the basis for understanding colonial history. Wallerstein and Frank could not explain capitalist development by one of its consequences, surplus appropriation, therefore neither could account for western Europe's capitalist origins, let alone the beginning of capitalist development in North America.⁴²

Brenner's European-oriented model of class struggle and change cannot provide a better explanation for the specific directions taken by capitalism's international expansion.⁴³ A more persuasive explanation is that of Frank that the development of capitalism on a world scale involved as much the export or transfer of European capitalist social relations to some colonies as it did the circulation of commodities in primary accumulation.⁴⁴ Wallerstein too was

aware that industrial capitalism matured in what had been some peripheral areas, and explained such growth in terms of its tendency to occur in areas that had resources which attracted not merely European trade, but also the migration of Europeans with capitalist expectations - or a capitalist hegemonic culture: the white settler phenomenon of colonial settlement in the United States, Canada, Australia, New Zealand and South Africa.⁴⁵

Critics of dependency theory have suggested a reevaluation of the role of merchant capital in world capitalist development. Robert S. DuPlessis cautioned against overestimating the contribution of unequal exchange to growth in the capitalist core and underdevelopment in its peripheries. Merchant capital should be reconsidered, suggested DuPlessis, as contributing to social and economic changes in many diverse ways in all regions of the capitalist world, linking together the class formations of core, periphery and semi-periphery in ways that were not always disadvantageous to non-core regions.⁴⁶ DuPlessis thought that historians should consider using the perspective of proto-industrialization theorists to avoid opposing exchange and production in the study of regional class formation. In American historiography, McCusker and Menard also advocated abandoning the world-systems approach altogether for a more sensitive analysis incorporating the staple model (which they narrowly defined in terms of direct linkage from export activity),

demography and proto-industrialization.⁴⁷

Both dependency theory, with its implicit staple approach, and proto-industrialization theory rejected the view that merchants were constant opponents of economic development or transformation. Proto-industrialization theory directly challenges any easy acceptance of merchant capital as a hegemonic conservative force in social formation. At first thought to be only a first phase in industrial capitalist development, proto-industrialization came to be seen as a form of industrialization in which merchant capital played a leavening role. Early work, focussing on the transition from feudalism, placed proto-industrialization within the framework of a Malthusian-like demographic crisis in feudal productive relations whereby households in marginal agriculture, to supplement their subsistence, agreed to manufacturing for merchants as the latter put out work to avoid town guild restrictions. Proto-industrialization was the means by which these families could utilize their surplus labour during lulls in the seasonal round of agriculture.⁴⁸ Merchants benefitted from unequal exchange with the households of a waning feudal countryside by using petty producers' subsistence agriculture to subsidize low wages. Merchants could thus buy manufactures from these households at low prices, and sell them in other markets at higher prices. To break the cultural and structural limits of petty production's subsistence-oriented nature (the leakage of

materials from exchange between merchant and producer allowed by the dispersal of petty producers throughout the countryside, and producers' cultural proclivity to not work much beyond the needs of subsistence) some merchants eventually began to invest the profits from their unequal exchange as fixed capital in production. At the same time, producers' earnings from putting-out work expanded the consumer market for manufactured goods. By the nineteenth century, as steam technology developed, such fixed capital increasingly took the form of factory production.⁴⁹

The proto-industrialization literature identifies a sometimes revolutionary role for merchant capital in the European transition to industrial capitalism. In the New World, discovered and exploited from its inception by merchant capital, the role of the merchant in the transition may or may not have played a similar role. Christopher Clark has found that merchant capital played a causative role, through the intermediary of putting-out, in the transition there from household family production to industrial capitalism.⁵⁰

But why should merchant capital play such a revolutionary role in some parts of the New World, and not others? Like Wallerstein's world-systems analysis, proto-industrialization theorists assumed that colonial expansion into the New World was an attempt by European merchants to organize productive relations there in unequal exchange with more

mature forms of capitalism.⁵¹ One of Wallerstein's critics suggested, in a manner very similar to the staple model advanced by Baldwin, that the reason some parts of the New World made an industrial transition lies in the very social organization of production of the commodities merchants first began to trade in. Alan Smith proposed that plantation commodities in areas in which indigenous forms of social organization already existed to provide unfree labour gave little incentive for change in productive relations. The profit margins of trade with commodities produced by unfree labour gave merchants little reason to want to disturb their business. But in other areas, primarily in the northeastern United States and Central Canada, commodity production did not encourage the use of such labour. The labour costs of cultivating grain, tobacco and livestock were not so high as to preclude family labour as the most productive unit. The proliferation of petty production based on family labour encouraged the proto-industrial development of a society similar, in its productive relations, culture, and institutions, to that of capitalist western Europe.⁵² Such growth encouraged merchant capital to fasten itself on to the opportunities provided by a new industrial capitalism freeing itself from subordination to its parent social formation.

The key here is to understand that the interaction of resource and class development in the New World could create conditions which encouraged the production of nonplantation

crops and encourage a rebirth of industrial capitalism, partly through the destruction of indigenous societies, in newly-settled regions. The resurrection of such capitalist formations began as part of the European capitalist quest for commodities, but made a quick departure from the domination of European merchant capital. Such countries were

.... essentially an expansion of the European economic frontier, i.e. countries such as the United States, Canada, Australia and New Zealand, whose development was dependent on an inflow of European labour and capital. Development in these countries, when it took the form of incorporating new territories, was an extension of the European economic space, whose natural resource base, including arable soils, was being enriched. Diminishing returns were avoided by increasing the supply of good agricultural land. Thus, Britain could curtail agricultural production while prices of agricultural products could be reduced thanks to the incorporation of land in the temperate zone of America and Oceania. The economy that developed in these new areas was specialized from the start, that is it had a high coefficient of external trade and a high level of productivity and income. These conditions made it possible to attract the European immigrants on whose labour these developing areas depended. The result was that when they entered the world economy they already had effective domestic markets for industrial activity, a circumstance which accounted for their early industrialization.⁵³

Returning, then, to Newfoundland historiography, where does it sit in this wider context? If we are to take criticisms of dependency theorists by Brenner at face value, then we cannot accept Sider's use of merchant capital as a conceptual explanation of the limited development in a society such as the northeast coast of Newfoundland during

the nineteenth century. Merchants theoretically had no unique role to play in the formation of the social relations of production in Newfoundland, including the maintenance of their own hegemony. There is no reason why merchants would not have taken advantage of the mercantile and commercial opportunities of an industrializing economy and society if such had developed. Those like Antler and Sider, who continue to insist that we look to the active conservatism of merchant capital in the maintenance of its own hegemony, indulge in the circulationist tautologies of which those who use the staple model are so often accused, by avoiding the empirical study of the actual productive relations which developed in the Newfoundland fishery. Merchant capital continued to dominate Newfoundland society because Newfoundland society was dominated by merchant capital. This perspective allows little room for exploring the historical dynamic of Newfoundland's class relations.

It might be sufficient to speak in general terms about merchants' tendency to thwart colonial development in those areas where they found commodities readily available for trade through production by indigenous societies organized into various forms of unfree labour.⁵⁴ But what explains underdevelopment in those parts of North America, like Newfoundland, in which European capitalist expansion, led by merchants' search for trade, found no unfree labour to integrate? Fox-Genovese and Genovese have again resorted to

the conservative nature of merchant capital to explain why merchants created a slave-based society to generate commodities for exchange in world markets. They suggested that merchant capital linked "different economic systems through the manipulation of their respective surpluses; to promote economic growth and yet freeze it within narrow limits and as an agent of political stability and status quo outside those limits."⁵⁵ Instead of pointing to the material conditions which led to the persistence of slave labour in production in the Old South as do staple theorists, Fox-Genovese and Genovese attributed to its conservatism the persistence of merchant capital hegemony.

Marxists supposedly look to the class relations which lie at the core of a society to understand its history. It is not enough to explain that merchant capital hegemony perpetuated itself in the Old South. There must be an examination of what conditions allowed the hegemony of merchant capital there to go so long without sufficient challenge from within until the Old South became enmeshed in larger structural changes from without. If one asks why, for example, did the Old South, as an "export-oriented colonial" economy of western European capitalism, have to rely on slavery, the underlying importance of the interaction between resource base and class relations emerges. Fox-Genovese and Genovese's analysis of the Old South suggested that the use of unfree labour in plantation economies led to stagnation

and underdevelopment because merchants encouraged the continued subsistence (equalling a lack of domestic market) of the slave (mass of the) population; it prevented the growth of domestic market infrastructure because "the system did not facilitate commodity exchange within a national or regional market; it facilitated exports." In sum, merchant capital encouraged the transfer of capital to the industrial metropolises and prevented the "qualitative development normal to the expansion of capitalist production."⁵⁶

Merchant capital's supposedly conservative hegemony explains why the Old South did not make any transition to industrial capitalism. This is peculiar because Fox-Genovese and Genovese wished to support the contention of the transition debates which suggested that the circulationist quality of merchant capital, just like that of the staple model, renders merchant capital without any causative influence in history. The relations of production, not those of exchange, explain history.⁵⁷ In this view merchant capital is conservative in that it plays the part of a parasite, living off the unequal exchange of surpluses, but not contributing to changes in the mode of producing those surpluses. Yet instead of looking for the conditions which encouraged slave production to persist to produce the plantation commodities merchants dealt in, Fox-Genovese and Genovese resorted to the parasite to explain the nature of its host. The historiographic antagonism between trade and production as "prime

movers" becomes more than one denying merchant capital a role in the creation of capitalist relations; instead now merchants had a creative role in forming and maintaining noncapitalist ones which served a larger, global capitalism. Giving merchant capital so much of a causative role in the maintenance of Southern slavery is peculiar because Fox-Genovese and Genovese made clear that they believe that attributing a creative influence to merchant capital in making history is a circulationist mistake, which ignores the importance of change in productive relations.⁵⁸

Marxist historians, by accepting the theoretical conservatism of merchant capital, should not look to merchants as actual historical opponents of colonial economic development, but rather see them as entrepreneurs who limited their activity to exchange, readily seizing on opportunities provided by the growth and diversification of colonial industries as well as those which continued on in staple trade. What, then, explains why these opportunities developed in some colonies and not in others? This thesis has found persuasive arguments in some of the writing which has emerged from the staple school, particularly the early work of Robert Baldwin. His work directly addressed the problem of why some "newly-settled regions" could break away from the exploitative ties of their colonial foundations, while others remained subordinate to the capitalist interests of other regions in an increasingly capitalist-dominated global

economy. That this explanation rests on an understanding, not only of the relations between regional interests of the same class, but also the class relations internal to regional societies, is clear in Baldwin's work. He constructed the first real version of a staple model to explain why capitalist expansion on a world scale resulted in different patterns of development in what he called "newly-settled regions," a term he used to define the contact between European capitalism and its colonies. Baldwin contended that "the extent to which the export sector [of a colony] induces the subsequent development of other sectors .. depends to an important degree upon the technological nature of the production function of the export economy."⁵⁹

Baldwin's model posits the existence of a capitalist metropole willing to invest in two new regions: one having a soil and climate suitable to the production of a plantation crop, and a second having a soil and climate suitable to the production of a nonplantation crop like wheat. Why do capitalist relations, called by Baldwin "development," occur in both, but remain dominated by merchants in the first? The answer is that the plantation commodity requires a different set of productive relations than does the nonplantation one. In other words there can be different relations between colonial labour and capital. The necessary scale of production of plantation commodities by definition requires great amounts of both capital and cheap labour. The intermediate

result of attempts to produce such commodities would be the concentration of ownership of the means of production in a few planters' hands, and the reliance of those planters on cheap labour provided by non-wage or extremely low-wage sources such as slavery or indenture. The effect of such relations of production in a plantation-dominated economy would be a society dominated by a very small, wealthy planter class tied to its export interests, while the mass of society remains too poor to provide either the consumer demand or capital for local, import-substituting, industrial production.

The development of a domestic industrial capitalist economy and society would occur in the small-scale production of a nonplantation commodity region. The low capital and labour requirements of nonplantation production would allow the migration of small family-farmers who needed only their family labour to begin production. Since they had to cultivate the soil if they were to survive, such farmers engaged primarily in production that ensured their own subsistence as well as staple production, attracting mercantile interest in the possibilities of trading their surpluses. Thus while the first region is characterized by the social relations of a small number of export producers spending their earnings on imported luxury goods, and large numbers of non-wage/low-wage subsisters, the second region is characterized by petty producers living off their own

produce, trading marginal surpluses for what they could not produce themselves, reinvesting the earnings of this trade into the farm, and also producing cash, as well as subsistence, crops. Petty producers increasingly consume the locally-produced commodities of other similarly-specializing petty producers in manufacture. This process is in effect the primitive accumulative development of domestic market stimuli for local industrial growth, differentiation between town and country, and the establishment of market relations between capital and labour as commodities.⁶⁰

Baldwin's model emphasizes productive relations, not just the circulation of the commodity, or its trade and exchange. More precisely, Baldwin tried to develop a model to explain why capitalist relationships developed in some colonies but not in others. The second region's development had to do not so much with the circulation of commodities as it did with the manner in which petty production dominated in one area, and allowed the hegemony of mercantile activity in the export sector to be surpassed by the growth of industrial capitalist production as opposed to the stagnation of productive relationships dominated by unfree labour. His examination of the interaction between resources and people in early colonial social formation provides a more concise explanation for the persistence of slavery in the Old South than does Genovese.

The promise held out by Baldwin's work for the develop-

ment of an analysis of the role of the resource, and the structure of its exploitation, rather than merchant capital per se in differing colonial development remains one not easily appreciated by marxists within Canadian historiography because of criticism that the staple model represents a form of commodity fetishism which ignores class relationships in development. Perhaps the most forthright has been David McNally's criticism of Kari Levitt, M.H. Watkins, Tom Naylor and later Glenn Williams, Wallace Clement and Gordon Laxer's use of the staple model in their neo-marxist studies of dependency in Canada.⁶¹ McNally suggested that they mystified the dynamic of social development by concentrating on the manner in which the developmental benefits of capital accumulation accrue to metropolitan nations at the expense of satellite nations through commodity traders (a mercantile/-commercial bourgeoisie) rather than in the production of commodities. The staple model's fault allegedly lay in its focus on a trading or commercial society rather than on capitalism as a specific set of social relations of production. The staple model attributed to external demand conditions the creative role in socio-economic development that should be attributed to the internal dynamic of class conflict, expressed in the relations between labour and capital. By making the history of the British North American colonies a simple function of the external demand for staple commodities, McNally felt that users of the staple model

indulged in a blunt technological and geographical determinism.⁶²

The problem with McNally's criticism is that it rests on the faulty premise that the staple model explains development in terms of the circulation of commodities alone. This is clearly not the case in M.H. Watkins' elaboration of Baldwin's work. Watkins, like Innis, assumed that productive activity in British North America, which began as part of the European quest for staple commodities, required capitalist development there. Watkins did not want to use the staple model to explain European capitalist development, nor to explain colonies' development in terms of the growth of an export-based industry. Instead, Watkins aimed to theorize about why certain colonies, "new countries", take different developmental paths in response to the needs of European capitalism. Production in colonies concentrated on the comparative advantage of resource-intensive exports because in the beginning they had, for the purpose of capitalist growth, limited domestic market potential and an abundance of land relative to labour and capital. Socio-economic development was a process of diversification around the export base.⁶³

There is a certain commodified and circulationist quality about this part of Watkins' thought. But Watkins had much more to contribute: it was the scale of production of commodities in colonies, not their circulation, which was the

final, crucial dynamic of development.

The important determinant is the technology of the industry, that is, the production function, which defines the degree of factor substitutability and the nature of the returns to scale. With the production function specified and the necessary ceteris paribus assumptions - including the demand for goods and the supply of factors - a number of things follow: demand for factors; demand for intermediate inputs; possibility of further processing; and the distribution of income.

Watkins' model was an attempt to abstract the implication of the relations of production of commodities for export as the technology of the commodity, and to test whether or not that technology has backward, forward and final-demand linkages which may generate a "disaggregated multiplier-accelerator mechanism."⁶⁴ Although expressed in the alienating language of political economy, bereft of much examination of historical experience, and therefore seemingly almost as commodified as his critics would have it, Watkins' work should be seen as an attempt to provide the abstract indicators of the effects of productive relations under special conditions, but not an attempt to deny the importance of those relations in favour of a circulationist perspective.

This version of the staple model did not look for colonial capitalist development to descend directly from the profits or activities of immediate staple activity. Alternatively, Watkins would see industrial capitalist development growing inside of the larger society dominated by the relations of staple production, ultimately proving so momentous an internal contradiction that it would revolution-

ize that society, tearing it away from an old configuration of class forces, and replacing them with new, indigenous ones.

The abstraction implicit in Watkins' effort to make the staple model measurable is also present to a certain extent in James Gilmour's study of the Spatial Evolution of Manufacturing in Southern Ontario 1851-1891. Gilmour demonstrated the staple model's ability to help explain the concentration of manufacturing development in southern Ontario, where historical and ecological conditions combined to best suit the development of family farms. Gilmour showed that early cultivation of wheat there promoted forward, backward and final demand linkages, in effect the growth of import substitution and a domestic market. Gilmour significantly added to the staple model by showing that the areal distribution which typified southern Ontario agriculture, namely the spread of settlement from waterfronts with its attendant transportation infrastructural development, was crucial in the local growth of linkage effects based on the employment opportunities which grew out of early agriculture.⁶⁵

The alienating approach and language of these contributions to the staple model are more apparent than real. The work of Gilmour in particular seems to express in quantified terms, a process of development in Ontario 'discovered' by marxist analysis. Leo Johnson's history of the County of Ontario, for example, is a marxist descriptor of the

experience and culture like Bryan D. Palmer can be said to contain the seeds of the commodity fetishism of the staple model's supposedly circulationist perspective:

Across the length and breadth of the pre-1850 North American social formation, merchant capital was hegemonic: in the South a planter ruling class embedded in the slave relations of production was nevertheless structured into dependency on the world market and its bourgeois relations; in much of the manufacturing Northeast, commercial capital orchestrated sweatshop labor and craft forms of production; and among the many farms of British North America and the free states, subsistence was supplemented by mercantile credit and staples production. Merchant capital restructured the social order at the same time that it sought to solidify tried and true modes of accumulation. Ever attentive to the movement of goods, it created a transportation infrastructure to facilitate exchange. Such projects necessarily called into being a wage-labour force, altered relations of town and country, and demanded stark self-examination on the part of promoters, politicians, and planters ... the consequences were anything but a preservation of the status quo. A home market was in the making, and its rise signalled the emergence of a social order bent toward commodity production. Trade had created the preconditions eroding its own hegemony as the movement of staples came to be overshadowed by the output of goods.⁶⁷

It is clear in Palmer's interpretation that merchants throughout North America played an important role in bringing about the conditions which eclipsed their own hegemony over early society and economy. Yet Palmer did not explain why such hegemony should be eroded much more quickly in the free states or parts of British North America where industrial capitalism so readily grew. Why did the home market arise to erode the hegemony of trade in some regions but not in others? Why should trade based on the export of southern

development of a society from a primitive accumulative mode of family production to industrial capitalism similar to that of Baldwin's and Gilmour's models. Johnson described how settlers of small means in the early nineteenth century took advantage of the tracts of empty land in the county, prepared land for cultivation and marketed the first marginal surpluses that were the result of their subsistence activity. Population growth pushed settlement further from early waterfront sites into the backwoods. Merchants and artisans were attracted by the growing surpluses that were produced and the resultant potential of a consumer market. Competition between merchants in conjunction with the spatial spread of settlement and the growth of local government led to road, canal and eventually railway development. Greater local market development, urban growth, and the infusion of capital brought about by such projects contributed to greater specialization and division of labour: the eventual supersession of non-capitalist independent commodity production by the capitalist employment of wage labour in industrial enterprises. *For Johnson, the organization of family labour in the export trade of wheat and related farm produce was the basis for the development of import substitution which spurred industrial growth and class differentiation around wage labour.*⁶⁶

In its abstract form, even the analysis of the North American transition by a marxist historian of working-class

plantation commodities, or for that matter, fish, not follow the same paths as that of a nonplantation commodity such as wheat? It is not enough to say that certain class relations conducive to the eclipse of merchant capital hegemony here, or certain other class relations without the same potency there, explain the persistence of merchant capital domination of certain regions. For some reason slave labour was essential to production in the South, just as some other reason lent the northeast free states, what became central Canada, and later northwestern North America to petty production based on wheat and related agriculture in conjunction with other staples. The primary difference in these regions appears to lie in the interaction of merchants, producers, and widely differing scales of production of local resources in the original formation of society.⁶⁸

A recast version of the staple model, then, may well provide a sensitive elaboration of the particular paths taken by class formation that led to merchant capital's domination of Newfoundland society. An understanding of the role played by merchant capital in Newfoundland must take into account the interaction of its particular resource endowment with merchants and fishing people. To use the staple model in no way precludes asserting the primacy of class relations in the transition to industrial capitalism in the British North American colonies, but it does suggest abandoning the assumption that the history of capitalism is

the charting of an inexorable drive toward the employment of wage labour everywhere and at every moment.

The staple model, as long as it focussed on quantifying the linkages which stemmed from exploiting a particular resource for staple export, could create the appearance that a region based on the fishery alone, which required little processing or local infrastructural development, was doomed to very limited economic growth. In other words, the fishery as a resource base determined underdevelopment in Newfoundland. If marxists are to use any element of the staple model in their analysis of class development in a place like Newfoundland, then is it a matter of substituting the determinism of an abstract concept like merchant capital conservatism for a resource determinism? Rosemary E. Ommer's recent work, albeit developed in a non-marxist framework, suggests that using a staple perspective involves no necessary determinism.

The problem of the codfishery as a staple trade, as Ommer's recent work on the Gaspé points out, has long been considered only in terms of resource endowment, export markets, and linkage effects. Ommer pushes the staple model beyond these conceptual limits by considering the institutional structures which affected the development of the Gaspé fish trade. Ommer's study is directly concerned with the social and economic relations of production in the codfishery. Nothing was inevitable about Gaspé underdevelop-

ment: it was the organization of the Gaspé fish trade by Jersey merchant capitalists within a British imperial context which insured that the wealth and industrial spin-offs generated by the staple trade would accrue to the Jersey metropole. The cod staple as a resource did not determine that the linkages of the cod fishery would not be developed in the Gaspé, but the motives of Jersey capitalists and the British state did. The structures of staple exploitation, for Ommer, are a forum in which unfolded all the sometimes differing interests of Jersey merchants, other capitalist interests in Great Britain as represented by the imperial state, and later local Gaspé and merchant interests under the Canadian government.⁶⁹

Rosemary Ommer's study can be taken to mean that neither merchant credit nor staple exploitation are necessary determinants of underdevelopment in societies based on the codfishery. This theme is extended beyond the fishery to other staples in her introduction to a collection of essays on staple economies, merchant credit and labour strategies in North America. Ommer pointed out that much recent work now views merchant capital as having had

a crucial organizing function in the real economy, to have been a dynamic part of economic development, to have, in effect, contributed actively to the transition to industrial capitalism. In some instances, however, it is shown to have -- equally actively -- contributed to the failure of a region to develop.⁷⁰

Many of the essays in this collection found that fish

(and other staple) merchants did not impose truck on indigenous and settler people of the New World, but in fact credit systems represented compromises which, in this thesis, are interpreted as being the result of an evolving class relationship between merchants and fish producers. Such an analysis, of course, is reminiscent of the analyses of truck by the earlier Newfoundland historiography.⁷¹ The recent work of Patricia Thornton is of particular importance here because it reflects her long interest in showing how fishing people in the Strait of Belle Isle, the frontier of northeast-coast Newfoundland settlement on the Northern Peninsula and Labrador Coast, developed their own communities based on household production and truck in relation to fish merchants, but for their own purposes. Fishing servants brought to the Strait by merchants preferred the independence of household production rather than depending on employment by merchants. The latter, in turn, found attractive the yields of unequal exchange by shifting as much as possible the cost of production onto the nonwage labour of the fishing household. Merchants recognized that the fishery prospered when they left production to family labour which could combine nonmarket and market production for its survival.⁷² In commenting on her more detailed examination of this shift from merchant-employed servants to family labour in fish production, Peter Sinclair noted that Thornton describes a shift whereby merchants retreated from employing servants, to

dealing with "self-employed, if dependent, planters." The more successful of these appeared to hire servants on wages, while others relied on household labour, but Sinclair felt that Thornton had not explained this transition.⁷³

This thesis, drawing on the demographic histories of Newfoundland, will suggest that planters' employment of servants did not represent the emergence of a distinct capitalist planter class different from petty commodity producing planters. Planters' employment of servants rather served as the settlement mechanism by which fishing families moved up Newfoundland's northeast coast. Settlers used servants, first in Conception Bay, and later Trinity Bay, Bonavista Bay, Fogo and Twillingate, to fill the labour gaps that their own young families could not fill in household production. Over time, as resident servants married into the families of their employers, fishing families reached the point at which they could reproduce their households' labour requirements without resorting to wage labour.⁷⁴

This literature review suggests that it is fruitless to continue trying to explain Newfoundland's underdevelopment in terms of merchant capital hegemony, unless we look for the reasons behind that hegemony. An understanding of Newfoundland's northeast-coast history must account for two basic problems: the island's failure to generate industrial alternatives to the fishery during the first half of the nineteenth century, and the lack of an industrial transition

in the fishery itself. Furthermore, if Newfoundland's resource base proved the potent obstacle to industrial capitalist development, we need to understand how it came to be that by mid-nineteenth century, Newfoundland government officials, like later economists and anthropologists, came to believe that merchant capital deliberately underdeveloped Newfoundland to protect its own hegemony through opposition to agricultural diversification and the employment of wage labour in the fishery itself.

An understanding of the role played by merchant capital in Newfoundland must take into account the influence of its particular resource endowment, and the structure of class relationships which shaped its exploitation. Aspects of the staple approach, particularly as developed by Ommer, may well provide a sensitive elaboration of the particular paths taken by class formation that led to merchant capital's domination of Newfoundland society. To use the staple model in no way necessarily precludes asserting the primacy of class relations in the social formation, but it does suggest abandoning the assumption that *primitive accumulation* always leads to successful proletarianization. The question must be asked: did merchant capital contribute to the inhibition of local market development in Newfoundland, or was there something about the relationships between resource and society that encouraged, or necessitated, family labour and truck over industrial capitalist social relations?

This thesis proposes the following answers to these questions. First, the nature of the cod trade itself encouraged merchants to back away from the direct employment of wage labour in the fish trade. Instead, merchants found a more secure venture in letting petty producers resident at Newfoundland bear most of the risk and costs of production themselves, especially by subsidizing the price of their labour through subsistence agriculture. Such petty producers, the Newfoundland planters, coped with the fishery's risks by relying on family labour, or labour hired on shares, rather than fixed wages. In response to the rise of residency, colonial officials passed a wage law, the purpose of which was to secure the return of fishing servants to Great Britain. This wage law intensified, but did not create, the problems associated with planters making saltcod with wage labour.

Second, Newfoundland did not undergo the social and economic changes normally associated with the growth of industrial capitalism in other parts of North America in the nineteenth century because the colony's resource endowment did not support the production of those domestic surpluses which, in other places, allowed indigenous productive diversification, specialization, and consequent market development. The northeast coast's agricultural capacity was extremely limited; Newfoundland fishing families managed to produce little more than potatoes, and a few other garden

vegetables, and perhaps some hens, goats or pigs. Through the 1840s and 1850s even this limited supplement to the fishery diminished as potato disease blighted family gardens. Merchant capital continued to dominate Newfoundland's development, not because of the innate conservatism of merchants alone, but due to the failure of petty producers to find successful alternatives, or even supplements, to the staple trap generated by the nature of the nineteenth-century codfishery. Finally, the mythology of Newfoundland's rapacious merchants will be examined in terms of a Reform movement's struggle for representative, and later responsible, government. Reformers essentially invented a tradition that held that merchants from the West Country deliberately underdeveloped Newfoundland by engineering prohibitions against settlement and agriculture, and invented the wages and lien system as a custom appropriate to industrial capital accumulation in the fishery.

NOTES

1. D.W. Prowse, A History of Newfoundland From the English, Colonial and Foreign Records (1895), (Belleville, Ont.: Mika Studio, 1972), pp. 304-45, 496-7. For a more specific historiography of the Prowse school see Peter Neary, "The Writing of Newfoundland History: An Introductory Survey," in James Hiller and Peter Neary, eds., Newfoundland in the Nineteenth and Twentieth Centuries: Essays in Interpretation (Toronto: University of Toronto Press, 1980), pp. 3-15. Keith Matthews laid bare the faulty basis of this school in "Historical Fence Building: A Critique of Newfoundland Historiography," The Newfoundland Quarterly, 74,1, (Spring 1979), pp. 21-29.
2. J.D. Rogers, A Historical Geography of the British Colonies, Vol. V, - Part IV: Newfoundland (1911), (Oxford: Clarendon Press, 1931), p. viii, 206-07.
3. Two essays by Alexander are particularly important. Although they deal with the later 19th century both have views about merchants which are implicitly without periodization: fish merchants were always conservative and parasitic. See "Development and Dependence in Newfoundland, 1880-1970," in David G. Alexander, ed., by Eric W. Sager, Lewis R. Fischer and Stuart O. Pierson, Atlantic Canada and Confederation: Essays in Canadian Political Economy (Toronto: University of Toronto Press, 1983); and "Newfoundland's Traditional Economy and Development to 1934," in James Hiller and Peter Neary, eds., Newfoundland in the Nineteenth and Twentieth Centuries (Toronto: University of Toronto Press, 1980).
4. Among the more prominent works marked by aspects of this perspective, in chronological order of appearance, are H.A. Innis, The Cod Fisheries: The History of an International Economy (Toronto: University of Toronto Press, 1940, 1954); Keith Matthews, "History of the West of England-Newfoundland Fishery," PhD. thesis, Oxford University, 1968; C. Grant Head, Eighteenth Century Newfoundland (Toronto: McClelland and Stewart, 1976); Shannon Ryan, Fish Out of Water: The Newfoundland Saltfish Trade 1814-1914 (St. John's: Breakwater, 1986); W. Gordon Handcock, Soe longe as there comes noe women: Origins of English Settlement in Newfoundland (St. John's: Breakwater, 1989).
5. Truck is here defined as the means by which merchants manipulated the prices of goods purchased from and sold to their fishing clients to insure a total favourable balance of credit and debt at the end of a fishing season. It does not incorporate any notion that merchants pursued an attempt to

use such manipulations to reduce the real income of families below their nominal income. See George W. Hilton, The Truck System, including a History of the British Truck Acts 1465-1960 (Westport, Conn.: Greenwood Press, 1960), pp. 1-11, 40-60.

6. Maurice Dobb's Studies in the Development of Capitalism (1947), (New York: International Publishers, 1963) sparked the marxist transition debate, which has been collected in Rodney Hilton, ed.; The Transition from Feudalism to Capitalism (London: New Left Books, 1976). The transition debate revived in response to the work of Robert Brenner, collected in T.H. Aston and C.H.E. Philpin, eds., The Brenner Debate: Agrarian Class Structure and Economic development in Pre-Industrial Europe (Cambridge: Cambridge University Press, 1976, 1978, 1979, 1982, 1985).

Robert Brenner is a principal in debates over the role of merchants in economic development which emerged from dependency theories about colonial underdevelopment. His "The Origins of Capitalist Development: a Critique of Neo-Smithian Marxism," New Left Review, 104 (July-August, 1977), 25-93, along with Elizabeth Fox-Genovese and Eugene D. Genovese's Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of capitalism were important denials of the positive role of merchants in colonial capitalist expansion. The objects of their collective criticism are Andre Gunder Frank's World Accumulation 1492-1789 (New York: Monthly Review Press, 1979) and Dependent Accumulation and underdevelopment (New York: Monthly Review Press, 1979). Brenner, Fox-Genovese and Genovese also criticize Immanuel Wallerstein's The Modern World-System, I: Capitalist Agriculture and the origins of the European World-Economy in the Sixteenth Century (London: Academic Press, 1974), and The Modern World-System, II: Mercantilism and the Consolidation of the European World-Economy, 1600-1750 (London: Academic Press, 1980).

The classic statement on proto-industrialization as a conceptual response to the transition debates is the collection of essays in Peter Kriedte, Hans Medick and Jürgen Schlumbohm, eds., Industrialization before Industrialization: Rural Industry in the Genesis of Capitalism (Cambridge: Cambridge University Press, 1981).

7. The Canadian marxist critique of the staple model which has stimulated this reconsideration of the merchant's role in development is David McNally, "Staple Theory as Commodity Fetishism: Marx, Innis and Canadian Political Economy," Studies in Political Economy, 6 (Autumn, 1981), pp. 35-63. Three works from the staple school have been influential in reshaping my conception of social formation and class relations in early colonial societies: R.E. Baldwin, "Patterns of development in Newly-Settled Regions,"

Manchester School of Economics and Social Studies 24 (1956), pp. 161-79; M.H. Watkins, "A Staple Theory of Economic Growth," in W.H. Easterbrook and M.H. Watkins, eds., *Approaches to Canadian Economic History* (Toronto: Mclelland and Stewart, 1967); and James M. Gilmour, *Spatial Evolution of Manufacturing in Southern Ontario 1851-1891* (Toronto: University of Toronto Press, 1972).

8. Rosemary E. Omer, *From Outpost to Outport: A Structural Analysis of the Jersey-Gaspe Cod Fishery, 1767-1886* (Montreal and Kingston: McGill-Queen's University Press, 1991).
This thesis does not pretend to use the analytical or quantifiable approaches to development implicit in the linkage-effect studies of recent staple literature. Instead, an analysis of the relationship of a merchant class to a class of fish producers is offered that rests on the social historical tradition of E.P. Thompson's *The Making of the English Working Class* (Middlessex, UK: Penguin, 1963, 1968), although modified by Canadian, especially staple, writing. To pursue recent innovations in the staple model see Omer, *Outpost to Outport*, pp. 190-99.

9. Innis, *Cod Fisheries*, pp. 52-69, 95-110, 144-59, 288-322.
10. *Ibid.*, pp. 154-55.
11. *Ibid.*, pp. 173-77, 458-84.
12. Keith Matthews, "West of England-Newfoundland Fishery," pp. 4-5, 119-37, 174-79, 207-228, 315-78.
13. Grant Head, *Eighteenth Century Newfoundland*, pp. 13-35, 184-226.

14. W. Gordon Handcock, "English Migration to Newfoundland," in John V. Mannion, ed., *The Peopling of Newfoundland* (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1977), pp. 15-48.
15. Handcock, *See long as there comes no women*, pp. 219-242.
16. Shannon Ryan, *Fish Out of Water: The Newfoundland Salt Cod Trade 1814-1914* (St. John's: Breakwater, 1986), pp. xvii-xxiii, 39-61, 98. See also his "The Newfoundland Salt Cod Trade in the Nineteenth Century," in Hillier and Neary, *Newfoundland*, pp. 40-66.
17. David G. Alexander, "Development and Dependence in Newfoundland, 188-1970," p. 67, "Newfoundland's Traditional Economy and Development to 1934," pp. 19-30.

18. Gerald M. Sider, Culture and Class in Anthropology and History: A Newfoundland Illustration (Cambridge: Cambridge University Press, 1986), pp. 7, 22-23.

19. A short-hand entry into marxist thinking on merchant capital as a concept is John Weeks, "Merchant Capital," in Tom Bottomore, Laurence Harris, V.G. Kiernan, and Ralph Miliband, eds., A Dictionary of Marxist Thought (Cambridge, Mass.: Harvard University Press, 1983), pp. 332-33.

20. Sider, Culture and Class, p. 37.

21. Ibid., pp. 112-18.

22. Antler, "Colonial Exploitation," pp. 28-78. Steven Antler's view that merchants deconstructed nascent industrial capitalist relations in the fishery is echoed in Ellen P. Antler, "Fisherman, Fisherwoman, Rural Proletariat: Capitalist Commodity Production in the Newfoundland Fishery," PhD. thesis, University of Connecticut, 1981, pp. 3-35. Ellen Antler defined fishing families as proletarians because they did not fully control the sale of the commodities they produced to fish merchants, even though they controlled the means of production and received no wages.

23. Sider, Culture and Class, pp. 22-88.

24. Dobb, Studies, pp. 17-126.

25. Ibid., p. 127.

26. Paul Sweezy, "A Critique," in Hilton, The Transition, pp. 33-56.

27. Maurice Dobb, "A Reply," in Hilton, The Transition, pp. 57-67.

28. Kohachiro Takahashi, "A Contribution to the Discussion," in Hilton, The Transition, p. 96.

29. Rodney Hilton, "Capitalism - What's in a Name," in Hilton, The Transition, p. 153.

30. Dobb, Studies, pp. 7-8, 17-126.

31. The debate formed the essays in Hilton, The Transition.

32. J. Samuel Valenzuela and Arturo Valenzuela, "Modernization and Dependence: Alternative Perspectives in the Study of Latin American Underdevelopment," in Jose J. Villamil, ed., Transnational Capitalism and National Development (Sussex, Eng.: Harvester Press, 1979), pp. 31-

62.

33. Osvaldo Sunkel, "The Development of Development Thinking," in Villamil, Transnational Capitalism, pp. 19-30.

34. Frank, World Accumulation, pp. 16-44.

35. Frank, Dependent Accumulation, p. 44

36. Frank, World Accumulation, pp. 238-53.

37. Immanuel Wallerstein, Historical Capitalism (London: Verso, 1983), pp. 13-37.

38. Ibid., p. 39.

39. Immanuel Wallerstein, The Capitalist World-Economy (Cambridge: Cambridge University Press, 1979), pp. 5-19.

40. Wallerstein, The Modern World-System, I, pp. 15-24, 102-07.

41. Brenner's debate with a number of scholars on the importance and nature of class structure did not lead to any revision of his thesis, only to a reiteration. The exchange has been collected in Aston and Philpin, The Brenner Debate. Brenner states his position in his "Agrarian Class Structure and Economic Development in Pre-Industrial Europe," pp. 10-63, and "The Agrarian Roots of European Capitalism," pp. 213-327. Like Dobb before him, Brenner suggested that capitalism was the outcome of feudalism's rent crisis leading to differentiation based on wage labour among farmers. R.H. Hilton, in his "Introduction", pp. 1-9, suggested that the salient part of the Brenner debate emerged from Brenner's exchange with Guy Bois. Bois argued that feudal production laboured under technological limits, and suggested that class struggle and demographic crisis based on such limits continually acted as scissor blades cutting the feudal bonds between the aristocracy and serfs. Brenner suggested that any such attempt to explain historical change was a faulty technological determinism. See Bois, "Against the Neo-Malthusian Orthodoxy," pp. 107-18 and his The Crisis of Feudalism (Cambridge: Cambridge University Press, 1984).

42. Brenner, "Neo-Smithian Marxism," p. 27.

43. The tautological problems of Frank's attempt to explain the ultimate origins of capitalism do not nullify his contribution to understanding the role merchants played in the development of underdevelopment in colonial societies. For further criticisms of Frank and Wallerstein see Ian Roxborough, Theories of Underdevelopment (London and

Baringstoke: Macmillan, 1979), 59-55; Robert Miles' more recent study of the "anomalous necessity" of unfree labour-based societies to capitalist development purports to be a major departure from both Wallerstein's and Frank's work. He insists that the material or technological conditions of production in places like the Caribbean, Australia and South Africa have led to the integration of unfree labour into a capitalist world system in a manner very similar to world-systems analysis. See his Capitalism and Unfree Labour: Anomaly or Necessity? (London and New York: Tavistock, 1987), pp. 50-70, 196-225.

44. Frank, World Accumulation, p. 97.

45. Wallerstein, Capitalist World-Economy, p. 86.

46. Robert S. DuPlessis, "The Partial Transition to World Systems Analysis in Early Modern European History," Radical History Review, 39 (September 1987), pp. 20-6.

47. John J. McCusker and Russell R. Menard, The Economy of British America 1607-1789 (Chapel Hill: University of North Carolina Press, 1985), pp. 10-52, 206-348.

48. Franklin F. Mendels, "Proto-industrialization: The First Phase of the Industrialization Process," Journal of Economic History, 32 (March 1972), pp. 241-61. Hans Medick, "The proto-industrial family economy: the structural function of household and family during the transition from peasant society to industrial capitalism," Social History, 3 (October 1976), pp. 291-316.

49. Kriedte, Medick and Schlüßböhm, Industrialization before Industrialization, pp. 6-10, 23, 34-39, 50, 65.

50. Christopher Clark, "The Household Economy, Market Exchange and the Rise of Capitalism in the Connecticut Valley, 1800-1860," Journal of Social History, 13 (Winter 1979), pp. 174-5.

51. Kriedte, Medick and Schlumbohm, Industrialization before Industrialization, p. 34.

52. Alan K. Smith, "Where was the Periphery? The Wider World and the Core of the World-Economy," Radical History Review, 39 (1987), pp. 28-48.

53. Celso Furtado, Economic Development of Latin America (Cambridge: Cambridge University Press, 1970, 1976), pp. 45-6. Donald Denoon develops this interpretation in a much more extensive analysis in Settler Capitalism: The Dynamics of Dependent Development in the Southern Hemisphere (Oxford:

Church Press, 1983).

54. Eric Woolf, Europe and the People Without History (Berkeley and Los Angeles: University of California Press, 1982), pp. 352-53.

55. Elizabeth Fox-Genovese and Eugene D. Genovese, Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of Capitalism (New York: Oxford University Press, 1984), pp. 235-36.

56. Ibid., pp. 32-273.

57. Ibid., pp. 5-10.

58. Ibid., pp. 5-10.

59. Baldwin, "Patterns of Development in Newly-Settled Regions," pp. 165-66.

60. Ibid., pp. 167-75.

61. McNally, "Staple Theory as Commodity Fetishism: Marx, Innis and Canadian Political Economy," pp. 38-9. McNally as particularly critical of M.H. Watkins' "A Staple Theory of Economic Growth," Tom Naylor's "The Rise and Fall of the Third Commercial Empire of the St. Lawrence," in Gary Teeple, ed., Capitalism and the National Question in Canada (Toronto: University of Toronto Press, 1972) and The History of Canadian Business 1867-1914 (Toronto: Lorimer, 1975).

McNally later continued his criticisms in "Technological Determinism and Canadian Political Economy: Further Contributions to a Debate," Studies in Political Economy, 20 (Summer 1986), pp. 161-70. In a recent review of Wallace Clement and Glenn Williams, eds., The New Canadian Political Economy (Kingston and Montreal: McGill-Queen's University Press, 1989), and Gordon Laxer, Open for Business: The Roots of Foreign Ownership in Canada (Toronto: Oxford University Press, 1989), McNally has essentially abandoned his criticism of the staple model for a more direct attack on Canadian political economists' neglect of working-class struggle in their left-nationalist decrying of American control of the Canadian economy. See David McNally, "Political Economy without the Working Class?" Labour/Le Travail, 25 (Spring, 1990), 217-26. Glenn Williams's Not For Export: Toward a Political Economy of Canada's Arrested Industrialization (Toronto: McClelland and Stewart, 1983) is among the more prominent of the left-nationalist political economy school in Canada. Gordon Laxer's collection of essays, including many of the staple school, does significantly neglect the importance of working-class formation in the development of

Canada. See Gordon Laxer, ed., Perspectives on Canadian Economic Development: Class, Staples, Gender, and Elites (Toronto: Oxford University Press, 1991).

62. McNally, "Staple Theory," pp. 43-45. A critic of another blend of staple and class-based approaches to Canadian history, the work of H.C. Pentland, similarly suggests that the staple model ignores "the bulk of productive activity" (family production/petty production) in British North America in the age of staple production's dominance. The merchants involved in the capital accumulation of the staple trades did not employ the labour of these families, therefore the staple model does not explain "the transition to capitalism": how wage labour came to dominate productive relations in British North America. See Allan Greer, "Wage Labour and the Transition to Capitalism: A Critique of Pentland," Labour/Le Travail, 15 (Spring 1985), pp. 9, 21.

63. Watkins, "A Staple Theory of Economic Growth," pp. 54-5.

64. Ibid.

65. Gilmour, Spatial Evolution of Manufacturing, pp. 3-29, 96-112.

66. Leo A. Johnson, History of the County of Ontario 1615-1875 (Whitby, Ont.: The Corporation of the County of Ontario, 1973), see especially pp. 143-57.

67. Bryan D. Palmer, "Social Formation and Class Formation in North America, 1800-1900," in David Levine, ed. Proletarianization and Family History (London: Academic Press, 1984), pp. 235-36.

68. This passage demonstrates Palmer's interest in trying to understand how class experience and forms of economic activity have shaped each other, including economies dominated by staple trade, in the development of North American societies. His chapter sections on social formation in preindustrial Canada in Working-Class Experience: The Rise and Reconstitution of Canadian Labour, 1800-1980 (Vancouver: Butterworth, 1983), pp. 7-12, 60-67, remain one of the very few synthetic efforts by a Canadian historian to inform broader elements of social and working-class history with the insights of staple perspective.

Daniel Drache has attacked Palmer, along with G.S. Kealey, and even H.C. Pentland, for paying too much attention to an English Canadian working class he essentially sees as compradors of imperial and American interests' neo-colonial domination of Canada's resource-based economy. Drache

suggests that the strength of Central Canadian working-class formation actually signifies a larger fragmentation of working-class solidarity which can only be remedied by a strategically-placed resource/staple-based proletariat. See Drache, "The Formation and fragmentation of the Canadian Working Class: 1820-1920," Studies in Political Economy, 15 (Fall 1984), pp. 43-90.

Palmer's reply demonstrates that neither he nor Kealey examine a central Canadian working class without reference to other regions, overestimate the achievements of that part of the working class, and the ahistorical nature of any interpretation that suggests workers in staple industries are any more united or militant than others. See Bryan D. Palmer, "Listening to History Rather than Historians: Reflections on Working Class History," Studies in Political Economy 18 (Summer 1986), pp. 47-84.

69. Ommer, Outpost to Outport, pp. 190-99.

70. Rosemary E. Ommer, "Introduction," in Ommer, ed., Merchant Credit and Labour Strategies in Historical Perspective (Fredericton: Acadiensis Press, 1990), p. 10. Of particular interest in showing the role of merchant capital in contributing to development are the following essays in this volume: Douglas McCalla, "Rural Credit and Rural Development in Upper Canada, 1790-1850," pp. 255-272; Christopher Clark, "The Truck System in Nineteenth Century New England: an Interpretation," pp. 318-332; Gregory H. Nobles, "Merchant Middlemen in the Outwork Network of Rural New England," pp. 333-347.

71. See Daniel Vickers, "Merchant Credit and Labour Strategies in the Cod Fishery of Colonial Massachusetts," pp. 36-48; Rosemary E. Ommer, "The Truck System in Gaspé, 1822-77," pp. 49-72; David A. MacDonald, "They Cannot Pay Us in Money: Newmen and Company and the Supplying System in the Newfoundland Fishery, 1850-1884," pp. 114-128, in Ommer, Merchant Credit.

72. Patricia A. Thornton, "Dynamic Equilibrium: Settlement, Population and Ecology in the Strait of Belle Isle, Newfoundland 1840-1940," 2 Vols., Unpublished PhD. thesis, University of Aberdeen, 1979, pp. 1-112, 521-31.

73. Peter R. Sinclair's "Commentary" is on Thornton's "The Transition from the Migratory to the Resident Fishery in the Strait of Belle Isle," both in Ommer, ed., Merchant Credit, pp. 183-85 and 137-66 respectively.

74. See Handcock's Soe longe as there comes noe women, pp. 73-144 as well as his "English Migration to Newfoundland," pp. 15-48, along with Michael Staveland, "Population Dynamics

in Newfoundland: The Regional Patterns," pp. 49-76, Alan G. Macpherson, "A Modal Sequence in the Peopling of Central Bonavista Bay, 1676-1857," pp. 102-135, and Patricia Thornton, "The Demographic and Mercantile Basis of Initial Permanent Settlement in the Strait of Belle Isle," pp. 152-183, in Mannion, Peopling of Newfoundland.

CHAPTER TWO:
An Overview of Northeast-Coast Society and Polity
during the First Half of the Nineteenth Century

An introductory chapter is necessary to place the following seven thematic chapters in context. Although this thesis concentrates on the history of the northeast coast from 1785 to 1855, with special reference to Conception Bay, it does so through an examination of a series of themes. A rough narrative is preserved in individual chapters. At times, however, it was necessary to examine different aspects of the same historical phenomena in different chapters. The descriptive chronology of economic, social, and political development on the coast, as well as some discussion of the labour processes of the fishery, presented here will keep the following material in some organizational perspective.

The Fishery, Settlement and Economic Development

Fishermen made cod as a staple for merchant trade within the institutional matrix of the British Board of Trade and Plantations' policies for imperial development. The Board of Trade long regarded Newfoundland not as an object of settlement, but as an industry, the cod fishery, which provided a market for British manufactures and specie through the sale of salt cod in Iberian markets. Although the Newfoundland cod fishery was never the nursery for seamen required by the British navy, official belief that it was further entrenched

Board of Trade resistance to any developments which might suggest that the resident fishery was superseding the migratory fishery.¹ The Newfoundland cod trade was of far more actual importance in the direct employment migratory fishing provided for the surplus labour of West Country rural agricultural, artisanal and labouring households. Even more important was Newfoundland's complete dependence on the products of the West Country's artisan production of clothing, leather goods, foodstuffs, drink, fishing equipment, cordage, and nascent industrial-capitalist ship building and refitting. In addition, West Country merchants dominated the supply of Irish foodstuffs to the Newfoundland fishery.²

The migratory fishery did have several disadvantages which counterbalanced the economic linkages enjoyed by the West Country. Annual trips to Newfoundland caught merchants and fish producers in a cycle of winter refitting of ships and hiring of labour in the West Country, a late March-April sailing for Newfoundland to avoid ice, and arrival at Newfoundland in mid-May for a scramble to find fishing rooms, build or repair stages, flakes and buildings. Only during a much-shortened fishing season from June through August could fishermen actually catch and cure fish, only to cut off the season abruptly to make the September-October rendez-vous for a return trip to Europe to avoid the bad weather of a late-fall Atlantic crossing. Migration in the fishery further caused merchants and fishermen to leave behind their immov-

able shore-based capital each season without security or protection. The trans-Atlantic fishery was also vulnerable to the depredations of England's enemies in the many wars of the eighteenth century.³

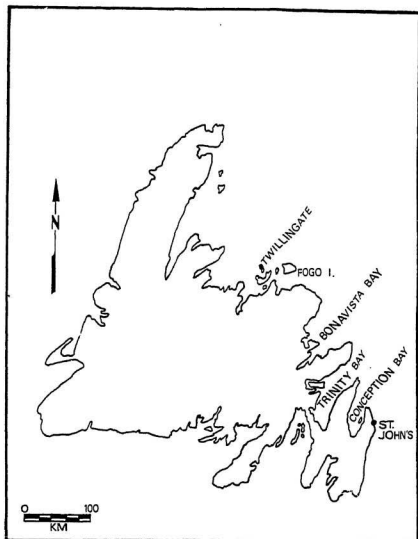
Settlement at Newfoundland became the West Country merchants' solution to the problems of the migratory fishery. As early as the seventeenth century merchants from London and Bristol supported proprietary colony schemes in the belief that a resident fishery at Newfoundland would lengthen the fishing season, cut down on the risks of trans-Atlantic crossings, allow fish to be stored at Newfoundland to await better market conditions in Europe, and allow fish producers to lower the overhead costs of the fishery by finding some of their own subsistence in local cultivation and timber resources.⁴ The proprietary colonies provided an important basis for Newfoundland's permanent population. John Guy established in 1610 the first European winter residence in Newfoundland since the Vikings.⁵ Guy represented a consortium of Bristol and London capital interested in carving a niche in the fish trade through permanent residence at Newfoundland based on summer fishing in combination with winter fur trading and hunting. Guy and his backers found that only the fishery provided profitable commodities for trade. Although West Country merchants proved hostile to Guy's attempt to monopolize the best shore facilities for the fishery, the Cupids colony failed because the colony's costs

outran its profits. Newfoundland's landward resources could not support the colonial aspirations of the proprietors. West Country merchants, like the proprietors, appreciated the advantages of having fishermen live year-round at Newfoundland, but could not accept local proprietary property regulations which injured their trade.⁶

The people who remained behind after the failure of the Cupids, and other, proprietary schemes served as a nucleus around which later permanent settlers gathered. Little evidence exists to confirm that particular settlers persisted at Cupids, but by 1675 nuclear families had settled at Harbour Grace. The coast of Newfoundland north of Cape St. Francis, including Conception Bay and the outer tips of the arms forming Trinity and Bonavista Bays (and later the islands of Fogo and Twillingate) constituted part of the area of English settlement known as the English Shore [see Figure 1]. Settlement proceeded by a process of in-migration and out-migration, with little permanent growth stemming from the first settlers: mobility and population turnover were the order of the day.⁷

The 1720s witnessed the expansion of settlement northward into the islands of Fogo and Twillingate in Notre Dame Bay. The northward expansion of settlement was distinct from that of the south coast of the English Shore in that it was based on Poole merchant-sponsored settlers' experiments in combining fur trapping, sealing and some ship-building with

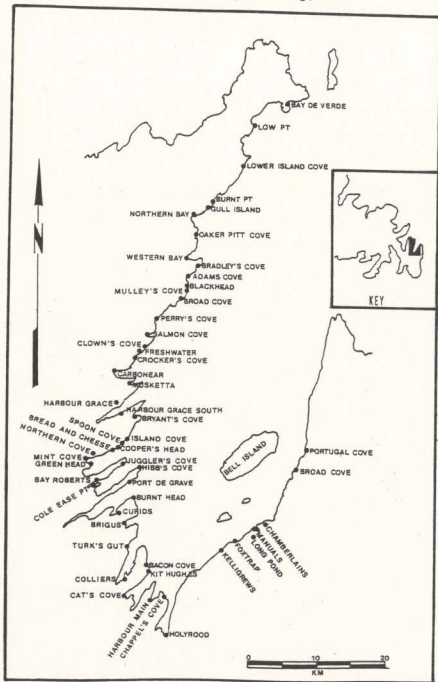
Figure 1
Newfoundland



the inshore fishery. To the south expansion rested primarily on the more capital-intensive exploitation of the fishing banks which lay in close proximity to the south shore. The growth in settlement accompanied the decline in the migratory fishery during the eighteenth century. While the migratory fishery dominated the first half of the century, the second part of the century increasingly belonged to the resident fishery. The Seven Years' War (1756-63) and the American Revolutionary War (1775-83) occasioned serious disruptions in the migratory fishery which, despite interwar attempts to revitalize the migratory fishery by government, encouraged the resident fishery.⁸

Conception Bay was a region of early, rapid permanent settlement. The bay had a well-established population by the 1740s, and to the 1770s contained between 35-40 per cent of Newfoundland's total population. Most settlement clustered between Carbonear and Harbour Main, an area marked by "fishing and farming conveniences ... unrivalled in the Newfoundland context." Settlers were mostly Protestant English, with the exception of strong Catholic Irish communities in Harbour Grace, Carbonear, Brigus and Harbour Main. Conception Bay, by 1805, had a much larger population, "generational depth and demographic maturity" than did the settlements of Trinity, Bonavista and Notre Dame Bays [see Figure 2]⁹. Settlement in these latter areas followed the earlier pattern established in Conception Bay.

Figure 2
Settlements in Conception Bay, 1805

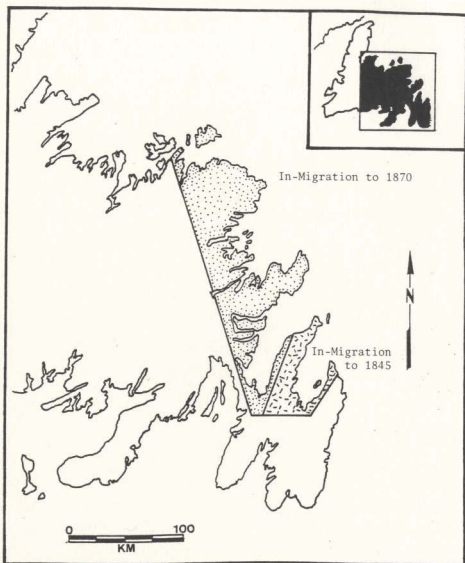


Harbours with good shelter, shore facilities, seal and salmon resources, water and timber, and close to good fishing grounds, like Trinity, Bonavista, Greenspond, Fogo and Twillingate, became first-settled areas from which settlement spread out into the bays along the northeast coast. British migrants settled in the older, larger settlements, while later generations of Newfoundlanders, the demographic spill-over, pioneered the secondary, less well-endowed areas. Merchants' expanding exploitation of the resident fishery facilitated settlement expansion, their premises serving as the nodal points around which settlements grew. Only Conception Bay, by the end of the eighteenth century, had advanced demographically to the point at which it could supply planters' labour requirements locally, and actually began to see the migration of some of its people up the northeast coast as a result of increasing population pressure on the local resource base. The growth of the seal and Labrador fisheries allowed Conception Bay to support a larger population than local resource would otherwise allow, but still many people left there to settle on other parts of the northeast coast.¹⁰ Michael Staveley's examination of settlement stages in Newfoundland suggests that only Conception Bay, by 1845, along with the other communities of the old English Shore, had reached the point at which out-migration superceded in-migration. The rest of the northeast coast received some of Conception Bay's surplus population until

about 1870, when Trinity, Bonavista and Notre Dame Bays could no longer contain their own natural increase, let alone immigrants [see Figure 3].¹¹ Alan Macpherson's study of Bonavista Bay suggests that the migrations which filled up that bay were family affairs, as first settlements exhausted local resources, family members would branch out to new areas, allowing outsiders to join their settlements only through intermarriage. When an area's resources could no longer support population growth, families sent out their surplus to even newer settlements, the remainder forming tightly-knit communities which did not allow nonfamily people access to their resources.¹²

The fishing people who settled the northeast coast discovered that Newfoundland's climate and soil-based resources were not amenable to supporting, on their own, a resident population, let alone an economy much diversified beyond the cod fishery. The area of Newfoundland exploited by British fishermen is tundra woodland, having more in common with the ecology of other tundra regions to the north than with other regions more supportive of agricultural activity in North America.¹³ Newfoundland's topography does not lend itself to large-scale agriculture. The terrain is broken by many steep slopes, making extensive clearing and cultivation of the land difficult. Recent glaciation (the last ice sheets retreated only about 7,500 years ago) left behind a coarse, stony soil. This soil has little workable

Figure 3
Northeast Coast Demographic Zones



depth and is very acidic. The small areas of land that do have much agricultural potential are scattered widely throughout the Avalon and Bonavista Peninsulas. Even in these places, Newfoundland's extremely variable, and harsh weather, further restricts agricultural potential.¹⁴ As Ralph Pastore's work on the Beothuk suggests, Newfoundland's landward resources were not alone sufficient to support a human population during the eighteenth and nineteenth centuries. Economic activity had to combine reliance on both the land and the sea. In the case of the Beothuk, exclusion from the sea by the arrival of the European fishery led ultimately to extinction.¹⁵

Conception Bay, the earliest settled part of the northeast coast, possessed some of Newfoundland's most favourable climatic and soil conditions. The southern shore of the bay, from Carbonear south, was sheltered by the northern shore from the chilling effects of prevailing westerly winds. Furthermore, these winds, in their muted form, kept at bay the harsher aspects of the weather which could blow in from the North Atlantic. Finally, the soil and timber of Conception Bay was generally better than that of most other areas of settled Newfoundland in the period under study.¹⁶

Conception Bay's advanced demographic and economic development makes it the obvious choice of study area for understanding the problems of capital accumulation in the

northeast-coast fishery. If one is going to study merchants' inhibition of developing agriculture as an alternative to their monopoly in the fishery, for example, it makes sense to study the area in which agriculture had the greatest chance of succeeding. Harbour Grace was the region's major town and an important headquarters for many of Conception Bay's merchants. It was also the seat of the various courts which took on much of the functions of local government in the pre-representative government period. Early settlement and government development means that Conception Bay's history has left behind a relatively rich residue of sources: a combination of government correspondence, newspapers, missionary records, and court records exist for that area which are not available to the same extent for the other parts of the northeast coast. Where possible, this thesis integrates material to suggest that the other parts of the northeast coast shared many of the developments which occurred in Conception Bay.

There is a more important reason for studying the developmental problems of Conception Bay from 1785 to 1855. Gerald Sider, the main proponent of underdevelopment as a function of the conservatism of merchant capital, ignored the area, seeing it as a largely urban center which did not fit his model of fishing-outport development.¹⁷ Yet, from the early work of Innis to the more recent study by Shannon Ryan, historians of Newfoundland have known that Conception Bay

experienced the development of a planter fishery of expanded scale beyond that of the inshore family fishery. The French Shore and Labrador fisheries, in combination with sealing, allowed some Conception Bay planters to employ more capital, in the form of schooners and supplies for a local migratory fishery, and hire more labour, in a limited combination of wages and shares, than did other fishermen of the northeast coast.¹⁸ If we are to understand the problems of capital accumulation in the planter fishery, particularly in relation to merchant capital, then it makes sense to study the region in which planters had the best, not the least, chance of challenging the hegemony of merchant capital.

Conception Bay's resident economy and society finally squeezed out the English migratory fishery as a result of the conjoint influences of the American Revolutionary War and the Napoleonic Wars. Prior to 1775, resident Newfoundlanders did not bother much with local agriculture, relying instead on food largely imported from New England. The loss of these imports after 1775 forced many residents, particularly in Conception Bay, to turn to local cultivation, no matter how limited. At the same time, the war disrupted the migratory fishery, leading merchants increasingly to rely on residents for their articles of commerce.¹⁹

The American colonies' successful establishment of independence further encouraged the resident population at Newfoundland by inhibiting their out-migration to what had

become the United States. With the loss of the New England trade, merchants turned to the West Indies for cod fish markets. Despite these developments, the migratory fishery revived after 1783. The Americans proved able competitors with Newfoundlanders in international cod fish markets, and the resident population in Newfoundland did not really begin to grow again until 1807-08 when fish markets improved for Newfoundlanders as a result of the American Embargo Act and the British invasion of Spain opened its markets to Newfoundland fish.²⁰

The War of 1812 further disrupted the Americans' ability to compete with Newfoundland fish. This intensified the encouragement of resident society and economy which resulted from the disruption of the migratory fishery caused by the wars with the French which began in 1793. Not only was French production disrupted, but British production also dropped, probably because of merchant reluctance to invest much capital during the uncertain times of the early war years. The fishery again increasingly became a resident one, although not marked by prosperity given the loss of some European markets in the early years of the war, as well as American competition. While the Americans did initially purchase Newfoundland fish to sell in both European and West Indies markets, the 1807 embargo and the opening of the peninsular markets saw better markets and prices for residents' fish. Through the latter war years, the prices for

Newfoundland fish continued to rise [see Table 1]²¹, encouraging the growth of the resident fishery despite being paced by rising provisions and wage costs. The availability of Irish labour during the war years helped to offset planters' wage costs, while the British navy's labour recruitment in West Country ports further discouraged the migratory fishery. The exclusion of ships involved in the Newfoundland fishery from The Passenger Act of 1803 allowed Irish servants of little capital to migrate to Newfoundland without having to face the regulations which demanded relatively expensive minimum accommodation standards and maximum passenger numbers.²²

The Irish had been developing as an increasingly important supply of labour for the Newfoundland fishery since the 1720s and 1730s when West Country merchants began to call at Waterford and Cork for provisions to trade in the island. The Irish, more so than English fishermen, tended to become year-round residents of Newfoundland. Famine and trade depression in Ireland, in addition to wars' increasing demand on the English West Country labour supply lay behind the Irish propensity to settle at Newfoundland. Irish servants could find ample employment opportunities and food in Newfoundland relative to what existed at home.²³

Until 1800 the Irish dominated the migration of servants to Conception Bay, prominent only in particular communities in the other bays of the northeast coast: Tilting Harbour,

Table 1

Prices for Salt Cod at Newfoundland, 1796-1820

Year	Price*
1796	-----
1797	12/0 to 13/6
1798	-----
1799	-----
1800	-----
1801	14/6 to 22/6
1802	-----
1803	12/0 to 15/0
1804	10/6 to 16/6
1805	10/0 to 14/6
1806	-----
1807	8/8 to 13/6
1808	9/0 to 14/6
1809	9/6 to 13/6
1810	8/0 to 14/6
1811	11/6 to 22/0
1812	11/0 to 22/6
1813	24/0 to 32/0
1814	14/6 to 24/6
1815	14/0 to 21/0
1816	9/0 to 15/0
1817	8/0 to 14/0
1818	10/0 to 17/0
1819	9/0 to 17/0
1820	9/0 to 14/0

* Prices given in shillings/pence.

Fogo, Gooseberry Islands, and Bonavista. Irish servants intermarried with the families of their English masters, becoming the culturally dominant group where they settled in the process. The Irish settled in places settled first by English planters except for some places like Port de Grave and Bay Roberts, but the greater propensity of Irish women to emigrate than their English counterparts ensured that the Irish would ultimately dominate the communities where they settled.²⁴

Keith Matthews suggested that little difference existed between Irish and English settlers' propensity to become planters or servants, except between 1811 and 1820 when war-induced prosperity in the seal and north shore fisheries attracted many to Conception Bay ports prominent in them to satisfy the increased demand for labour. Harbour Grace and Carbonear became the main settlement areas for the Irish servants. Post-war depression hurt these relatively propertyless people more than other Newfoundlanders, making them likely followers for a growing Reform agitation for constitutional change.²⁵ Philip Henry Gosse (clerk to the Carbonear firm Slade, Elson & Co.), in describing Conception Bay in the early 1830s, suggested that English Wesleyan Methodists dominated the planters of Conception Bay's family-based inshore fishery on its north shore, while Irish Roman Catholics dominated the more servant-based fisheries of the Harbour Grace-Carbonear area. Gosse noted that the Irish and

English settlers did not get along together.²⁶

Although economic depression followed on the heels of war's end in 1815, the prosperity of the war years encouraged merchants and planters to invest capital in the fishery. War with the French saw their temporary exclusion from the French Shore [see Figure 4]²⁷. Many fishermen, especially from Conception Bay, engaged in a migratory fishery aboard schooners to fish the waters between Quirpon and Cape St. John by 1798. The end of the war saw fishing rights in this area returned to the French, while fishermen from the northeast coast redirected their schooners to the Labrador coast. By the early 1820s French reassertion of their treaty rights confined Newfoundland schooners to the Labrador fishery alone [see Figure 5]²⁸. Floaters, fishermen who lived on board their schooners while fishing, brought their fish back to Conception Bay for processing, while stationers established shore bases from which to conduct an inshore fishery much as they would back home. Through the first half of the nineteenth century the size and importance of the Labrador fishery grew as a vent for the increasing population of Conception Bay, although its product was cheaper and inferior in quality to that produced at home. On its own, the Labrador fishery was not a viable industry, existing primarily as a means to employ schooners during the seal fishery's off-season.²⁹

The seal fishery encouraged the resident population

Figure 4

The French Shore of Newfoundland

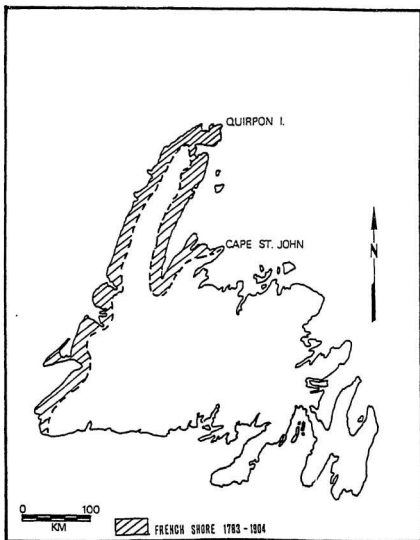
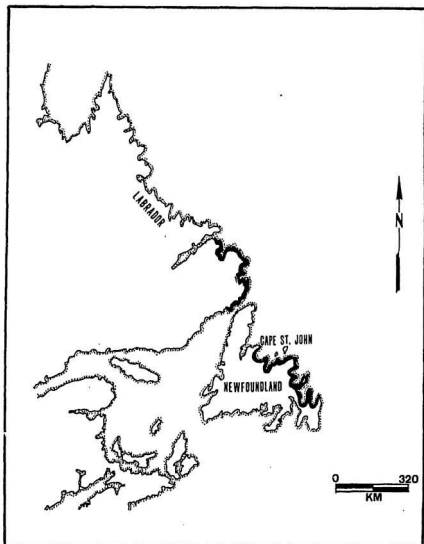


Figure 5

Fishing Area Exploited by Northeast-Coast Residents,
Excluding the French Shore



during the Napoleonic war years. Seals could only be harvested in Spring when ice flows drifted down the north-east-coast, carrying on them large herds of seals.³⁰ The early seal fishery had been a small-scale affair, conducted either by men from shore, or in inshore waters on the same small craft used in the inshore fishery. The harp seals' habit of breeding in large congregations on offshore ice encouraged investment in schooners with which planters and servants could go to the herds and harvest the white-coated pups whose hides, but particularly fat, was of the highest value shortly after birth in both quantity and quality. Schooners provided residents with access to the herds free from reliance on weather and ocean currents to bring the ice inshore.³¹

Throughout the first half of the nineteenth century, the outfitting and earnings of the seal fishery served as an important stimulant to the northeast coast, although primarily Conception Bay, economy. The growth of the seal fishery in the early 1830s employed increasing numbers of ships and men. The need to keep capital employed year-round, ensured the growth of the Labrador fishery as a summer employment for the increased number of schooners used by merchants and planters in the seal fishery. Through the early 1840s the seal fishery boomed while the cod fishery lay in depression. After the 1860s, with the advent of costly steam technology, Conception Bay lost its dominion over the seal fishery to St.

John's merchants with their greater supplies of capital.³²

While Newfoundland historiography has established that the northeast-coast seal fishery both grew and became increasingly important to the local economy during the first half of the nineteenth century, the question of capital accumulation within the industry is still an open question. Only Linda Little has made an attempt to study schooner ownership. Planters and merchants owned shares in vessels, each schooner being divided into 64 shares. Only nine per cent of the planters who mastered schooners owned 64 shares, or the equivalent of one schooner, while thirty-three per cent owned no shares at all.³³ Schooner owners and planters were not always the same people, and little evidence has been presented to suggest that planters, rather than merchants, enjoyed the profits earned during a successful voyage.

There is consequently reason to doubt Phillip Henry Gosse's early 1830s observation that most Carbonear planters owned their sealing schooners (Gosse was the clerk of Slade, Elson & Co., one of the largest merchant houses in Carbonear). In any event Gosse's description of the seal fishery and Labrador fishery's outfit suggests that merchants could use the credit manipulations of truck to minimize planters' capital accumulation in the industry. Both servants and planters in the two fisheries outfitted themselves on the merchants' credit. In the seal fishery servants took one half of the proceeds as their wages, while the

owner(s) took the other half as their own. Out of that half planters would have to settle their own credit with their merchants.³⁴

Statistics gathered by the governors about the Newfoundland fisheries and population allow some numerical measure of the changes brought about by the rise of the resident fishery from 1775 to 1833.³⁵ A number of measures can be used to follow the growth of the resident fishing population. Governors' returns for the fishery included population figures for people who stayed at Newfoundland only for the summer as well as those who wintered in Newfoundland. W. Gordon Handcock notes that the winter population contained a significant number of migrants until the nineteenth century, making it an unsatisfactory "single parameter" of the permanent population. Instead, Handcock suggests that the number of women and children be used as an index of permanence. Handcock's index, calculated by adding the total number of wintering females with an equal number of males, and adding the enumerated children (or $2F+C$), gives an approximate measure of the northeast coast's permanent population.³⁶ The northeast coast's total permanent population increased from an estimated 3922 inhabitants in 1776 to 23,852 in 1833. In all areas except Fogo-Twillingate, the northeast-coast permanent population grew steadily to 1825, when it began to fluctuate by alternately decreasing and increasing for no apparent reason. Conception Bay did

experience a large increase in its population relative to the other regions from 1795 to 1802, when its population jumped from 3,994 to 5,149. Trinity Bay's population actually decreased from 1,484 in this period to 1,152 [see Table 2].³⁷

The northeast coast experienced a fluctuating, although generally slow and steady, population increase from 1776 to 1833, although the percentage share of the total population held by each part of the northeast coast changed. Conception Bay, in 1776, contained by far the largest proportion of the northeast coast's population (76 per cent) compared to Trinity Bay (21 per cent), Bonavista Bay (2 per cent), and Fogo-Twillingate (1 per cent). Conception Bay's share dropped steadily to 67 per cent in 1806, while the share of the other areas all increased steadily. The prosperity of the mid-war years saw Conception Bay's population rebound in 1808 to 71 per cent, but then it began to steadily decrease until 1828. This trend reflects Conception Bay's place as the first area of northeast-coast settlement, distinguished from the other northeast-coast bays which persisted as settlement frontiers for a much later period. Conception Bay's total share of the estimated permanent population never fell below 48 per cent over the entire period [see Table 3].

TABLE 2*

Estimated Permanent Population, Northeast Coast, 1776-1833

Year	Con. Bay.	Trin. Bay	Bon. Bay	Fogo-Twil.	Total
1776	2960	837	82	43	3022
1778	3100	751	100	51	4002
1785	2561	850	148	163	3722
1786	2766	882	121	205	3974
1787	3504	914	634	277	5329
1788	3411	950	657	292	5310
1789	3431	1141	410	218	5200
1790	3180	1156	581	227	5144
1791	3282	1176	652	296	5404
1795	3994	1484	765	347	6590
1802	5149	1152	846	520	7667
1803	5057	1260	724	270	7311
1804	5347	1110	774	830	8061
1805	5347	1055	826	842	8070
1806	6130	1202	940	881	9153
1807	6130	1202	940	881	9153
1808	7172	1245	802	960	10179
1809	6148	1389	772	460	8769
1812	6696	1928	1154	997	10775
1813	6940	1923	1243	1029	11135
1814	7000	2060	1162	1217	11439
1815	7270	2408	1399	878	11895
1816	7780	2500	1520	1289	13089
1817	7880	2493	1526	1289	13188
1818	7100	2496	1581	1350	12527
1819	7210	2577	1760	1415	12962
1820	7380	2750	1935	1797	13902
1821	7680	3082	1915	1797	14474
1822	7820	2935	2176	1917	14848
1823	0490	3131	2410	1948	15929
1825	8770	3448	2554	2029	16801
1826	6830	3446	2490	1486	14254
1827	9865	3543	2659	2182	18249
1828	14393	4062	2548	2850	23852
1830	14393	4062	2548	2850	23852
1831	14393	4062	2548	2850	23852
1832	14393	4062	2548	2850	23852
1833	14393	4062	2548	2850	23852

*See endnote 35 for a discussion of the problems in using this CO 194 data.

TABLE 3

Percentage of the Total Estimated Northeast-Coast
Population by Area, 1776-1833

Year	Con. Bay	Trin. Bay	Bon. Bay	Fogo-Twil.
1776	76	21	2	1
1778	77	19	3	1
1785	69	23	4	4
1786	70	22	3	5
1787	66	17	12	5
1788	64	19	12	5
1789	66	22	8	4
1790	62	23	11	4
1791	61	22	12	5
1795	61	22	12	5
1802	67	15	11	7
1803	69	17	10	4
1804	66	14	10	10
1805	66	14	10	10
1806	67	13	10	10
1807	67	13	10	10
1808	71	12	8	9
1809	70	16	9	5
1812	62	18	11	9
1813	62	17	12	9
1814	61	18	10	11
1815	61	20	12	7
1816	59	19	12	10
1817	59	19	12	10
1818	57	20	13	10
1819	55	20	14	11
1820	53	20	14	13
1821	53	21	13	13
1822	52	20	15	13
1823	53	20	15	12
1825	52	21	15	12
1826	48	24	17	11
1827	54	19	15	11
1828	60	17	11	12
1830	60	17	11	12
1831	60	17	11	12
1832	60	17	11	12
1833	60	17	11	12

This thesis, and the historiography of Newfoundland in this period, accepts that the household was the dominant unit of production in the inshore fishery during the late eighteenth and early nineteenth centuries. The total number of households listed for each of the four regions of the northeast coast in the governors' returns shows a similar trend of gradual increase to that of the estimated permanent population between 1776 and 1833. Only Bonavista Bay and Fogo-Twillingate depart from this trend in a more fluctuating level of households. [see Table 4].

Large gaps in the data do not allow any description of trends in the amount of land improved by households on the northeast coast. In keeping with descriptions of Conception Bay as having the best agricultural land in the region, its households averaged from a 1785 high of 8.3 acres per household to a low 1.3 per household in 1830. These are much higher than Trinity Bay's highest average of 1 acre per household in 1788, and its low 0.1 acre per household in both 1790 and 1791. Bonavista enjoyed a larger high of 2.3 per household in 1785, generally having more acres per household than Trinity Bay, but still much less than Conception Bay throughout the period. Fogo-Twillingate, a series of, for the most part, barren islands had only 0.2 to 0.4 acres per household improved, but often having so little that the governors' census returns listed the land as "some potato gardens" [see Table 5].

TABLE 4

Total Number of Households, Northeast Coast, 1776-1833

Year	Con. Bay	Trin. Bay	Bon. Bay	Fogo-Twil.	Total
1776	364	213	89	20	686
1778	NA*	NA	NA	NA	NA
1785	416	226	43	60	745
1786	560	231	56	59	906
1787	689	231	168	64	152
1788	688	235	170	78	171
1789	623	276	146	81	1126
1790	623	276	187	87	1173
1791	615	276	190	84	1165
1795	621	351	224	66	1262
1802	1079	359	318	60	1816
1803	1054	359	211	84	1708
1804	1082	306	280	171	1839
1805	1082	372	198	174	1826
1806	1123	409	250	172	1954
1807	1123	409	250	172	1954
1808	1177	404	400	123	2104
1809	1075	506	320	78	1979
1812	1155	521	343	96	2115
1813	1164	521	357	244	2286
1814	1173	547	377	292	2389
1815	1195	596	403	260	2454
1816	1247	608	355	310	2520
1817	1218	593	408	310	2529
1818	1198	594	428	290	2510
1819	1212	602	457	338	2609
1820	1271	677	468	NA	NA
1821	1621	707	499	NA	NA
1822	1660	642	521	380	3203
1823	1660	727	532	382	3301
1825	1669	544	564	392	3169
1826	1784	681	582	424	3471
1827	1821	698	582	428	3529
1828	1850	776	NA	527	NA
1830	1970	815	NA	NA	NA
1831	1250	723	721	559	3253
1832	1314	830	NA	534	NA
1833	1318	835	536	536	3225

* NA = Data not available

TABLE 5

Improved Acres per Household, Northeast Coast, 1776-1833

Year	Con. Bay	Trin. Bay	Bon. Bay	Fogo-Twil.
1776	1.8	3.1	NA*	NA
1778	NA	NA	NA	NA
1785	8.3	0.8	2.3	NA
1786	6.5	0.9	NA	NA
1787	7.5	0.9	0.3	0.4
1788	6.2	1.0	0.2	0.4
1789	3.6	NA	NA	0.4
1790	3.6	0.1	0.1	0.2
1791	3.7	0.1	0.1	0.2
1795	4.5	NA	NA	NA
1802	2.8	NA	NA	SPG**
1803	3.8	NA	NA	SPG
1804	NA	NA	NA	SPG
1805	NA	NA	NA	SPG
1806	NA	NA	NA	SPG
1807	NA	NA	NA	SPG
1808	NA	NA	NA	SPG
1809	NA	NA	NA	SPG
1812	2.7	NA	0.2	0.2
1813	2.7	NA	0.3	SPG
1814	2.8	NA	0.3	SPG
1815	2.7	NA	0.3	SPG
1816	2.8	NA	0.4	SPG
1817	3.1	NA	0.4	SPG
1818	3.2	NA	0.5	SPG
1819	3.2	NA	0.5	SPG
1820	3.0	NA	0.6	NA
1821	2.3	0	0	NA
1822	2.7	0.4	1.0	0.3
1823	2.5	0.4	1.2	0.3
1825	2.7	0.5	1.4	0.3
1826	2.8	0.4	1.5	0.3
1827	3.1	0.5	1.5	0.3
1828	3.5	0.5	NA	0.3
1830	1.2	0.5	NA	NA
1831	2.4	0.6	NA	NA
1832	3.8	0.5	NA	0.3
1833	6.1	0.5	0.7	0.3

* NA = data not available

** SPG = some potato gardens

Bonavista Bay stands out from the other areas of the northeast coast in terms of class formation, suggesting that the bay's deep coves, inlets and islands were the coast's most extreme settlement frontier, not the more accessible, although more northerly islands around Fogo and Twillingate. To estimate the number of households which probably depended on employment by others for their income as opposed to engaging in independent production, the total number of masters given for each of the areas was subtracted from the total number of households to estimate the total number of households which could be possibly termed proletarian or proto-proletarian. The results suggest that in the years between the American Revolutionary War and the Napoleonic wars the number of such households decreased in Conception Bay, increasing with the employment opportunities of the late Napoleonic war years, and then decreasing to zero in the post-war recession. The number of possibly proletarian households increased from 1821 to 1827, but again fell to zero in 1828, the year in which the governors' returns indicated that all the schooners employed in the north-shore fishery went to Labrador, the more profitable French Shore becoming again largely closed to Conception Bay schooners. While Trinity Bay alone had 19 households which could possibly be described as proletarian in 1833, and the two remaining areas joined Conception Bay in having none, it was Bonavista Bay that usually had much larger absolute numbers

and percentages of these households in the period. This trend was erratic, Conception Bay at times having higher absolute numbers of proletarian households, but Bonavista Bay almost always surpassed the other areas of the northeast coast in the percentage of its total households which were probably not characterized by independent production [see Table 6].

Bonavista Bay stood out from its neighbours in its ratio of masters to households. While Conception Bay and Trinity Bay hovered around one master per household to 1827, Bonavista Bay generally ranged from two to five masters for every ten households, or, at best, one master for every two households before 1827, with the exception of 1785. Fogo-Twillingate varied between Bonavista Bay and its neighbours in an erratic fluctuation [see Table 7]. The greater potential for proletarian household formation is in keeping with seeing Fogo-Twillingate and Bonavista Bay as settlement frontiers still dominated by the need for migratory servants and merchants' direct employment of servants in the fishery.

The nature of most planters' class relationships changed with the growth of settlement in the fishery. Grant Head's work suggests that masters required between six and seven servants per boat in the seventeenth century.³⁸ A planter in 1770 was typically the employer of an average of five servants. The end of the migratory fishery witnessed the decline in servants as resident planters came to rely more on

TABLE 6

Total Number of Possible Northeast-coast Proletarian Households, including Percentage of Total Households, 1776-1833

Year	Con. #	Bay %	Trin. #	Bay %	Bon. #	Bay %	Fogo-Twil. #	%
1776	0	0	58	27	67	75	0	0
1785	211	51	49	22	6	14	14	23
1786	195	35	54	23	36	64	15	25
1787	0	0	54	23	93	55	14	22
1788	0	0	64	27	76	45	25	32
1789	0	0	98	36	82	56	12	15
1790	36	6	98	36	100	53	13	15
1791	57	9	98	64	99	52	1	1
1795	128	21	103	29	156	70	5	8
1802	0	0	95	26	251	79	0	0
1803	58	6	91	25	129	61	4	5
1804	32	3	35	11	177	63	42	25
1805	32	3	93	25	101	51	37	21
1806	38	3	104	25	175	70	1	1
1807	38	3	104	25	175	70	1	1
1808	57	5	93	23	330	83	0	0
1809	27	3	181	36	220	69	0	0
1812	205	18	58	11	211	62	0	0
1813	224	19	51	10	219	61	31	13
1814	273	23	27	5	221	59	78	27
1815	215	18	2	0	246	61	6	2
1816	197	16	2	0	165	46	0	0
1817	0	0	2	0	221	54	0	0
1818	0	0	2	0	231	57	0	0
1819	0	0	2	0	248	58	22	8
1820	0	0	2	0	246	54	0	0
1821	121	7	0	0	239	48	0	0
1822	260	16	0	0	275	53	24	6
1823	250	15	21	2	327	61	20	5
1825	249	15	0	0	336	60	23	6
1826	349	20	95	14	322	55	0	0
1827	364	20	107	15	322	55	0	0
1828	0	0	0	0	0	0	0	0
1830	0	0	0	0	0	0	0	0
1831	0	0	0	0	0	0	0	0
1832	0	0	14	2	0	0	0	0
1833	0	0	19	2	0	0	0	0

TABLE 7

Total Number of Masters per Household, Northeast Coast,
1776-1833

Year	Con. Bay	Trin. Bay	Bon. Bay	Fogo-Twil.
1776	1.3	0.7	0.2	1.2
1778	NA*	NA	NA	NA
1785	0.5	0.8	0.9	0.8
1786	0.7	0.8	0.4	0.7
1787	1.2	0.8	0.4	0.8
1788	1.1	0.7	0.6	0.7
1789	1.3	0.6	0.4	0.9
1790	0.9	0.6	0.5	0.9
1791	0.9	0.6	0.5	1.0
1795	0.8	0.7	0.3	0.9
1802	1.0	0.7	0.2	2.2
1803	0.9	0.7	0.4	1.0
1804	1.0	0.9	0.3	0.8
1805	1.0	0.8	0.5	0.8
1806	1.0	0.7	0.3	1.0
1807	1.0	0.7	0.3	1.0
1808	1.0	0.8	0.2	1.4
1809	1.0	0.6	0.3	1.4
1812	0.8	0.9	0.4	1.9
1813	0.8	0.9	0.4	0.9
1814	0.8	1.0	0.4	0.7
1815	0.8	1.0	0.4	1.0
1816	0.8	1.0	0.5	2.1
1817	1.2	1.0	0.5	2.2
1818	1.1	1.0	0.5	1.5
1819	1.3	1.0	0.5	1.0
1820	1.2	1.0	0.5	NA
1821	0.9	1.1	0.5	NA
1822	0.8	1.1	0.5	0.9
1823	0.8	1.0	0.4	0.9
1825	0.9	1.4	0.4	0.9
1826	0.8	0.9	0.4	1.0
1827	0.8	0.8	0.4	1.0
1828	1.5	1.1	NA	1.1
1830	1.4	1.0	NA	NA
1831	2.2	1.1	1.0	1.0
1832	2.1	1.0	NA	1.1
1833	2.1	1.0	1.3	0.9

* = Data not available

family labour.³⁹ The governor's description of the fishery in 1810 suggests that a master who could hire all of his servants would have between about five and seven servants: a master of the voyage and splitter, salter, header, and fishermen (the number of these varying with the size of the boat).⁴⁰ Again, only in Bonavista Bay did masters employ an average higher than the minimum of five, and often averaged much higher than the maximum of seven, servants which both contemporaries and historiography suggests masters required to conduct a fishery. After 1790, Trinity Bay and Conception Bay masters averaged fewer servants employed in the fishery than the estimated five to seven required for a fishing voyage. Fogo-Twillington followed the Conception and Trinity Bays servant-per-master trend after 1791. By 1833, all parts of the northeast coast had low employed-servant-to-master ratios. This suggests that use of family labour in household production was well established in all parts of the northeast coast by the late eighteenth century. Bonavista Bay's exception to this rule again suggests viewing it as the coast's last settlement frontier [see Table 8].

The distribution of property among northeast-coast households indicates that considerable room for differentiation among household producers may have existed in the inshore fishery. Conception Bay rarely averaged more than one fishing stage for every two households between 1776 and 1833. In the years of post-1815 depression the ratio dropped

TABLE 8:

Total Number of Employed Male Servants
per Household, Northeast Coast, 1776-1833

Year	Con. Bay	Trin. Bay	Bon. Bay	Fogo-Twil.
1789	2.3	6.6	12.1	11.2
1790	3.7	5.1	13.9	8.8
1791	4.0	2.5	9.5	6.3
1795	2.5	4.0	11.8	5.3
1802	1.4	2.6	10.4	2.3
1803	1.9	2.6	7.6	3.3
1804	3.4	2.2	8.5	3.7
1805	3.4	2.3	10.4	3.4
1806	2.6	2.1	10.7	1.5
1807	2.6	2.1	10.7	1.5
1808	2.6	2.0	11.4	3.7
1809	2.3	2.7	9.0	3.5
1812	2.0	2.9	8.8	3.3
1813	1.8	2.7	8.1	3.8
1814	1.9	3.1	9.3	3.4
1815	2.0	2.8	9.7	3.5
1816	2.0	2.9	8.9	1.7
1817	1.5	2.7	6.9	1.8
1818	1.6	2.7	6.6	2.6
1819	1.7	2.7	6.8	3.9
1820	1.9	2.0	6.7	4.1
1821	1.9	2.2	6.1	4.0
1822	2.1	2.2	6.0	3.7
1823	2.5	2.3	6.6	3.7
1825	2.5	2.2	6.3	3.8
1826	2.6	3.5	5.8	2.2
1827	2.5	4.5	5.8	2.8
1828	1.4	2.7	NA*	2.3
1830	2.9	2.8	NA	NA
1831	1.0	2.6	NA	NA
1832	2.3	2.8	NA	2.6
1833	2.2	2.8	1.0	2.6

* = Data not available

from five to every ten households to two to every ten in 1825. After 1825 the ratio began to increase again, possibly in response to the exclusion of Conception Bay schooners from the French Shore. In both Trinity Bay and Fogo-Twillingate the trend was very much oriented toward one stage per household, although this fluctuated much more on a yearly basis than in Conception Bay. Only in Bonavista Bay did the ratio consistently stay well below the ratio of one stage per household. The ratio of train vats per household closely followed that of stages per household. The ratio of fishing boats per household did not differ much from the ratios of stages and vats per household, although it is noteworthy that the ratio was lowest in Conception Bay, especially so during the post-1815 recession when the schooners of the French Shore fishery still had an important role in the Conception Bay economy. Only after 1828, when the schooners employed in the northeast coast fishery were recorded as all going to Labrador did the ratio of boats to households climb to over one per household by 1833 [see table 9]. Conception Bay clearly dominated the north shore-Labrador fishery. Although the number of schooners employed in that fishery greatly varied from year to year, the ratio of schooners to masters remained constant at one for every ten masters from 1804 to 1828 [see Table 10].

A number of tentative conclusions can be based on the governors' returns on the fisheries and inhabitants of

Newfoundland. First, the permanent population of the north-east coast grew steadily without much major variation from 1776 to 1833. Second, Conception Bay demonstrated the greatest agricultural activity in this period. Third, Conception Bay, as the longest-settled part of the northeast coast demonstrated the lowest ratio of employed servants to masters, and usually the lowest percentage of households that could be typified as proletarian, on the northeast coast. This third point indicates that reliance on family labour accompanied settlement, and was the future of the settlement frontiers of Trinity Bay, Fog-Twillingate and Bonavista Bay. A seeming paradox is that the greatest potential for differentiation by property, or capital, employed in the fishery by households existed in Conception Bay. The combination of its greater agricultural activity, and capital differentiation among fishing households suggests that indigenous capitalist formation was most likely to occur there. Much would depend on the ability of its schooner-related fisheries to sustain differentiation.

Census data collected by the government of Newfoundland after 1832 supports these conclusions. Dissimilar categories of enumeration make extensive comparisons impossible, except for the ratios of improved acres and fishing boats to households. In addition, the 1836 census confirms that little proletarianization had occurred at the household level. No heads of households were enumerated as being

TABLE 9

Total Number of Stages, Train Vats and
Fishing Boats per Household, 1776-1833

Year	Con. Bay			Trin. Bay			Bon. Bay			Fogo-Twil.		
	S/H	V/H	B/H	S/H	V/H	B/H	S/H	V/H	B/H	S/H	V/H	B/H
1776	1.2	1.2	1.2	0.7	0.7	1.2	1.2	0.7	0.7	0.5	1.9	2.5
1778	NA*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1785	0.8	0.8	1.0	0.6	0.6	0.6	0.6	0.6	NA	0.9	0.9	0.7
1786	0.6	0.6	0.6	0.6	0.6	0.7	0.5	0.3	0.2	0.7	0.8	0.5
1787	0.5	0.5	0.5	0.6	0.6	0.7	0.6	0.6	0.9	0.4	0.9	1.1
1788	0.5	0.5	0.5	0.6	0.1	0.7	0.5	0.1	0.7	0.9	0.9	1.6
1789	0.6	0.5	0.5	0.6	0.6	0.7	0.6	0.6	0.4	0.9	0.9	0.9
1790	0.5	0.5	0.5	0.5	0.5	0.6	0.4	0.4	0.7	0.9	0.9	0.8
1791	0.5	0.5	0.7	0.5	0.5	0.3	0.4	0.4	0.6	0.9	0.9	0.9
1795	0.5	0.5	0.5	0.5	0.5	0.5	0.3	NA	0.5	0.7	0.7	0.7
1802	0.3	0.3	0.3	0.4	0.1	0.5	0.2	0.2	0.3	0.3	NA	1.5
1803	0.6	0.6	0.6	0.4	NA	0.5	0.3	0.3	0.5	NA	NA	0.8
1804	1.0	1.0	0.6	0.5	0.3	0.6	0.3	0.3	0.5	0.7	0.7	0.8
1805	1.0	1.0	0.6	0.5	0.5	0.5	0.3	0.4	0.6	0.7	0.4	0.8
1806	1.0	1.0	0.6	0.5	0.5	0.5	0.3	0.3	0.5	0.8	0.8	1.0
1807	1.0	1.0	0.6	0.5	0.5	0.5	0.5	0.3	0.5	0.8	0.8	1.0
1808	1.0	NA	0.5	0.5	0	0.7	0.1	NA	0.3	1.3	NA	1.6
1809	0.6	NA	0.5	0.5	0	0.7	0.2	NA	0.5	1.0	NA	1.3
1812	0.3	0.4	0.3	0.6	NA	1.4	0.2	0.4	0.6	0.8	NA	2.5
1813	0.5	0.4	0.5	0.6	CP**	0.9	0.4	0.4	0.7	0.8	CP	1.1
1814	0.5	0.4	0.5	0.6	CP	0.9	0.6	NA	0.6	0.8	CP	1.0
1815	0.5	0.4	0.5	0.8	CP	0.9	0.3	0.3	0.5	1.0	CP	1.2
1816	0.4	0.4	0.4	0.8	CP	0.9	0.3	0.4	0.7	1.0	CP	1.3
1817	0.4	0.4	0.4	0.8	CP	0.9	0.4	0.4	0.6	1.0	CP	1.3
1818	0.4	0.4	0.4	0.8	CP	0.9	0.4	0.4	0.6	0.8	CP	1.3
1819	0.3	0.4	0.3	0.3	CP	0.9	0.7	0.4	0.5	0.9	CP	1.3
1820	0.3	0.3	0.3	1.1	CP	0.8	0.7	0.4	0.5	NA	CP	NA
1821	0.2	0.3	0.2	1.1	CP	0.8	0.6	0.4	0.5	NA	CP	NA
1822	0.2	0.2	0.2	1.3	CP	0.8	0.3	0.3	0.4	0.9	CP	1.2
1823	0.2	0.2	0.2	1.1	CP	0.8	0.6	0.3	0.4	0.9	CP	1.2
1825	0.2	0.2	0.3	1.5	CP	1.0	0.3	0.5	0.5	0.8	CP	1.3
1826	0.3	0.2	0.2	1.0	CP	1.0	0.3	0.3	0.5	0.9	CP	1.3
1827	0.3	0.2	0.3	1.0	CP	1.0	0.3	0.3	0.5	0.9	CP	1.2
1828	0.3	0.2	0.3	0.8	CP	0.7	NA	NA	NA	0.8	CP	1.0
1830	0.4	0.2	0.6	0.8	CP	0.7	NA	NA	NA	NA	NA	NA
1831	0.7	0.3	0.9	0.9	CP	0.8	NA	NA	NA	NA	NA	NA
1832	0.7	0.3	1.0	0.8	CP	0.7	NA	NA	NA	0.8	CP	1.3
1833	1.3	0.3	1.5	1.3	CP	0.7	0.3	NA	0.3	0.7	CP	1.4

* = Data not available

** = Casks and Puncheons Used

TABLE 10

Total Number of Schooners and Ratio to Households, 1776-1833

Year	Con. Bay # #/Hhd	Trin. Bay # #/Hhd	Bon. Bay # #/Hhd	Fogo-Twil. # #/Hhd
1803	3 0.0	0 0.0	0 0.0	0 0.0
1804	49 0.0	13 0.0	0 0.0	7 0.0
1805	75 0.1	8 0.0	12 0.1	6 0.0
1806	78 0.1	2 0.0	3 0.0	1 0.0
1807	78 0.1	2 0.0	3 0.0	1 0.0
1808	56 0.0	4 0.0	4 0.0	0 0.0
1809	56 0.1	3 0.0	0 0.0	0 0.0
1812	77 0.1	5 0.0	0 0.0	0 0.0
1813	83 0.1	5 0.0	2 0.0	0 0.0
1814	81 0.1	2 0.0	0 0.0	1 0.0
1815	70 0.1	NA*	0 0.0	0 0.0
1816	86 0.1	1 0.0	0 0.0	0 0.0
1817	85 0.1	1 0.0	0 0.0	0 0.0
1818	118 0.1	1 0.0	0 0.0	0 0.0
1819	162 0.1	0 0.0	0 0.0	0 0.0
1820	188 0.1	4 0.0	0 0.0	0 0.0
1821	118 0.1	4 0.0	0 0.0	0 0.0
1822	106 0.1	4 0.0	0 0.0	0 0.0
1823	167 0.1	0 0.0	0 0.0	0 0.0
1825	135 0.1	0 0.0	0 0.0	0 0.0
1826	167 0.1	1 0.0	0 0.0	0 0.0
1827	184 0.1	0 0.0	0 0.0	30 0.1
1828	178 0.1	16 0.0	0 0.0	30 0.1
1830	155 0.1	21 0.0	0 0.0	0 0.0
1331	361 0.2	45 0.1	0 0.0	0 0.0
1832	121 0.1	28 0.0	0 0.0	34 0.0
1833	401 0.3	57 0.1	15 0.0	29 0.1

* = Data not available

servants in Conception Bay. Approximately one per cent of the households of Trinity and Bonavista Bays were found to have heads who were servants (no return exists for Fogo-Twillingate). Despite this lack of proletarianization, boat ownership averaged only four for every ten households in Conception Bay, one for every two households in Bonavista Bay, while Trinity Bay averaged one boat per household. Conception Bay still had the most improved acres, at 0.8 per household, while Bonavista Bay followed with 0.3 per household, and Trinity Bay with 0.4 acres per household.⁴¹

Fogo-Twillingate had the highest proportion of fishing boats per household in 1845, with six boats for every ten households. Next came Trinity Bay at nine for every ten. Conception Bay increased its proportion from 1836 to six boats for every ten households, while Bonavista Bay had one for every two households. To counter its high ratio of boats to households, Fogo-Twillingate had the lowest ratio of improved acres to households at 0.6 acres per household in 1845. Conception Bay increased from 1836 to two acres per household in 1845, and Trinity Bay followed suit with 1.1 acres per household. Most dramatic was the increase registered by Bonavista Bay, a place where food shortages and potato famine led to a concerted government encouragement of agriculture: 7.7 acres of improved land existed per household.⁴² By 1857 this ratio of improved acres to households had dropped to 1.1 in Bonavista Bay. Conception Bay's

improved acreage ratio increased to 2.3 acres per household, Fogo-Twillingate's followed at 0.9, and Trinity Bay's stayed at its 1845 level. Conception Bay's ratio of fishing boats to households remained at its 1845 level, while increasing in the other parts of the northeast coast (Trinity Bay to 1:2, Bonavista Bay to 7:10, and Fogo Twillingate to 12:10).⁴³

Government

West Country merchants who exploited Newfoundland's fishery did not oppose settlement, but only regulations (like that of the proprietary colonies) which might try to regulate Newfoundland's resources to the detriment of the West Country trade. By the early eighteenth century West Country merchants in the migratory cod fishery co-existed with resident planters.⁴⁴ Their growing reliance on a resident fishery throughout the eighteenth century meant that West Country merchants increasingly came into conflict with both Board of Trade opposition to the growth of settlement in Newfoundland and merchants' own opposition to self-government for Newfoundland. Merchants feared that a Newfoundland government might regulate the fishery in favour of residents through trade with the rest of British North America or, after the American Revolution, with the United States.⁴⁵ Yet in their treatment of planters and servants, merchants began to create demand in Newfoundland for the very self-government they opposed.

Some of those servants originally employed directly by merchants annually to catch fish inshore became small boat owners themselves, hiring their own crews, paying a merchant to carry them out to Newfoundland for the fishing season, taking supplies from the merchant, and trading fish in return at the season's end. Small-boat owners, called bye boat keepers, often stayed year round in Newfoundland to take advantage of the longer fishing season, saving the costs of shipping their boats and equipment back to England, and preserving their right by usage and occupancy to shore facilities. Those bye boat keepers who continued permanently in Newfoundland became planters, as did the descendants of the failed proprietary schemes.⁴⁶ Planters brought out servants, who were supplied by contract from their merchants, usually by two summer and one winter agreements, to aid in their year-round exploitation of the cod fishery and its supplements in the seal fishery and subsistence agriculture. By contractually joining the households of their masters in the Newfoundland fishery, servants often became residents by marrying into planters' families.⁴⁷

The history of Newfoundland's government must be understood within the context of this uneasy interdependence of merchants, planters, and servants, as well as imperial anti-settlement policies. The British government granted the Western Charter to British subjects involved in the Newfoundland fishery in 1634, reconfirming it in 1661. The

Charter attempted to support both minimal residence and the migratory fishery by limiting residents' rights to enclose land, overexploit timber resources, and exclude migratory fishermen from shore facilities. In return the Charter expressly recognized the right of fishermen to settle at Newfoundland, although it did attempt to limit migratory bye-boatmen's competition with the ship fishermen. The mayors of the West Country towns and cities involved in the Newfoundland trade were responsible for the administration of justice at Newfoundland.⁴⁸

Civil war in England ensured that official discouragement of the bye-boatmen would not succeed. The bye-boatmen left their fishing craft at Newfoundland, where they were safe from the depredations of war, travelling there each summer to catch fish. There was, furthermore, little way for authorities to distinguish bye-boatmen from settlers. Throughout the late seventeenth century the migratory fishery settled on a compromise between merchants and bye-boatmen, although government hostility to colonization at Newfoundland continued. Continual threats from the French over possession of the island served as a counterweight, leading the British government to accept some settlement. The Western Charter failed to prevent residents' attempts to monopolize resources to the detriment of the migratory trade, forcing the British government, in the 1670s, to contemplate disallowing settlement altogether. This new policy would encourage the

migratory fishery, and prevent Newfoundland from developing along the lines of New England. The British government felt that seapower without settlement was sufficient to hold Newfoundland against the French. A new charter in 1671 tried to end settlement, but authorities did not rigorously enforce it due to doubts about the complete lack of need for settlement, and lack of practical means for removing existing settlers.⁴⁹

Official belief that Newfoundland was valuable only as a fishery and naval nursery, yet needed some form of local regulation led to Parliament's passing of the 10 and 11 Wm. III c. 25 in 1696. This act forbade planters' use of pre-1685 migratory fishing rooms, although indirectly encouraging residence by allowing settlers to keep their own rooms and build new ones. Fishing admirals, the first ships' captains to arrive in a port for the fishing season, were confirmed in the informal administrative and limited judicial authority they had previously exercised in the fishery. The commanders of the naval convoys became an appellate authority over that of the fishing admirals.⁵⁰

West Country merchants came to rely more heavily on supplying the resident fishery, sending out their own agents to reside at Newfoundland. Merchants and planters faced problems of enforcing agreements over credit formed at Newfoundland. By the early eighteenth century merchants began to suggest that the British government appoint magis-

trates with a limited authority to regulate the fishery at Newfoundland. Keith Matthews argued that "debt anarchy" reigned in Newfoundland during the first half of the eighteenth century, while British authorities maintained their commitment to allowing no local government to encourage settlement. To counter the lackluster efforts of the fishing admirals, commanders of the naval convoys appointed first justices of the peace for the winter in 1728 and, by 1730, allowed them to sit during the summer to decide civil matters. Merchants, whose agents dominated this magistracy, came to accept this limited civil authority, and the Board of Trade turned a blind eye towards it. British authorities insisted that criminal offenses be tried in England, but the expense of this eventually led the British government to establish a Court of Oyer and Terminer at Newfoundland by an Order in Council in 1750.⁵¹

Growth in executive authority slowly accompanied the development of judicial authority at Newfoundland. Law and custom prohibited taxation in the fishery, discouraging the British government's interest in appointing a civil governor and administration which would have to be paid for out of the imperial treasury. British authorities expected convoy commanders to counterbalance the arbitrary authority of the fishing admirals, and gradually, after 1729, included in the commanders' commission a vague mandate to enforce British policy at Newfoundland. Smuggling, property ownership and

emigration all proved to be problems which demanded some greater presence of government authority at Newfoundland. An order in council, in 1729, commissioned the convoy commander with full civil and military authority over Newfoundland, recognizing their right to delegate judicial authority to magistrates during the winter. The commanders were never given authority to allow a year-round magistracy.⁵²

Problems persisted in the regulation of credit relationships between merchants, planters and servants, particularly in labour discipline. Without local government apart from the merchant-dominated magistracy, there was little effective regulation of the relationships between the three parties in the fishery. Merchants advanced credit to planters for the provisions and capital equipment they needed to begin the season. If catches or prices were poor, planters might be tempted to sell their fish to another merchant should he offer slightly better prices than that of the planter's own merchant. To ensure a return on their credit, then, merchants would have to seize quickly their planters' fish if they thought this situation might unfold. If merchants seized planters' fish, servants would no longer work because they had no hope of being paid at the fishing season's end. Moreover, unpaid servants possessed no means by which they could return home and Imperial policy could not tolerate this threat to a well-trained supply of British seamen who were also consumers of British-made goods.⁵³

British officials both in Great Britain and at Newfoundland had been gradually accepting residency, particularly after the disruption of the migratory fishery during the Seven Year's War. But the American Revolution, while hastening the decline of the migratory fishery, entrenched official opposition to the granting of civil government to Newfoundland for fear that it might develop its resources and trade in its own interest rather than the Empire's as had New England. Yet something had to be done to bring order to the relationships between merchants, planters and servants. The Board of Trade accepted the recommendations of former naval governor Sir Hugh Palliser, passing the act which bore his name in 1775. British officials hoped that Palliser's Act would revive the migratory fishery, thereby removing the necessity for government at Newfoundland, guaranteeing the fishery's stimulus to British manufactures, and supposedly preserving a supply of seamen for the navy. The Act consequently focused on protecting servants from the rapacity of the Newfoundland fishery's credit system by articulating the twin principles of a migratory ship fishery: enforce the payment of wages by any merchant who might seize a planter's fish, and secure the return of seamen and fishermen employed in the fishery to Great Britain.⁵⁴

Government in Newfoundland, by 1775, consisted of a limited, naval-based summer government supplemented by a year-round magistracy whose sole purpose, in imperial eyes,

was to buttress the migratory fishery and the Empire's interests. The island's isolated position in the North Atlantic, inhospitable climate, and largely non-agricultural topography meant that imperial authorities could find no reason to apply any of the forms of colonial self-government to Newfoundland which had developed in other British colonies in North America. Palliser's Act reinforced the power of the naval governor, and his surrogates, to enforce British regulation of the fishery by giving them, and not the fishing admirals, police and judicial power to issue arrest warrants. Courts of Session and of Vice-Admiralty had as their special jurisdiction wage disputes, appeal lying in the British Admiralty Court or Privy Council. Palliser's Act left otherwise undisturbed the courts of civil jurisdiction which had emerged since 1728.⁵⁵

The courts exercised summary justice through the 1780s. Surrogates and magistrates were accessible and often resorted to by all of the people involved in the Newfoundland fishery. Yet popular satisfaction with administration in Newfoundland declined as the migratory fishery expired. The fishery, by 1783, was primarily Newfoundland-based. The increasing residence of West Country merchants, or their agents, and the increasingly complex nature of their trade and credit relationships with fishermen, meant that people began to challenge the courts' jurisdiction. Increased residency, the advent of the seal fishery, and population growth led

imperial officials to create a court of civil judicature with full authority in matters of debt, personal property contracts, other property disputes, and wage disputes. Still opposed to colonial self-government, this new court, enacted as 31 Geo III c. 29 in 1791, was to continue the policies of King William's and Palliser's Acts.⁵⁶

This new court of civil judicature, constituting a Supreme Court at St. John's, gained jurisdiction over criminal matters and served as appellant authority to the still extant surrogates' courts. The 1791 act provided the first clear means of settling debts, recognizing the primacy of the wage lien embedded in Palliser's Act, then creditors for the immediate fishing year, and finally all other creditors. The Supreme and Surrogate Courts exercised all authority in civil matters; the Admiralty Court, while retaining its rule over maritime affairs, no longer had the right to hear disputes involving seamen's wages. A temporary measure, the Supreme Court had to be renewed annually, not becoming permanent until 1808. Aside from the courts' authority, Newfoundland essentially remained governed by royal prerogative through the naval governors' proclamations, the governors staying year-round at Newfoundland only in 1818.⁵⁷

Agitation for government institutions grew in St. John's during the Napoleonic era. An act by the British parliament in 1811 which deprived resident St. John's merchants of

rights to fishing rooms in the harbour ostensibly used by migratory fishermen induced St. John's Reformer William Carson to lead St. John's inhabitants in demanding that Parliament pass legislation to create a Board of Police for the town. Carson went much further by beginning to denounce as arbitrary and ignorant the authority of the naval governors and their surrogates, as well as claiming that imperial authority opposed the development of settled agriculture. As a remedy, Carson argued that Newfoundland should have a resident civil governor and legislature. Economic depression after 1815 added further vigour to Carson's demands that the British parliament give Newfoundland a colonial constitution with the government institutions of the British one. The 1820 whipping of two Conception Bay planters, Philip Butler and James Lundrigan, by surrogates as punishment in debt cases provided a rallying cry in Carson's fight for colonial self-government in opposition to imperial naval authority. The Reformer began to demand judicial reform under the supervision of a local legislature.⁵⁸

Patrick Morris joined Carson and other Reformers in a 1820 committee of St. John's inhabitants which petitioned Governor Hamilton, complaining about, among other things, supposedly arbitrary judicial authority, the injustice of taxation without representation, and the lack of a local legislature. Morris represented St. John's growing Irish constituency as merchants turned away from what they felt was

the excessive demand for colonial self-government. Hamilton forwarded the St. John's petition to the Colonial Office. Debate about the petition in Parliament led to another Reform petition in 1822. Morris, in 1823, chaired yet another committee which demanded government reform. The Reform efforts resulted in a new judicature act in 1824 which replaced that originating in 1791. The British government recognized that Newfoundland was in fact a settled colony, replaced the surrogates with circuit courts presided over by magistrates under the authority of civilian judges of the Supreme Court, and appointed a civilian governor with the power to alienate crown land for agricultural purposes.⁵⁹

The 1824 act did not give Newfoundland a legislature, but was rather accompanied by the British government's appointment of a council along the lines of a system developed for New South Wales to advise the governor in ruling the colony. Governor Sir Thomas Cochrane arrived in 1825 to effect the 1824 act, and the new circuit courts began their jurisdiction in 1826. The governor's council consisted of the three supreme court judges and the St. John's garrison commander. The governor retained full executive authority as the council had only an advisory function. An opponent of Reformers' demands for a legislature, Cochrane's views did not prevail. Under increased pressure from the Reformers, and now dominated by British liberal sentiment which favoured greater colonial self-government through representative

institutions, Cochrane received a commission from the Colonial Office in 1832 instructing him to create a legislature. This legislature was bicameral, consisting of an elected lower house and an appointed council of seven with legislative and executive powers. The governor retained the right to adjourn, prorogue and dissolve the legislature.⁶⁰

The constitution of 1832 persisted, except during the years of the amalgamated legislature from 1842-48 when an equal number of elected and appointed legislators sat in one house, until Newfoundland gained responsible government in 1855. The years between representative government and responsible government were ones of rivalry between a Conservative party which coalesced around mercantile and Protestant hostility to further reform (which might undermine their monopoly on government patronage), and the Liberals, a party which grew out of the Reform movement and advanced an eclectic demand for some form of constitutional change which would secure greater patronage for Roman Catholics, particularly those who were members of a growing, St. John's-dominated, Newfoundland bourgeoisie. Battles between the two groups over a host of issues, many of them sectarian in nature, led the British government finally to assent to Newfoundland's internal self-government through an executive authority responsible to the elected house in 1855.⁶¹

Work in the Fishery

The nature of work in the fishery changed little from the seventeenth to early nineteenth centuries, except for the scale of activity as smaller family-based operations overtook the sometimes larger ones operated by merchants who engaged directly in the fishery. In first establishing their operations, fishing people had to build stages, or wharves, at which they could tie up boats and unload fish. The stages often included a shed in which to store the salt required in preserving fish and to shelter the tables upon which workers processed the fish. Near the stage would be a train vat, a container used to contain cod livers while the sun rendered them into oil. If there were no good beaches on which to spread fish for drying, fishing people would also have to construct flakes, often large platforms of wood, bark and boughs on which they could spread fish.

Once the shore facilities were finished, men would engage in catching bait, then rowing their boats to the inshore fishing grounds. There they used baited hooks on lines up to thirty fathoms long to catch fish. If full of cod, these lines could weigh between fifty and one hundred pounds, but usually weighed between five and ten. This latter weight was still no small burden when one considers the repetitiveness of spending an entire day fishing, constantly pulling lines in to unhook fish, rebait and reloader lines, pausing only to row a fully-laden boat to

shore, unloading, and perhaps heading out again. To unload the fishermen used prongs to throw the fish upon the stage, where the young of the shore crew would lay the fish on tables. A header slit the fish's belly, extracting the liver for rendering, discarding the guts as offal along with the fish head. Next, a splitter would take the fish, cutting it abroad and discarding the bone. Finally a salter would layer the fish in piles with salt for curing. Eventually the shorecrew would spread the fish for final sun and air-drying, joined by the boat crews at the end of the season in guarding the fish against rain and burn from over-exposure to the sun.⁶²

The rise of the resident family fishery saw women and children take on much of the work formerly performed by headers, splitters and salters, but otherwise the work of the fishery remained unchanged. Both men and women were consumed by the needs of the fishery. Men went out in their bait boats on Monday morning to catch caplin or squid for the week's fishing. For the rest of the week they went to the fishing grounds to catch fish, bringing in a loaded boat as soon as possible, unloading it in exchange for more bait, then immediately returning to the fishing grounds. Most did not stop for sleep as long as there was fish to catch: ".... I have heard fishermen say they have not had their fishing boots off for a week together."⁶³

The inshore fishing season began in mid-June. Fishermen

used boats which were operated by from two to four people. Most of their boats were open ones without sails and, if fishermen could not employ many servants, were often rowed by both male and female young relatives. Men used two handlines to jig fish, placing baitfish like caplin, herring or squid on double hooks. When the fishing boats reached good fishing grounds (places in inshore waters where fish were plentiful) fishermen anchored, and threw their lines over the boats' gunwales and began a process of jerking them to attract the fish. If the fish struck, fishermen began a process of quickly hauling lines, disengaging fish from the hooks (or gaffing them into the boat if large), re-baiting and dropping the line, jigging it while attending to the second line. This continued until the boat was full, and the fishermen returned to shore to unload their fish for processing.⁶⁴

Women, as their male relatives' "shore crew", took the unloaded fish, split and salted it, and spread the pickled fish on flakes for drying. Following this, they had a short break in which they could attend their domestic work, but had to constantly watch the fish, turning it frequently to prevent sunburn. Dried fish had to be taken up, then stacked skin up so that moisture would not damage it while the salt cod awaited carrying to the merchants' stores. This work often kept women busy until midnight.⁶⁵

Sealing, the other main labour people on the northeast coast engaged in, was an exclusively male occupation.

Preceding the inshore fishing season, the seal fishery began soon after 21 March. Schooners, for the most part from Conception Bay, travelled to the pack ice where seal herds could be found. If the sealers were lucky, seals would be sighted only two to four miles from their ships. If not, then the sealers would have to travel even further by jumping from ice pan to ice pan to reach the seals. Men faced the constant hazard of missing pans, or mistaking slush for solid ice, losing their lives to the north Atlantic's frigid waters. While on the ice, sealers could be set upon by fierce snow storms or fogs, making return to their ships almost impossible. Work was a constant process of trying to reach the seals, slaughter them, and then move on, all the while looking over one's shoulder in a constant surveillance of weather and ice conditions, often trying to return to ship guided only by the sound of a gun shot or whistle. Killing seals was a baptism of blood beginning the fishing season as sealers used gaff poles to crush the seals' skulls, stripping the pelts and fat as the animals' blood spurted over the sealers and surrounding ice.⁶⁶

Summary

The eighteenth and early nineteenth centuries saw the slow but steady increase in Newfoundland's northeast-coast population. The area settled by these fishing people was not well-suited to more than limited garden agriculture, but did

have a good combination of cod and seal resources which, when combined with the produce of such gardens, could support a resident population, especially in Conception Bay.

Although beginning as a migratory fishery like the rest of Newfoundland, merchants and fishermen alike learned that the resident fishery was the most secure, and possibly cheapest, manner in which to pursue the fish trade. The resident fishery was not as vulnerable to war's almost continuous disruption of the migratory trade. Fish merchants, like the proprietary colonists before them, learned that there were real cost advantages to be had in withdrawing from the production of fish, and allowing fishing families to subsidize the cost of production with their own year-round subsistence activities.

While West Country merchants appear to have largely learned this lesson by the early eighteenth century, imperial officials clung to the notion that Newfoundland must be preserved as a migratory fishery at all costs to support the British navy and manufacture. Until the late eighteenth century, the British government allowed only enough administration and regulation of Newfoundland as was necessary for the fishery. Imperial authorities opposed granting the island the institutions of self-government. Slowly, particularly under the corrosive influence of the American Revolutionary and Napoleonic Wars, the growth of residence at Newfoundland wore down this opposition. By 1824, the British

government recognized Newfoundland's need for a civil authority to replace rule by naval governors. The island gained representative self-government in 1832, followed by responsible government in 1855.

NOTES

1. On the relationship between the Newfoundland codfishery and the British navy in the eighteenth century see Gerald S. Graham, "Fisheries and Sea Power," in George Rawlyk, ed., Historical Essays on the Atlantic Provinces (Toronto: McClelland and Stewart, 1967), 7-13.
2. Keith Matthews, "History of the West of England-Newfoundland Fishery," PhD. thesis, Oxford University, 1968, pp. 1-10; E.F.J. Mathews, "Economic History of Poole 1756-1815," Unpublished PhD. thesis, University of London, 1958, pp. 22-71.
3. Matthews, "West of England-Newfoundland Fishery," pp. 14-21.
4. The manner in which the costs of settlement destroyed the proprietary colonists' competition with West Country merchants is explored in Gillian T. Cell, English Enterprise in Newfoundland 1577-1660 (Toronto: University of Toronto Press, 1969), pp. 53-95.
5. Shannon Ryan, "Fishery to Colony: A Newfoundland Watershed, 1793-1815," in P.A. Buckner and David Frank, eds., The Acadiensis Reader: Volume One, Atlantic Canada Before Confederation (Fredericton: Acadiensis Press, 1985), p. 133.
6. Gillian Cell, English Enterprise in Newfoundland 1577-1660 (Toronto: University of Toronto Press, 1969), pp. 53-80.
7. W. Gordon Handcock, Soe longe as there comes noe women: Origins of English Settlement in Newfoundland (St. John's: Breakwater, 1989), pp. 23-44.
8. Handcock, Soe longe as there comes noe women, pp. 73-84.
9. Figure 2 is, with some modification, drawn from Figure 5.4 in Handcock, Soe longe as there comes noe women, p. 114.
10. Handcock, Soe longe as there comes noe women, pp. 91-120.
11. Michael Staveley, "Population Dynamics in Newfoundland: The Regional patterns," in John J. Mannion, The Peopling of Newfoundland: Essays in Historical Geography (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1971), p. 67. Figure 3 is based on Figure 2-9 in Staveley, "Population Dynamics," p. 72.
12. Alan G. Macpherson, "A Modal Sequence in the peopling of Central Bonavista Bay, 1676-1857," in Mannion, Peopling of Newfoundland, pp. 112-28.

13. J.H. McAndrews and G.C. Manville, "Ecological Regions, ca AD 1500," and "Descriptions of Ecological Regions," in R. Cole Harris, ed., Historical Atlas of Canada, 1: From the Beginning to 1800 (Toronto: University of Toronto Press, 1987), Plates 17-17A.
14. Peter Crabb, "Agriculture in Newfoundland: A Study in Development," vol. I, unpublished PhD. thesis, University of Hull, 1975, pp. 41-51.
15. Ralph Pastore, "The Collapse of the Beothuk World," Acadiensis, XIX (Fall 1989), 52-71.
16. C. Grant Head, Eighteenth Century Newfoundland (Toronto: McClelland and Stewart, 1976), pp. 13-14.
17. Sider, Culture and Class, pp. 20-21, 89-91.
18. Innis, Cod Fisheries, pp. 379-460; Shannon Ryan, "The Newfoundland Cod Fishery in the Nineteenth Century," Unpublished MA thesis, Memorial University of Newfoundland, 1971, pp. 42-63.
19. C. Grant Head, Eighteenth Century Newfoundland, pp. 196-202.
20. Ryan, "Fishery to Colony," pp. 134-35.
21. The fish price series is taken from Shannon Ryan, Newfoundland Consolidated Census Returns 1698-1833, nd., pp. 92, 98.
22. Ryan, "Fishery to Colony," pp. 134-48.
23. Head, Eighteenth Century Newfoundland, pp. 90-94.
24. Handcock, Soe longe as there comes noe women, pp. 80-90.
25. Keith Matthews, Lectures on the History of Newfoundland, 1500-1830 (St. John's: Breakwater, 1988), pp. 153-55. Linda Little explores the Irish servant presence in Harbour Grace and Carbonear, and particularly their importance to the Reform movement in "Plebeian Collective Action in Harbour Grace and Carbonear, Newfoundland, 1830-1840," Unpublished MA thesis, Memorial University of Newfoundland, 1984, pp. 7-67.
26. Edmund Gosse, The Life of Philip Henry Gosse (London: Kegan Paul, Trech, Trubner & Co., 1890), p. 49.
27. Figure 4 is based on Map 5 of Matthews, Lectures, p. 191

28. Figure 5 is based on the map presented on page 47 of Shannon Ryan, Fish Out of Water: The Newfoundland Saltfish Trade, 1814-1914 (St. John's: Breakwater, 1986).

29. Shannon Ryan, Fish Out of Water, pp. 46-51.

30. Ryan, "Fishery to Colony," p. 148.

31. Chesley W. Sanger, "Technological and Spatial Adaptation in the Newfoundland Seal Fishery During the Nineteenth Century," MA thesis, Memorial University of Newfoundland, 1973, pp. 12-53.

32. Shannon Ryan, "The Newfoundland Cod Fishery in the Nineteenth Century," Unpublished MA thesis, Memorial University of Newfoundland, 1971, pp. 17-49.

33. Linda Little, "Plebian Collective Action in Harbour Grace and Carbonear, Newfoundland, 1830-1840," pp. 247-249.

34. Edmund Gosse, Life of Philip Henry Gosse, pp. 47-49.

35. These statistics, contained in the Colonial Office papers, # 194, are not always reliable. W. Gordon Handcock discusses the problems of using them as an exact measure of the Newfoundland fishery and population in "English Migration to Newfoundland," pp. 19-20. Handcock uses ten-year means to make more certain statements about demographic change. Here the absolute numbers are used as a crude measure of population change, as well as change in the relations of production in the northeast coast fishery. A more precise study awaits specific demographic attention, although Handcock has completed much of this in his essay, as well as in Soe longe as there comes noe women.

One should further note that the following comparisons of CO 194 statistics for regions of the northeast coast include years for which there exists comparable data for Conception Bay, Trinity Bay, Bonavista Bay, and Fogo-Twillingate. Any years in which even one of these areas filed no return, or when the returns were combined, have been excluded as having no basis for comparison.

36. Handcock, Soe longe as there comes noe women, p. 95. Allan Macpherson disagrees with Handcock's formula, suggesting that it overestimates the permanent population. Macpherson uses a form of modal sequencing to suggest that Bonavista Bay's winter population was marked by a higher degree of transiency than Handcock would suggest because of the year-by-year erratic and often extreme changes in the ratio of children to women in Bonavista Bay before 1800. Accepting Handcock's emphasis on seeing permanent population in terms of the presence of women as population reproducers, and

Handcock's formula as a means of solely examining long-term trends, this thesis offers the Handcock formula as only being a crude estimate of change over time. See Macpherson, "A Modal Sequence in the Peopling of Central Bonavista Bay, 1676-1857," p. 104.

37. Tables 2 through 10 are calculated from governors' returns which exist in Colonial Office papers. They were consulted in the Centre for Newfoundland Studies at MUN in its microfilmed copies of the Colonial Office # 194 collection. The following is a list of volumes used: CO 194, B-676, v.33, 1776-1777, F. 386; v. 34, 1777-1779, F. 54, 89; v. 35, 1780-1784, F. 131, 152; B-677, v. 36, 1785-1786, F. 57, 253; v. 37, F. 61; B-678, v. 38, 1788-1791, F. 48, 125, 219, 243; v. 39, 1796-1797, F. 3; B-679, v. 40, 1798, F. 5; B-680, v. 42, 1799-1800, F. 242; v. 43, 1801-1803, F. 32, 121; v. 44, 1801-1805, F. 114; B-681, v. 45, 1806, F. 19, 201; v. 46, 1807, F. 78; B-682, v. 47, 1808, F. 54; v. 48, 1809, F. 7; v. 49, 1810, F. 14 (the 1810 return is in this same volume, but its folio number was not available); B-683, v. 51, 1811, F. 36; B-684, v. 54, 1813 (contains the 1812 return, but without a folio number); B-685; v. 55, 1814, F. 7, 108; B-686, v. 57, 1816 (contains the 1816 return, but without a folio number); v. 59, 1817, F. 27; B-687, v. 61, 1818 (contains the 1817 return, but without a folio number); v. 61, 1818, F. 157-158; B-688, v. 62, 1819, F. 149; v. 64, 1821, F. 23; B-689, v. 64, 1821, F. 143; v. 64, 1822, F. 120; B-690, v. 66, 1823, F. 172; B-692, v. 70, 1825, F. 33, 122; B-694, v. 72, 1826, F. 390; B-695, v. 74, 1827, F. 355; B-697, v. 78, 1829, F. 70; B-533, v. 80, 1830 (contains the 1829 return, but without a folio number); V. 81, 1831, F. 45; B-534, V. 83, 1832 (contains the 1831 return, but without a folio number); B-535, v. 85, 1833 (contains the 1832 return, but without a folio number); B-536, v. 87, 1834 (contains the 1833 return, but without a folio number).

38. Head, Eighteenth Century Newfoundland, pp. 3-4.

39. Matthews, Lectures, p. 145.

40. CO 194, Vol. 49, B-682, 1810, F. 142.

41. Government of Newfoundland, Population Returns, 1836, pp. 2-8.

42. Government of Newfoundland, Abstract Census and Return of Population, ... 1845, pp. 2-13.

43. Government of Newfoundland, Abstract Census and Return of the Population ... 1857, pp. 13-63.

44. The manner in which West Country merchants learned the advantages of residence to the migratory fishery is developed in C. Grant Head, Eighteenth Century Newfoundland (Toronto: McClelland and Stewart, 1976), pp. 13-78.
45. Matthews, "West of England-Newfoundland Fishery," pp. 217-324.
46. Shannon Ryan, Fish Out of Water: The Newfoundland Saltfish Trade 1814-1914 (St. John's: Breakwater Books, 1986), pp. 32-33. See also G.M. Story, W.J. Kirwin and J.D.A. Widdowson, eds., Dictionary of Newfoundland English (Toronto: University of Toronto Press, 1982), pp. 382-83.
47. W. Gordon Handcock, So longe as there comes noe women, pp. 73-244, 243-66.
48. Matthews, "West of England-Newfoundland Fishery," pp. 10-12, 65, 132-37.
49. Matthews, "West Of England-Newfoundland Fishery," pp. 156-228.
50. Matthews, Lectures, p. 94.
51. Matthews, "West of England-Newfoundland Fishery," pp. 232-383.
52. Matthews, Lectures, pp. 96-102.
53. John Reeves, History of the Government of the Island of Newfoundland (1793) (Wakefield, Eng.: S.R. Publishers, 1967), 78, 136.
54. Matthews, "West of England-Newfoundland Trade," 381-453. A more concise discussion can be found in Keith Matthews, Lectures, pp. 96-128.
55. Christopher English, "The Development of the Newfoundland Legal System to 1815," Acadiensis, XX (Autumn, 1990), pp. 91-107.
56. Ibid., pp. 108-115.
57. Ibid., pp. 114-117.
58. Patrick O'Flaherty, "Carson, William," Dictionary of Canadian Biography, VII, 1836-1850 (Toronto: University of Toronto Press, 1988), pp. 151-56.
59. John Mannion, "Morris, Patrick," Ibid., pp. 626-29.

60. Frederic F. Thompson, "Cochrane, Sir Thomas John," Dictionary of Canadian Biography, X, 1871-1880 (Toronto: University of Toronto Press, 1972), pp. 178-80.

61. S.J.R. Noel, Politics in Newfoundland (Toronto: University of Toronto Press, 1971), pp. 1-10. This is only a precursory sketch of a complex political history. For greater detail see Gertrude E. Gunn, The Political History of Newfoundland 1832-1864 (Toronto: University of Toronto Press, 1966), pp. 3-128.

62. Head, Eighteenth Century Newfoundland, pp. 4-5.

63. Provincial Archives of Newfoundland and Labrador, Wesleyan Methodist Missionary Society, Newfoundland Correspondence, 1824-25, MicroF 971.8W5, B-4-4, # 171, William Wilson to the Wesleyan Methodist Missionary Committee, Port de Grave, 6 September 1825.

64. Sir Richard Bonnycastle, Newfoundland in 1842 (London: Henry Colburn, 1842), pp. 136-37.

65. Ibid.

66. P. Tocque, Wandering Thoughts or Solitary Hours (London: Thomas Richardson & Son, 1844), pp. 194-96.

CHAPTER THREE:

Families, Merchants and the Fishery on the Northeast Coast of Newfoundland during the First Half of the Nineteenth Century

The core argument of this thesis is that household commodity production based on family labour dominated the manufacture of salt cod on Newfoundland's northeast coast during the first half of the nineteenth century. Merchants faced no challenge to their domination of the staple trade by a rising planter class of fish producers who employed wage labour in large-scale production. Steven Antler has suggested that this nascent planter class of industrial fish producers, was a vibrant force in the differentiation of Newfoundland society, their employment of wage labour giving them economic incentives to improve the production of salt fish and to invest capital in an expanding scale of production in a manner similar to "classical" factory owners during the early days of industrial capitalist development in Europe and other parts of British North America. He argued that planters, as they accumulated capital, would challenge fish merchant hegemony and, by paying wages, encourage the growth of local market demand free from the ties of truck to merchant imports. A consequent growth of local market production to meet this demand would increasingly free planters from reliance on fish merchants' supply of capital and consumer goods, further eroding the merchants' place in

Newfoundland society.¹

This chapter will address the specific question of whether or not any such planter class fell, at the hands of fish merchants, into the ranks of household producers in the northeast-coast fisheries during the first half of the nineteenth century. Indeed, little evidence exists to support the view of planters as nascent industrial producers except during the unusual economic conditions of the Napoleonic wars, not least since planters usually relied on household, not wage, labour and merchant credit to produce salt cod. While it is true that access to the lucrative north-shore fishery, created by the disruption of French treaty rights to the French Shore, temporarily encouraged many planters to expand their scale of operations through the use of wage labour on schooners, the end of war in 1815 restored those treaty rights which, with American competition in the fish trade, ended the good market conditions for planters' fish which had additionally supported their expanded production. Left with a much poorer Labrador fishery, planters for the most part retreated into household production.

The term "planter" itself is something of a misnomer within the context of early-nineteenth century northeast-coast history. Although the term may be linked to the proprietary colonists of the seventeenth century, by the late-eighteenth century Newfoundland planters were simply

settlers engaged in a resident fishery as opposed to the bye-boat keepers of the migratory fishery. It was residence and ownership of a plantation (a dwelling, flakes, stages and gardens), and boats, not employment of wage labour, that defined one's status as a planter. Planters were household producers who, unlike other fishermen, possessed all the property and equipment to make fish, but planters and fishermen both relied on family labour and merchant credit, for provisions and capital goods, to prosecute their fishing voyages. While some planters occasionally hired servants for their voyages, such employment involved little significant change in the relations of production. Servants supplemented, not replaced, family labour. Planters hired servants on account with their merchants. Wages owed by planters became only another debit charge on their accounts against which merchants could manipulate fish prices at the season's end through truck. The higher costs of hiring servants locally or from Great Britain meant that, by the late-eighteenth century, most planters relied on their families' labour.²

In 1791, Chief Justice Reeves described Newfoundland planters as often being "no more than Common Fishermen," with little property, completely depending on merchant credit, and vulnerable to failure: "one or two successful seasons may possibly work such a man into a little property in his Boat, & Craft; but should one successful season throw him in arrear

to his Merchant there is scarce chance of recovering."³ War with France later in the decade meant that some planters could prosper beyond the state described by Reeves. The absence of French, and later American, competition in the fish trade led to higher prices for planters' fish. Planters could expand their scale of production in response to these prices by employing the influx of cheap Irish labour fleeing famine at home.⁴ As early as 1798, Governor Waldegrave could write about a new type of "Planter who labours for himself without the assistance of the Merchant." Although few in number, these planters did hire servants to conduct their fishery.⁵

The employment of larger numbers of servants in the inshore fishery did not mean that the fishery was becoming more capitalist, if by capitalist one means that the social relations of production were becoming over time dominated by a class of property owners utilizing their capital through the employment of members of a separate class of wage labourers. Fishing servants in this period resembled more the rural servants of early modern England examined by Ann Kussmaul. Such servants were the young of England's rural families whose labour could not find employment within the limits of their particular households' production. These youths joined the households of neighbours, which might have greater resources or, at different points in the family's life cycle, might require more labour than the nuclear family

could itself provide. Servants, then did not constitute a class in themselves, but were instead the youth of a class of household producers, residing with and as part of the family of their hirers on an annual contract in the transitional period between adolescence and establishment of their own independent households.⁶

The latter part of the period studied by Kussmaul, 1780-1820, constitutes, along with the next decade, the period described by Gordon Handcock as being the main period of Newfoundland settlement. Handcock suggests that settlement arose directly from the labour requirements of the cod fishery. Merchants profited from the trade in fishing servants, recruiting servants, first in the West Country alone and later from Ireland, for employment by their planters in Newfoundland. Like their fellow servants who stayed home, fishing servants intended to return to their own households after serving a year or two in the fishery. Yet in joining employers' households, servants often married into the planter's family, and became residents themselves, eventually expecting to establish their own households. Planters hired servants only when their own families could not provide labour for the fishery.⁷

Depression in the codfishery at the start of the Napoleonic wars created opportunities for some differentiation between planters' households despite higher wage costs. Without enough earnings from the fishery alone to survive in

Newfoundland, many planters turned to sealing, trapping, shipbuilding, and logging to supplement the codfishery. Combining sealing and the fishery meant that some planters could obtain enough credit to outfit a schooner with which, in a year or two, they might clear themselves of any credit obligations to particular merchants and trade independently.⁸ In 1801, Lieutenant Governor Barton commented that the great success of that year's seal fishery allowed planters to prosper although they were obliged to pay high wages to servants at the end of the fishing season.⁹ While many planters continued to rely on family production or limited partnerships on a share system, a considerable number could hire servants on wages. Yet even planters who used wage labour had to deal with local merchants in truck, earning little above the costs of their fishery and subsistence.¹⁰ The fortunes of war were not kind to many planters as they could not obtain high enough prices for their fish to compensate for high wage rates and high credit prices for equipment and provisions.¹¹ The vagaries of wartime economic conditions could destroy, as well as make, a planter's independence: merchants' suits against planters for bad debts increased in the Newfoundland Supreme Court as the war years brought increased prices for imports into the island.¹²

Differentiation among planters thrived on a new fishery created by the Napoleonic wars: the north shore fishery. The French previously controlled this fishery as the French

Shore above Cape St. John from 1713 to 1783. Some planters who had previously been simply year-round settlers on the northeast coast could begin to expand their scale of operations through the employment of servants on schooners in fishing trips to the French Shore. This north-shore fishery proved superior to the Labrador waters resorted to by some planters since the 1760s.¹³ Governor Gower's description of the north-shore fishery indicates that wage labour did not supplant family labour, but rather acted as a supplement. Planters from Conception Bay hired passage for their families on schooners to get to the north shore, where men caught fish, and their female relatives and children cured it just as they would at home.¹⁴ Planters did employ servants on the schooners which sailed to the north shore and Labrador. Over 100 schooners sailed to the north shore by 1812, each employing an average of twenty hired servants to catch and cure fish.¹⁵

The fact that planters used servants to crew a schooner does not necessarily mean that they employed servants actually to catch or cure fish. Planters could well be shippers, who were not actually involved in production. In 1808, for example, Richard Kain sued planter Francis Pike for £124 damages to fish improperly handled by Pike's schooner crew as they carried it from Kain's room at Goose Cove on the French Shore to Harbour Grace. Kain proved to a jury that Pike's crew allowed 197.5 quintals of fish out of 300 to

become wet in shipment, damaging its cure. Pike clearly employed labour in this instance, but not in the fishery itself.¹⁶ Michael Kain sued planter William Peddle, in a similar case, for £100 damages for failing to deliver supplies to him on the French Shore as they had earlier agreed. Again, Peddle acted as a shipper, not as a producer of salt cod.¹⁷

Planters' expanded roles in shipping with their schooners could lead to expanding their scale of producing salt fish. Francis Pike, in partnership with his mother Elizabeth Pike (the wife of a deceased merchant), had by 1808 begun contracting the curing of fish caught on the French Shore by Conception Bay planters in consequence of his shipping for these planters. Evidence of this can be found in Robert Ash's suit against Pike for allegedly improperly curing his "trip" of greenfish. Ash used a schooner to catch fish on the French Shore, sending two cargoes of greenfish to Elizabeth Pike's stages during the season of 1807. Testimony by servants of both Pike and Ash indicate that the former hired shoremen to cure Ash's two loads of fish which he sent to Carbonear from the French Shore.¹⁸

This case is fascinating for a number of reasons. The French Shore extension of the northeast coast planter fishery was clearly leading to some local market diversification and specialization. Owners of capital -- both Ash and Pike-- employed servants in a manner that suggests little of a

household relationship. There was a regional specialization of labour; planters could concentrate on catching and splitting fish at the French Shore, while all the curing was done at the site of marketing in Conception Bay. Planters on the north shore enjoyed a longer season than at Labrador, and had to invest much less capital in preparing for a voyage because the shorter trip required less provisions.¹⁹

The nearing of war's end jeopardized the differentiation which had begun to make inroads among planters going to the French Shore. Governor Keating, in 1804, warned the Colonial Office that prosperity would not last when markets for fish returned to normal and planters could no longer afford to pay high wages.²⁰ British peace negotiations with both the French and Americans threatened planters in the north-shore fishery. The end of war saw the readmission of both the French rights on the north shore and American fishing rights at Labrador. French and American competition, along with the loss of preferences for British products on the Iberian Peninsula brought about the end of the unusual demand for Newfoundland fish. On the northeast coast this meant the end of any great demand for servants above the requirements of the household fishery. Merchants supplying the northeast coast demanded that Governor Pickmore compel Newfoundland's surplus labour to leave the island when depression hit the fish trade in 1816-1817. Pickmore replied that he had no means to do so, while acknowledging that the high capital

requirements of planters' use of labour hired by shares could no longer be met by the low prices for fish in foreign markets.²¹

The depression of the fish trade occasioned some interesting commentary on the household nature of production in the Newfoundland fishery. J. Newart, who described himself as a long-time resident of Newfoundland, suggested that planters were mostly ex-servants or the descendants of servants who had managed to acquire enough capital in partnerships of two or three, to acquire a boat to begin fishing on their own account. Planters, to be more accurate, were those who dried not only their own fish, but with their families and servants, dried the fish of other fishermen without flakes or stages. (This description seems to fit well the operations of Elizabeth Pike.) Merchants dealt with planters through the price-fixing manipulations of truck, not telling them how much they would be charged for provisions and equipment until the merchants knew how much fish and oil would fetch in the marketplace. Late-war prosperity led merchants to advance more credit to some planters so that the latter could expand their scale of production, but post-war recession ended such expansion. Planters with extensive investment in the fishery fell into insolvency, leaving behind only the family fishery.²²

In the most developed parts of Conception Bay around Carbonear and Harbour Grace, families retreated behind the

labour of their households, eating their own fish and potatoes and repairing their own clothing so that they might avoid as much as possible the credit of the merchant.²³ A Wesleyan Missionary Report compiled from the circuit missionaries' observations on the northeast coast confirmed that the inshore fishery survived the 1816-17 depression through the use of household labour: men and boys went out in small craft to catch fish, bringing it to shore where the women and girls of the family cured the fish.²⁴ Throughout the northeast coast planters relied on hired servants only in newly-settled areas where extended families had not developed to a point at which they could supply enough labour for the planters' fishery. Planters' use of wage labour in the longest-settled part of the coast, Conception Bay, became anomalous as "the family system of labour had largely supplanted the practice of hiring imported servants."²⁵

Favourable conditions for planters' employment of wage labour did not return in the years after the Napoleonic wars. In 1820, Captain Nicholas, a naval officer who had served as surrogate judge in Trinity Bay for a number of years, described how the inshore fishery could no longer support planters hiring the great number of servants recently brought into the island. Planters had for the most part become simple boat owners relying on family, or the occasional servant's, labour. Some increasingly hired other indigent planters to crew their boats for half the catch instead of wages. Such

indigent planters had all their boats and property seized by merchants when their accounts fell in arrears during the post-war depression. The share system proved to be a way in which the insolvent could provide for their families and the solvent could avoid paying wages. Nicholas felt that planters suffered primarily from truck. Merchants supplied them and their servants with as much goods, especially rum, and equipment as both were willing to take on credit without settling prices until the end of the season when the fish came to their stores and the merchants knew what it would bring in the market. Planters could not control the nature of credit, but they could control the amount they took, and minimizing the number of servants hired was one way of doing so.²⁶ By 1821, Chief Justice Forbes reported that unemployed servants left the outports to seek work in St. John's or to find a way out of the island.²⁷

Ninian Ball, a Methodist missionary at Bonavista, reported in 1821 that planters there could no longer afford to hire servants due to the low prices given for fish and the high wages of £25 per season asked for by servants. If a planter had sons to work his boats then their efforts might pay them a living, but otherwise planters would face insolvency. Sharemen, ruined planters, would work for others for half the catch. This was a common arrangement which allowed planters access to servants who received a wage determined by the voyage's success or failure. Even hiring labourers on

shares left planters without much at the season's end, so they avoided hiring labour even on these terms when at all possible.²⁸

Planters had generally returned, by 1824, to their status as household producers or, at best, middlemen between fishermen and merchants.²⁹ In 1825, Governor Cochrane reported that planters could ill afford to hire servants on wages in a continuing economic climate of low international prices for cod and the restriction of merchant credit.³⁰ He later stated that the use of labour hired on wages, not shares, had all but disappeared on the northeast coast amid chronic mass unemployment and food shortages caused by the over-expansion of the fishery during the Napoleonic wars. Post-war depression eroded the planters' position, forcing them to retreat from the use of hired labour, if they were lucky enough to escape insolvency.³¹

"An Avalonian" wrote in 1830 that to continue to hire servants on wages would mean the impoverishment of a planter's family working in the inshore fishery

.... until his sons, progressing towards maturity, if well disposed, at length assist in rendering his life more tolerable, but at the same time, adding a large part of their labour, and in many instances the whole of it, to satisfy the appetite of that Hydra-headed monster, wages, which for ever is swallowing up the fruit of their best exertions, and, like an evil spirit, weighing them down to the dust.

Fishing families were best off to hire servants only when their families alone could not supply the household's labour.

If servants must be hired then they should be given a share of the catch.³²

The Labrador fishery, still resorted to by schooners from Conception Bay, did not support differentiation among planters as had the north-shore fishery. Fishing families from Conception Bay continued an annual migration to supplement their inshore fishery with the catch of Labrador waters.³³ Planters in the Labrador fishery used their schooner crews to ship families to the coast in a seasonal round of household activity. The sealing voyage in which the schooners were first engaged before they went to Labrador did not alter much the character of the family fishery, even though it required large numbers of servants. Such servants were the young sons of fishing families looking to earn money for their families, or perhaps to start up their own households. After the Spring seal fishery ended these young men returned either to go to the Labrador fishery with their families, or to stay and fish inshore along the northeast coast.³⁴

Court records reveal that some Conception Bay planters did use servants to prosecute the Labrador fishery. In a petition to surrogate Captain Thomas Toker in 1817 for confirmation of his right to a Labrador fishing room, for example, William Taylor stated that he used one schooner and employed 13 "hands" in his fishery there. If his room was protected, Taylor planned to use an additional schooner and

seven "hands".³⁵ Minutes of other court cases incidentally reveal that planters like George Pippy of Harbour Grace, Thomas Pynn of Musquetto, and Richard Tayler of Harbour Grace employed a number of servants in their schooners to catch fish at Labrador through the 1830s.³⁶ Planters who continued to use servants in their Labrador fishery usually hired them on shares. Patrick Rogers, for example, agreed to take a share of fish in return for serving Nicholas Furlong and John Brine at Labrador as a fish splitter during the 1827 fishing season.³⁷

After 1815, the French gradually regained control of the French Shore, excluding planters from a fishery many felt to be the best on the northeast coast.³⁸ The Labrador fishery was not an adequate substitute for planters who had expanded their scale of operations in the north-shore fishery. The St. John's Chamber of Commerce reported that all Newfoundland fishermen found the Labrador coast's shorter season and poorer curing conditions no substitute for the north shore's resources. Planters found, in consequence, that their fish "has already suffer'd a serious depreciation in Value and the high Character which it heretofore sustained, has been brought into disrepute."³⁹ The Newfoundland House of Assembly reported in 1834 that planters relied more on supplying goods and services to families they transported to Labrador each year, withdrawing from actual production due to the short season, small fish, and poor curing conditions of

the Labrador fishery. Exclusion from the French Shore and poor fish markets meant that some fishing families even began to leave Newfoundland altogether for the greener pastures of the United States.⁴⁰

Governor Cochrane noted that planters who tried to survive in the Labrador fishery after exclusion from the French Shore often supplemented their voyages by raiding the French there. Cochrane increasingly had to deal with complaints from the French about constant raiding of their equipment and he explained to the Colonial Office that schooner crews tried to add to their Labrador voyages by coasting the French Shore to plunder on the way home.⁴¹ Some of these raids became the subjects of trials in Conception Bay courts. In 1833, James Hope of Carbonear, hired by one De'lome, a French fishing captain, to take care of his property at Croque, complained to the Northern Circuit Court that a Carbonear schooner crew raided his premises in October. The court ordered the arrest of the fishermen.⁴² In 1840, merchant Thomas Godden complained that the crew of his schooner, led by their master John Sparks, raided Quirpon during the Spring.⁴³

The prospects for the development of a capitalist organization of production in the Labrador fishery were dim. This fishery was but part of a delicate balance of fisheries in which too much could go wrong. In 1833, for example, Thomas Danson, a justice of the peace at Harbour Grace

reported

.... the unsuccessful Seal and Cod fisheries the past Season, the consequences are their creating so many outstanding Debts, and the whole fish & Oil caught by Planters at Labrador in numerous instances will not nearly pay the Servants Wages ... the Merchants are in like manner very cautious in advancing their property on credit as their losses are great.⁴⁴

Seven insolvencies involving planters in the Labrador fishery which surfaced in a sample of writs issued by the Northern Circuit Court [see Appendix A] say much about the nature and pitfalls of capital accumulation in that fishery. Five of the planters appear to have been mostly concerned with the actual production of salt cod and oil as the mainstay of their capital accumulation. Planters like John Long of Port de Grave actually possessed little capital in property to balance against the credit they took from merchants. Long had a fishing room and equipment -- barrels, salt, skiffs and small utensils -- to a value of £33.9.0 to balance against debts of £124.6.11 to Martin & Jacob, Robert Prowse, and H. & R.J. Pinsent in 1833.⁴⁵ Planter Richard Taylor of Carbonear, in a similar example, could only balance as assets £60 in a fishing room at Labrador, a farm, and equipment against £533.15.9 he owed his supplying merchants, Slade, Elson & Co., in 1834. The large part of Taylor's capital remained the credit he had obtained from his merchant.⁴⁶ Other planters, like John Shea and William Thistle of Harbour Grace, (who owed £262 to various merchants in

1837) could not escape dependence on merchants for the credit they needed to employ labour in the Labrador fishery. John Shea's servant Laurence Shea's suit against the former for the payment of £19 wages occasioned his insolvency.⁴⁷ Thistle became insolvent because he could not make enough fish at Labrador to meet the credit he took from Thomas Ridley & Co for supplies and servants' wages in 1837. Thistle could return only £144.0.3 worth of fish and oil against £230.15.8 in credit, of which he used £99.14.6 to pay wages to six servants, three of whom were probably his sons David, Thomas and John Thistle. A previous outstanding balance to Slade, Elson & Co. of £260 exacerbated Thistle's troubles; he had only £63.7.6 in assets to balance against his debts.⁴⁸ It appears that in the cases of both Thistle and Shea, the Labrador fishery could not sustain a constant outlay of capital by merchants to support large-scale production relying on hired labour.⁴⁹

Some planters backed away from relying solely on fish production to accumulate capital by assuming mercantile roles in the Labrador fishery, although this also failed to guarantee success. The 1837 insolvency of Simon Levi, a planter at Carbonear, is a case in point. Levi held accounts with approximately 660 people for a total amount of £428.13.4; he had begun a small supply business at Carbonear, but continued to operate a Labrador fishery. By 1837, he had managed to accumulate debts of £3,393.7.0 to

English and Newfoundland creditors, including Conception Bay merchants Pack, Gosse and Fryer, Thomas Chancey & Co., William Bemmister & Co., and Slade, Biddle, & Co. To set against this debt, Levi had only £184.7.11 in shop inventory, £10 in two fishing rooms at Labrador, £50 in two plantations at Carbonear, £230 in half ownership of the brig Elizabeth, £30 in 2 oil vats, £240 in debts still due him, £30 in property and furniture for a total of £774.7.11. Simon Levi's estate owed £2,618.19.1.⁵⁰

The inventory of the insolvent estate of planter John Meaney of Carbonear in 1843 indicates a similar diversification from the Labrador fishery into mercantile activity [see Table 11]⁵¹. Meany carried a large debt with merchants Gosse, Pack and Fryer, but, besides owning a fishing room at Labrador, he was in turn a creditor for smaller sums to a large number of other people.⁵² Edward Shannahan's debt of £47.18.10 owed to Thorne, Hoope and Co. from 1832 to 1836 led to a petition by the planter in which is stated the problems of using hired servants in the precarious Labrador fishery:

That your petitioner about Six years ago dealt with Messrs. Thorne & Co. to the amount of £300 and carried on the fishery on Labradore.

That the fishery was very bad that Season and your petr. fell back on his account upwards of £43.

That your petr. dealt the following year with the said Thorne & Co. but could not reduce the balance of the former year although giving him every fish petitioner caught.

That your petr. was refused supplies for his family and was therefore obliged to dispose of what little property he had for which he could not get but very little for.

That your petr. about three years ago dealt with

Table 11

Insolvent Estate of John Meaney, 1843

Debts owed by Meaney		Assets of Meaney	
Gosse, Pack & Fryer	£1023.14.02	1. Debts owed to Meaney:	
McBride & Kerr	164.13.06	Edward Barrett	£5.16.00
Wm. Bemmister & Co.	5.00.00	Thomas Oats	5.14.00
George Forward	4.00.00	Henry Thistle	0.13.09
John Rourke	4.09.10	Moses King	1.11.06
Wm. Brown	6.00.00	Patrick Redmond	2.08.04
Edward Walmsley	8.00.00	Edward Doyle	1.03.00
James Skehan	5.00.00	John Cornish	0.16.16
James Wall	16.00.00	Patrick Cashman	2.06.06
J. & F. McCarthy	4.00.00	James Butler	1.04.08
J. Peters	4.10.00	Richard Dunn	2.09.01
Stephen Brine	3.10.00	Edward Dunn	3.17.11
Punton & Munn	30.00.00	Robert Dunn	1.03.09
Nicholas Marshall	20.00.00	Jeremiah Dunn	1.09.11
		John Harris	2.19.08
		Walter Joyce	0.16.09
		Patrick Rourke	2.06.09
		George Butt	1.02.09
		Richard Doherty	0.18.03
		John Morea	1.01.09
		Thomas Fling	1.00.06
		Dennis Dunn	1.00.06
		Michael Wallace	1.04.00
		James Doyle	<u>5.13.04</u>
		Subtotal:	48.18.00
		2. Property	
		Fishing Room &	
		Premises at Lab.	5.00.00
		6 Puncheons	1.10.00
		2 Skiffs	4.00.00
		1 Cod Seine	5.00.00
		1 Skiff	1.00.00
		Furniture and	
		Fishing Gear Under	
		Attachment	<u>19.00.00</u>
Total	£1298.17.06		£84.08.00

Mr. Wells at the Labrador and that year the fishery almost totally failed and your petitioner did not catch sufficient fish to pay the wages -- but petr. has since paid him some fish and owe him upwards of twenty eight pounds.

That your petr. has a large helpless family who have no person to trust to but ptrs. labour.⁵³

Shannahan pleaded to be declared insolvent so he would not have to face prison. Planters who relied solely on family labour fared no better. Neither the hiring of servants, nor the restriction to family labour, guaranteed success in the Labrador fishery. For example, John Day, a Carbonear planter facing imprisonment for debt in 1848, explained to the Northern Circuit Court that the proceeds of his family's fishing trips to Labrador rarely covered the voyage's costs. His high credit and transportation costs left Day vulnerable to falling fish prices. Low prices in 1848 "left Petitioner penniless and his family without fuel and without many of the commonest necessities for the winter."⁵⁴

Occasional records of insolvency by planters not involved in the Labrador fishery indicate that it was risky for them to employ servants in any large-scale fishery. Six out of the thirteen cases of insolvency which surfaced in the sample of writs from the Northern Circuit Court could not be identified with the Labrador fishery [see Appendix A]. Besides one list of English and Newfoundland creditors to an unidentified insolvent estate owing £2783.19.6 (probably a merchant)⁵⁵, only two of these insolvencies indicate large scale operations. In 1827, after he paid his crew their

wages, William Mosdell still owed merchant Charles Cozens of Brigus £995 for current supplies, £1,400 on previous balances due to Cozens, and £61 in other debts. Against this total debt of £2,456 Mosdell could only balance assets of £700 including a schooner valued at £300, a fishing room and craft at £160, and outstanding debts owed Mosdell of £100.⁵⁶ The assets which came to light after he became insolvent suggests that John Way operated a large fishery. Way failed in 1848 when he could not pay his supplying merchant Ridley, Harrison & Co. the £300 they demanded [see Table 12].⁵⁷ Other insolvency cases of planters and fishermen which could not be associated with the Labrador fishery indicate that they were usually smaller operations. William Marshall's 1833 debts of £117.10.3 (including £43.3.11 to Thomas Foley, his current supplier), for example, far outweighed his £6.15.0 worth of fishing equipment.⁵⁸

The problems faced by planters did not lie in the Labrador fishery alone. A correspondent of the Harbour Grace Weekly Herald complained that planters could count on no reliable profits in the seal fishery they conducted as an adjunct to the codfishery. Between 1838 and 1845, the correspondent estimated, planters averaged a harvest of 974 seals per schooner valued at £320. After paying servants' wages, planters realized £200 profit. The owner of a schooner in these years incurred a total expense of £1,000 for the original purchase of a schooner, £600 in depreciation

Table 12
Insolvent Estate of John Way, 1848

Debts owed by Way		Assets of Way	
Ridley, Harrison & Co.		1/2 schooner <u>Success</u>	£125.00.0
& Co.	£322.17.1	Hire 1/2 schooner	
Francis Shepperd	5.00.0	last Spring	20.00.0
Robert Parsons	5.00.0	1 cod seine	11.00.0
Samuel Bennett	2.00.0	1 caplin seine	5.00.0
Wm. Stirling, MD	1.11.6	1 lance bunt	4.10.0
Jonathan Parsons	1.05.0	3 fishing boats	13.00.0
Charles Parsons	0.05.0	1 stage lamp	0.01.0
Mrs. Dixon	1.00.0	cod seine skiff	1.00.0
Thomas Dunford	0.10.0	2 skiffs rhodes and	
		1 old rope	1.00.0
Jonathan Kennedy	0.05.0	1 second hand rhode	
		and 8 fishing leads	1.12.0
		1 seine line, 6 jiggers	0.13.0
		3 grapnels, 3 creepers	
		1 howser	1.10.0
		1 mooring anchor, 2	
		dip net irons	0.13.6
		pews, gaffs, old hhd.	0.11.6
		6 hhd. salt	3.06.0
		1 boats compass	0.05.0
		boats kettles, 3	
		cod bags	1.11.0
		Interest in Harbour	
		Grace dwelling	30.00.0
		land + table	<u>2.02.6</u>
Total	<u>339.13.7</u>		222.15.6

and insurance, £800 in provisions, and £400 in a 5 per cent interest on the original £1,000 purchase money. In return, the planter had £200 in a depreciated vessel and about £1,600 in his share of seals caught in the eight years. A balance of £1,800 pounds stood against the planter's vessel.⁵⁹

The disenchantment which planters could experience as a result of expanding the scale of their capital investment in the fishery emerges in "a Native"'s 1846 parable entitled

"John, of 'The Harp' Or, The Way to Get Dished." In this account, merchant capital actually emerges as the venture capital of expanded scale of production, and increased employment of wage labour in the fishery. The story suggested that fifty years before, planters had the right idea when they expanded the scale of their family operations to include spring sealing. Problems only began when merchants began to encourage planters to finance the building of large decked schooners which required much labour and led to a heavier reliance on the merchants' credit. Before taking this new step, planters were simply hardy fishermen with good wives who provided for most of the household's needs from their own produce from the sea and garden.

John, a "Native"'s ideal, owned a small boat, catching and splitting his own fish, giving his fish and oil to his supplying merchant, and saving perhaps £150 over the years. From the produce of his own hands, John built his own house, with a garden, and raised some livestock. His household's self-sufficiency disintegrated through John's desire to expand his family's operation. John's merchant, "Messrs. Pale Seal & Co.", encouraged him to set up his son Tim in a get-rich-quick scheme, by borrowing money to buy a schooner, the Harp, to try and make a lot of money from an expanded sealing operation.

A "Native" found fault not with the planter's desire to enlarge the scale of his operations, but rather with the

merchant's subversion of the planter's household-oriented production and consumption. John could not earn enough from the capricious catches of the seal hunt and turned to the Labrador fishery to keep his capital employed during the summer. The proceeds from voyages there could not cover wages and schooner costs, and John ended his career impoverished and in debt.⁶⁰ The parable of John the planter clearly idealizes household, petty production through reliance on family labour as the only way for planters to thrive on the northeast coast. Under other conditions, the planters of Conception Bay either failed and joined the ranks of their fellow household producers, or left the colony altogether. The recommendation of "Delta", another correspondent, was that remaining planters not hire servants, but rather rely on their families' labour in both the inshore and Labrador fisheries.⁶¹

The fishery of the northeast coast of Newfoundland in the first half of the nineteenth century rested primarily on the labour of families within households, supplemented by servants at times when the family could not supply enough. The offspring of these households sought work as servants in the seal fishery and on the Labrador as a buttress to their families, and perhaps as a transitional stage on the way to the establishment of their own households. Planters usually paid shares to the occasional servants they did hire. The labour of the family proved to be the crucial underpinning of

an economy based on household production. Although some planters eventually became petty traders and shippers in the Labrador fishery, most remained resident fishermen who owned their own boats, equipment and fishing rooms, relying on family labour and merchant credit in their work just as did other fishermen. Differentiation among planters involved little potentially qualitative change in the northeast-coast fisheries' class relations, except during the boom times created by the Napoleonic wars. Some planters, in response to good fish markets and access to the north-shore fishery, began to expand their operations by using wage labour in a schooner fishery. The growth of a class of industrial capitalist producers who might challenge merchant capitalist hegemony in northeast-coast society ended with the wars. Differentiation among planters declined with the growth of post-1815 depression in fish markets, and the loss of the north-shore fishery.

NOTES

1. Steven Antler, "Colonial Exploitation and Economic Stagnation in Nineteenth Century Newfoundland," PhD. Thesis, University of Connecticut, 1975, pp. 28-78. Antler's work is an important underpinning of Gerald Sider's explanation about how merchants undermined the development of capitalist class differentiation in Newfoundland communities in the 19th century to ensure their own hegemony. See Gerald M. Sider, Culture and Class in Anthropology and History: A Newfoundland Illustration (Cambridge: Cambridge University Press, 1986), pp. 46-57.

2. C. Grant Head, Eighteenth Century Newfoundland (Toronto: McClelland and Stewart, 1976), pp. 223; G.M. Storey, W.J. Kirwin, and J.D.A. Widdowson, eds., Dictionary of Newfoundland English (Toronto: University of Toronto Press, 1982), pp. 381-83. Gaspé planters appear to have been somewhat distinct from Newfoundland's northeast-coast planters in their early association with actual large-scale resident production through hiring labour. See Rosemary E. Ommer, From Outpost to Outport: A Structural Analysis of the Jersey-Gaspé Cod Fishery, 1767-1886 (Montreal and Kingston: McGill-Queen's University Press, 1991), pp. 24-40.

3. Centre for Newfoundland Studies, MUN, Colonial Office Papers # 194 (Hereafter cited as CO 194), Volume 138, 1788-91, MicroF. Reel B-678, F. 290-92; Chief Justice Reeve's report to Secretary Dundas on the Legislation and Judiciary of Newfoundland, n.d., ca. 1791.

4. Shannon Ryan, "Fishery to Colony: A Newfoundland Watershed, 1793-1815," in P.A. Buckner and David Frank, eds., The Acadiensis Reader: Volume One, Atlantic Canada Before Confederation (Fredericton: Acadiensis Press, 1985), pp. 130-48.

5. CO 194, v. 40, 1798, B-679, F. 135-37, Governor William Waldegrave to the Duke of Portland, Agincourt at sea, 30 October 1798.

6. Ann Kussmaul, Servants in husbandry in early modern England (Cambridge: Cambridge University Press, 1981), pp. 3-25.

7. W. Gordon Handcock, "An Historical Geography of the Origins of English Settlement in Newfoundland: A Study of the Migration Process," Unpublished PhD. thesis, University of Birmingham, 1979, pp. 69-240. Researchers should consult the wealth of both research and methodology contained in this thesis, but the study has also been made more widely acces-

sible as W. Gordon Handcock, Soe longe as there comes noe women (St. John's: Breakwater, 1989).

8. Keith Matthews, "History of the West of England-Newfoundland Fishery," PhD thesis, Oxford University, 1968, pp. 593-96. The opportunities opened up to planters by the year-round exploitation of resources are explored in much greater detail in Patricia A. Thornton, "The Demographic Base of Initial Permanent Settlement in the Strait of Belle Isle," in John J. Mannion, ed., The Peopling of Newfoundland: Essays in Historical Geography (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1977), pp. 158-72.

9. CO 194, v. 43, 1801-03, B-680, F. 26-28; "The Report and Remarks made by Robert Barton Esq. Lieutenant Governor of the Island of Newfoundland - 1801."

10. CO 194, v. 44, 1804-05, B-680, F. 50-53; Governor Sir E. Gower to Earl Camden, Hermitage, 24 December 1804.

11. CO 194, v. 44, 1804-05, B-681, F. 141; Gower to Camden, St. John's, 18 July 1805.

12. CO 194, v. 45, 1806, B-681, F. 15; Gower to William Windham, Hermitage, 13 February 1806.

13. Shannon Ryan, "The Newfoundland Cod Fishery in the Nineteenth Century," MA thesis, Memorial University of Newfoundland, 1971, pp. 48-57; and Fish Out of Water: The Newfoundland Saltfish Trade 1814-1914 (St. John's: Breakwater, 1986), pp. 46-51.

14. CO 194, v. 45, 1806, B-681, F. 20; Sir E. Gower, "Explanatory Observations on the Accompanying Return of the Fishery and Inhabitants of Newfoundland...1804." Gordon Handcock confirms that the north-shore fishery was a family-based one. See Soe long as there comes noe women, pp. 119-20. Head too suggests that planters in the north-shore fishery, while perhaps enjoying some greater prosperity than other planters, were essentially household producers who relied on family labour (Eighteenth Century Newfoundland, pp. 222-23).

15. Provincial Archives of Newfoundland and Labrador, P1\5, Duckworth Papers, MicroF. Reel 351.5, M-3717, F. 2762-63, petition of the merchants of Conception Bay to Gov. Sir Thomas Duckworth, 31 July 1812.

16. Provincial Archives of Newfoundland and Labrador, GN5\1\B\1, Surrogate's Minutes (Hereafter cited as PANL, GN5\1\B\1, Surrogate's Minutes), Box 1, 1807-10, Richard Kain

vs. Francis Pike, 8 February 1808.

17. PANL, GN5\1\B\1, Surrogate's Minutes, 1807-10, Michael Kain vs. William Peddle, 11 January 1808.

18. PANL, GN5\1\B\1, Surrogate's Minutes, 1807-10, Robert Ash vs. Elizabeth Pike, 2 June 1808.

19. For other court cases which reveal that planters hired wage labour both to catch fish on the north shore and at Labrador, as well as subcontractors in curing the fish see PANL, GN5\1\B\1, Box 1, Surrogate's Minutes, 1807-10, Hunt & Co. vs. James Quinlan, 18 December 1809; Minutes, 1813-15, Michael Power vs. James Rafter, 12 May 1814. Box 2, 1816-24, Surrogate's Minutes, 1816-18; Michl. Purcell vs. Wm. Donovan, 22 May 1817; Macfarlane & Scott vs. James Fox, 19 December 1817; Minutes, 1818-19; Colbert and Driscoll vs. Henry Webber & Co., 28 January 1819.

20. CO 194, v 55, 1814, B-685, F. 95; Governor R.G. Keats to Earl Bathurst, Bellepheron at sea, 29 December 1814.

21. CO 194, v. 59, 1817, B-686, F. 110-12; Governor Pickmore to Henry Goulbourn, Portsmouth, 20 July 1817. Petitions came from the merchants of Bristol, mainly trading to Conception Bay: Thomas Thorne & Co., William Danson, William Henderson, William Mullowney, and Bartholomew Henderson & Co.; and the merchants of Poole, trading to all parts of the northeast coast: Thomas Colborne, George Garland, Chris Spurrier & Co., Samuel and Jn. Clark, John Slade & Co., Robert Slade, Slade & Cox, Fryer, Gosse & Pack, George & J. Kemp & Co., Sleat and Read, and Joseph Bird. CO 194, v. 60, 1817, B-687, F. 185-86, 211-12; Petitions of the Merchants of Poole and Bristol, 7,13 March 1817. CO 194, v. 59, 1817, B-686, F. 187; Governor Pickmore to Earl Bathurst, St. John's, 22 December 1817.

22. CO 194, v. 60, 1817, B-687, F. 249-75; J. Newall to Earl Bathurst, St. John's, 4 March 1817. Newall's observations were confirmed in the British House of Commons select committee testimony of George Garland, George Kemp Sr. and Jr., merchants of Poole, and J.H. Attwood, merchant of St. John's, who stated that the prosperity of wartime was not likely to return, and the best thing that resident fishermen could do would be to rely on the labour of their families, not servants. CO 194, 1817, v. 60, B-687, F. 290-312; Report from the Select Committee on the Newfoundland Trade; with Minutes of Evidence...", 26 June 1817.

23. PANL, Wesleyan Methodist Missionary Society, Newfoundland Correspondence (Hereafter cited as PANL, WMMS Corr.), 1818-24, 971.8W2, Reel B-4-4, #68; John Walsh to

Joseph Taylor, Conception Bay, 10 July 1819.

24. PANL, WMMS Corr., 1818-24, 971.8W2, B-4-4-, # 137; "Observations &c. on the island of Newfoundland," March 1819.

25. Hancock, See longe as there comes noe woman, p. 106.

26. CO 194, V. 63, 1820, B-688, F. 250-67; Captain J. Nicholas to Lord Melville, Newfoundland, 18 October 1820.

27. CO 194, V. 64, 1821, B-688, F. 139-40; Grand Jury to Forbes, St. John's, 13 October 1821.

28. PANL, WMMS Corr., 1819-22, 971.8W3, #2; Ninian Ball to Joseph Taylor, Bonavista, 3 October 1821.

29. CO 194, v. 68, 1824, B-691, F. 112-113; J. Stephen Jr. to Robert Wilmot Horton, London, 19 March 1824.

30. CO 194, V. 71, 1825, B-693, F. 363-64; Governor Cochrane to Wilmot Horton, St. John's, 20 May 1825.

31. CO 194, V. 72, 1826, Despatches, B-693, F. 87-100; Governor Thomas Cochrane to Earl Bathurst, St. John's, 30 January 1826.

32. The Public Ledger, St. John's, 21 May 1830.

33. PANL, WMMS, Corr., 1818-24, 971.8W2, B-4-4, #173, "Observations &c. on the island of Newfoundland," March 1919, n.p.

34. PANL, WMMS, Corr., 1824-25, 971.8W5, B-4-4, # 171; William Wilson to the WMM Committee; Port de Grave, 6 September 1825.

35. PANL, GN5\1\B\1, Surrogate's Minutes, Box 2, 1816-18, Petition of William Taylor, Harbour Grace, 10 June 1817.

36. PANL, GN5\1\B\1, Surrogate's Minutes, Box 2, 1816-18; George Pippy vs. Michael Duggan, 20 November 1817. PANL, GN5\2\A\1, Supreme Court Minutes, Box 4, 1825; The King vs. Thomas Pynn, 22 January 1825. Provincial Archives of Newfoundland and Labrador, GN5\3\B\19, Harbour Grace Court Records (Hereafter cited as PANL, GN5\3\B\19, HGCR), Box 28, File 1, Petition of Jonathan Taylor, William Taylor, Richard Taylor, John Taylor, Henry Taylor, Joseph Taylor and John Hinchy, to Judge A.W. DesBarres, Northern Circuit Court, 1 June 1831.

37. PANL, GN5\3\B\19, HGCR, Box 30, File 6, Writ issued in the Northern Circuit Court, # 131, 21 November 1827.

38. CO 194, v. 74, 1827, B-695, F. 167-72; Governor Cochrane to Viscount Goderich, St. John's, 26 September 1827.
39. CO 194, v. 76, 1828, B-696, F. 324-27; Petition of the St. John's Chamber of Commerce to Sir George Murray, 1828.
40. CO 194, v. 87, 1834, B-536, F. 174-78; Petition of the House of Assembly to G.C. Stanley, St. John's, 22 May 1834.
41. CO 194, B-536, vol. 87, 1834, F. 34-35; Governor Cochrane to E.G. Stanley, St. John's, 1 February 1834.
42. PANL, GN5\3\B\19, HGCR, Box 33, File 1, 1835-43.
43. PANL, GN5\3\B\19, HGCR, Box 33, File 2, 1835-43; The Queen vs. John Sparks and others, 23 May 1840.
44. PANL, GN5\3\B\19, HGCR, Box 22, File 5; Thomas Danson to Colonial Secretary James Crowdy, Harbour Grace, 22 November 1833.
45. PANL, GN5\3\B\19, HGCR, Box 50, File 1, 1821-47; Martin and Jacob vs. John Long, 14 May 1833 in the Harbour Grace Northern Circuit Court. Writ # 63.
46. PANL, GN5\3\B\19, HGCR, Box 18, File 8, 1834; Susan Watts vs. Richard Taylor, Carbonear, 18 November 1834 in the Harbour Grace Northern Circuit Court. Writ # 346.
47. PANL, GN5\3\B\19, HGCR, Box 28, File 5, 1837; Laurence Shea vs. John Shea, 13 November 1837. Writ # illegible.
48. PANL, GN5\3\B\19, HGCR, Box 18, File 12, 1837; Thos. Ridley & Co. vs. Wm. Thistle, 23 December 1836 in Northern Circuit Court. Writ # illegible.
49. For other cases in which servants' suits for wages occasioned their planters' insolvencies in the Labrador fishery see PANL, GN5\3\B\19, HGCR, Box 49, File 5, 1845; John Rourke vs. Edmund Guinea, 29 October 1845, Harbour Grace Northern Circuit Court. Writ # 40. Box 64, File 2, 1830-39; statement of the debts and effects of Wm. Ash, Hr. Grace, 13 November 1832. Box 41, File 6, 1839; Cornelius Byrne vs. Edward Pike, Carbonear, Northern Circuit Court, 6 November 1839. Writ # 123. Box 58, File 3, 1840-49; statement of the affairs of William Flynn Jr., 11 November 1844. Box 55, File 3, 1840-48; John Munn vs. Kennedy Thomey, Northern Circuit Court at Harbour Grace, 16 November 1847. Box 20, File 5, 1833; "The petition of John Delaney of Port de Grave, fisherman", Northern Circuit Court, 6 November 1850. Box 26, File 10, 1827; Petition of Thomas Powell, Carbonear, to Chief Justice R.A. Tucker, 18 May 1827. Box 38, File 3,

1830; Insolvent Estate of John P. Taylor, 2 June 1830. Taylor owed £600 to Slade, Elson & Co., £300 to Wm. Taylor & Co., £7 to Robinson & Brooking, and £2 to Tocque and Levi. Box 20, File 1, 1833, Insolvency of Denis Thomey, 21 November 1833. Box 20, File 1, 1833, "Property belonging to Edmund Barrett." Box 20, File 1, 1833; Account of James Quiddihy with George Forward, 1833. Box 18, File 7, 1834, # 51, Writ of the Northern Circuit Court William Ash Jr. and John Taylor to pay 2 pounds to Robert Pack and William Bennett, trustees of Taylor's estate, 1 July 1834. Box 18, File 18; Petition of Michael Keefe, Planter, to E.B. Brenton, judge of the Northern Circuit Court, 19 June 1834. Box 28, File 4, 1837; Joseph Soper vs. James Cooney, 6 November 1837, and "Schedule of the Estate of James Cooney Insolvent", 20 November 1837.

50. PANL, GN5\3\B\19, HGCR, Box 18, File 12, 1837; estate of Simon Levi, 1837. Also Box 28, File 10, 1837.

51. PANL, GN5\3\B\19, Box 74, File 4.

52. PANL, GN5\3\B\19, HGCR, Box 74, File 4, 1840s; Nicholas Marshall vs. John Meaney, 2 May 1843, Harbour Grace Northern Circuit Court. Writ # 19.

53. PANL, GN5\3\B\19, HGCR, Box 18, File 9, 1836; Petition of Edward Shannahan to Judge E.B. Brenton, Northern Circuit Court, May 1836.

54. PANL, GN5\3\B\19, HGCR, Box 21, File 5, 1848; Petition of John Day to the Northern Circuit Court, 14 November 1848.

55. PANL, GN5\3\B\19, HGCR, Box 18, File 2, Declaration of Insolvency, 1 June 1837.

56. For examples of smaller insolvent operations see PANL, GN5\3\B\19, HGCR, Box 30, File 4, 1827; "In the Insolvency of Wm. Mosdell", 14 November 1827. Box 18, File 9, 1836; Thomas Godden vs. Thomas Sheehan, Northern Circuit Court at Harbour Grace, 18 April 1836. Box 26, File 3, 1844; Thomas Ridley vs. John Parsons, Harbour Grace, 9 November 1855. Writ # 28.

57. PANL, GN5\3\B\19, HGCR, Box 21, File 6, 1848; Insolvency of John Way, 23 October 1848. Writ # 38.

58. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833; statement of the creditors of William Marshall, insolvent, in the Northern Circuit Court, 19 November 1833. For other examples see Box 59, 1830-39; Statement of the debts and effects of Patrick Power in the Northern Circuit Court, 13 November 1832. Box 59, File 3, 1830-39; statement of the debts and effects of James Shepherd in the Northern Circuit Court, 14

November 1832. Box 20, File 1, 1833; estate of John Kennedy in the Northern Circuit Court, 18 November 1833. Box 20, File 1, 1833; statement of the debts and effects of James Duggan in the Northern Circuit Court, 19 November 1833. Box 55, File 2, 1830-39; petition of Howell and Cannon to Judge James Simms, Northern Circuit Court, 26 April 1847. Box 21, File 5, 1848; petition of Moses Percey to the Northern Circuit Court, Brigus, 8 May 1848.

59. The Weekly Herald, Harbour Grace, 15 December 1847.

60. Ibid., 11 March 1846.

61. Ibid., 11 April 1849.

CHAPTER FOUR:

Settlement and Agriculture Among Northeast- Coast Fishing Families, 1785-1830

Fishing households did not rely only on the sea's resources in their attempt to live up to the obligations of merchant credit on the northeast coast. The families of planters and fishermen could turn to the coast's landward resources to minimize the amount of supplies they would have to take from fish merchants. An early historiographic school dominated by L.A. Anspach and D.W. Prowse suggested that a combination of West Country merchants and government officials long opposed settlement and agriculture as a possible obstruction to their migratory fishery.¹ More recently Keith Matthews' work on the West Country trade has established that West Country merchants in fact incorporated limited settlement and agriculture into a broader strategy in which merchants came to rely on a resident population to maintain fishing rooms and equipment. Gordon Handcock's studies of the demographic development of Newfoundland further demonstrate that this symbiotic relationship between fish merchants and resident fisher folk facilitated the peopling of Newfoundland's northeast coast, from Conception Bay to Fogo and Twillingate.²

Innis and Grant Head suggest that Newfoundland possessed neither the agricultural nor timber resources with which to stimulate internal trade and provide fish producers with

local supplies of provisions and capital goods. Thus settlers remained dependent on the international fish trade, and the truck system used by fish merchants in which fishermen obtained goods from merchants on credit against the fishing season's yield. Nor, they claimed, could fishermen diversify into agricultural production: even meagre subsistence agriculture often did not meet the family's basic requirements, let alone encourage specialization and local trade.³ Ignoring this Sider insisted that merchants actively opposed agricultural development as a threat to their profitable monopoly of the fish trade. Through their influence over administrative authorities, they denied settlers' landed property rights, thereby making "settlers more dependent upon their merchant suppliers."⁴ The question which must be answered, therefore, is whether or not West Country merchants opposed or accepted Newfoundland settlers' agricultural activities.

The existence of such a conspiracy of merchants and government officials against agriculture in Newfoundland cannot be substantiated. While some merchants and officials opposed settlement, producers in Newfoundland did attempt to diversify their economic activity through agriculture. Throughout the late-18th and early-19th centuries Newfoundland fishing families explored ways to minimize the amount of provisions they had to secure on credit from merchants, including home production of consumer goods and

foodstuffs. Fishing families, merchants and local government officials all quickly perceived that the northeast coast's soil and climate allowed agriculture to serve only as a meagre supplement to the fishery. It was the Newfoundland Reformers of the 1820s-1830s who perpetuated the view that merchants inhibited settlers' agriculture, and they did so in an attempt to convince the Colonial Office that Newfoundland should have colonial self-government.

That is not to say that West Country merchants did not initially worry that agricultural activity in Newfoundland might partially undercut their profits from the fishery's supply trade; some did. But to interpret such initial hesitancy as continued and determined merchant hostility to settlement and agriculture, however, would be to ignore the evidence that both geographical and temporal variables led merchants and the state to accept cultivation of the soil. As merchants restricted credit during the post-1815 recession, they looked to subsistence agriculture as a way in which families could provide themselves with foodstuffs in lieu of those no longer available on credit. Worried about the costs of credit and faced with increased competition from the Americans and French in European cod markets, merchants hoped that a family-based combination of fishing and cultivation would facilitate the production of saltfish at a cost that would undersell the American and French products.

There has, in fact, always been a symbiotic relationship

between agriculture and the fishery in Newfoundland. Advocates of proprietary colonies at Newfoundland during the late-16th and 17th centuries argued that they could produce a better product for sale at lower cost in the Iberian markets than could migratory fishing enterprises by establishing fishing colonies which would use agriculture to provide the colonists' subsistence. The proprietary colonists thought they would enjoy a competitive advantage over West Country merchants who dominated the migratory fishery by thus eliminating subsistence from the cost of producing fish, having a longer season over which to catch and ship a fish product, and being able to ship fish directly from Newfoundland to Spain and Portugal.⁵

The problem was that the proprietary colonists failed to find other, especially agricultural, resources to exploit profitably as a supplement to the fishery. As a result, they tried to make their money by attempting to monopolize the best fishing rooms as private property. This effort challenged the existing rights of the West Country merchants whose ship fishery rested on a seasonal occupation of such rooms. The West Country merchants consequently opposed proprietary colonists' attempts to disrupt the migratory fishing industry which was based on the profitable exchange of proven British agricultural products and manufactures for fish. The lesson drawn by the British government was that large plantation schemes did not work in Newfoundland, that

the migratory fishery provided great stimulation to British industry, and that the proprietary colonists hoped to compete only by excluding that migratory fishery from Newfoundland. By contrast, the West Country merchants did not object to trading with resident fishing families established in Newfoundland at the end of the 17th century, families which partially supported themselves through subsistence agriculture.⁶

During the eighteenth century settlement advanced rapidly in Conception and Trinity Bays, where agricultural and timber resources were marginally better than on other parts of the English Shore, and where supplementary seal and salmon fisheries could be prosecuted, allowing both rapid growth in the resident fishery and also mercantile development. The north shore of Trinity Bay, Bonavista Bay, and the Fogo-Twillingate district experienced less settlement, but resident planters began to arrive there as Conception and Trinity Bays became crowded. In all these areas resident fisher families gained a livelihood through a combination of trading in truck with merchants, and finding local subsistence resources.⁷ The evidence, taken overall, is that merchants and fishing people cooperated in the creation of a settled Newfoundland society, although this was often out of step with the official government policy of the Board of Trade in London. While a far-removed colonial authority frowned on it, agriculture remained, from proprietary times,

a limited supplement to the exploitation of the sea.⁸

The cooperation between merchant and settler, however, was neither equal nor non-exploitative. Merchants in the Newfoundland fishery were out to make a profit, to make money from the trade with Newfoundland fishing people. They accepted subsistence agriculture because it aided the creation of profit. In 1784, Poole and Dartmouth merchants demanded the prohibition of all imports of American provisions into Newfoundland: they could accept people raising what local provisions they could, but these merchants would not suffer a loss of trade to American sources of supplies.⁹

The merchant strategy with regard to agriculture in Newfoundland had been clearly stated in the anonymous 1781 pamphlet "Remarks of a Merchant on the Newfoundland fishery." The Board of Trade was told that the writer "would never Recommend any further Encouragement for Cultivation than the Inhabitants & Traders there may occasionally do for their own immediate purposes." Merchants, he said, opposed diverting labour from the fishery and into any attempt to develop large-scale agriculture. He defended government regulations which prohibited the engrossment of property for agricultural purposes because they discouraged competition with British imports. The report suggested that subsistence agriculture was acceptable and necessary; anything more than that was a chimera and not to be permitted.¹⁰

While the state might agree as to the limited nature of

agriculture in Newfoundland, it disagreed with the merchants on the question of American provisions. In 1785, Governor Campbell decided that he must authorize public relief because people had not earned enough in the preceding fishing season to purchase provisions for themselves during the winter. While Campbell acknowledged that he did this to protect merchants' premises from attack by hungry people, he criticized merchants who continued to oppose the entry of American provisions. The governor's commentary running alongside a petition from Poole merchants against American imports, suggested that the merchants' unwillingness to compete against cheaper American provisions represented nothing more than a blatant attempt to foist monopoly in the pricing of provisions on the backs of a distressed fishing populace.¹¹

Fishing families survived throughout the 1790s by supplementing their purchases from merchants with the produce of their gardens.¹² Governor Waldegrave made it clear in 1798 that few producers could hope to escape dependence on the merchants. Although the past season's catch and cure had been good, a glut in the Portuguese market meant that merchants might restrict credit, and raise prices for provisions and salt. Waldegrave noted that many planters could barely cover their costs, let alone buy food.¹³ As a means of addressing the threat of famine, the British government authorized the importation of provisions directly from the United States to Newfoundland during the fishing

season.¹⁴

This situation led British officials in Newfoundland to think more positively about fishermen's agricultural rights. British legislation forbade the engrossment of land for agriculture and the erection of structures for other than fishing purposes. Thomas Skerrett, brigadier general of the garrison forces, suggested that the British government allow fishermen to enclose land "... provided it does not interfere with the Fishing grounds, and it is extended only, to the feeding of a Cow, or a Pig, and the planting of a few potatoes...." He thought such laws preventing enclosure had made sense when the British government hoped to preserve a ship fishery by compelling fishermen to return to the British Isles each year, but now government could not ignore the subsistence needs of nearly 70,000 residents. Skerrett emphasized that fishermen must be encouraged to raise potatoes in order to avoid the yearly winter-time distress and threat of famine.¹⁵

By 1803 both merchants and the government acted to deal with the problem of provisions and agriculture. The merchants of Poole, Dartmouth, Teignmouth, and Bristol decided that money could be made in carrying American provisions to Newfoundland -- they petitioned for and received permission from the Board of Trade to import salt meats into the island.¹⁶ At the same time, Governor Gambier decided to allow leases of land for the purposes of cultivating gar-

dens.¹⁷ This system, reported Governor Gower in 1804, applied mainly to the immediate neighbourhood of St. John's, since "The Inhabitants of Saint Johns [sic] having been more restricted than those of the Out Harbours from enclosing and cultivating Land, the quantity in cultivation bears but a small proportion to the demands of the Town." Gower felt confident that the natural limits of agriculture in Newfoundland would confine it to a complementary role to the fishery.¹⁸

Gower did not believe that cultivation would free fishermen from reliance on imports. For the most part, Newfoundland's soil and climate did not allow independence through agriculture because fishing families could raise little besides root vegetables in their gardens. He therefore proposed that the British government authorize year-round imports of American provisions: allowing them only during the fishing season did not give merchants enough time to meet the resident population's requirements and so people faced the yearly prospect of winter famine. Local agriculture alone could not meet the needs of people whose main resource and occupation was the fishery.¹⁹

Although he felt the natural limits on cultivation to be severe in the island, Gower, in 1806, pushed for more vigorous government support of agriculture because he could see no other way that fisher families could find relief from high priced, scarce provisions. The importance of such

measures was clear: subsistence agriculture subsidized merchant profit in the fish trade. As Gower explained:

If the proposed measure should afford them the means of obtaining a cheaper subsistence than at present, it would enable them proportionately to render their produce on easier terms to the Merchant which would encourage more of that class to engage in the exportation of it, and extend its consumption to the rival fishery of New England.²⁰

There was no possibility of agriculture injuring the fishery, he noted, since Newfoundland agriculture barely provided garden vegetables for its own inhabitants and could not support even raising enough fodder to feed government officials' horses, let alone people.²¹ After stressing the extent to which the Newfoundland fishery had become a resident one, Gower proposed that government officially recognize the cultivation measures taken by fishermen: fishing families who could feed themselves through their own gardens' crops would not have to pass on the price of imported provisions in the sale of their fish to merchants. Cheaper fish would, as a result, find better markets.²²

Gower was determined to break down any British government resistance to encouragement of the resident fishery. He became an early advocate of constitutional revision which would do away with anti-property rights legislation,²³ and he particularly objected to the prohibition against enclosure of land for cultivation, arguing that he and previous governors allowed fishing settlers agricultural rights as a means of

ensuring their survival and the prosperity of the fishery.²⁴

In gaining government recognition of fishing people's cultivation efforts, Gower was trying to avoid the arbitrariness often shown by government officials in dealing with the issue, but his successor, Duckworth, at first objected to any measure which might encourage a resident fishery there. Duckworth apparently hoped that Newfoundland might return to its old status as only a migratory fishery and nursery for seamen.²⁵ Despite his early hostility, Duckworth soon learned that Newfoundland's fishery rested on subsistence agriculture. In 1811, for example, he had to cope with the problem of residents not being able to find enough imported provisions to survive a winter.²⁶ So, like his predecessors, Duckworth came to accept that the resident fishery had become dominant, and that resident fishing families could only survive with the support of subsistence agriculture. Like Gower, Duckworth thought that Newfoundland's soil and climate would not allow agriculture to interfere with the fish trade.²⁷

Others agreed. Anglican missionary Edmund Violet, for example, argued that it would do no harm if government allowed Newfoundland fishing families to cultivate the land because poor soil and climate set natural limits to the extent to which agriculture could compete with the fishery. Even capital investment would not improve growing conditions, Violet argued. The merchants had evaluated the potential

viability of agricultural activity, but concluded that they could make money with far greater ease at their "regular business, without cultivating rocks, or covering stones with earth," and fishermen realized that they could make more money by trading fish than was possible in trading potatoes.²⁸

Despite these and other similar observations, the imperial government proved slow to change its views on Newfoundland agriculture. In 1812 the British government again tried to address a provisions shortage by allowing merchants in the Newfoundland trade to import American provisions into the island.²⁹ Advocates of cultivation in Newfoundland argued that, rather than see the United States benefit by trade to Newfoundland, the British government should grant fishermen full property rights as an experiment in encouraging them to raise more food locally.³⁰

Fishing families knew that the real problem was not that their agriculture might compete with the fishery, but that it might not even provide subsistence. Newfoundland's resident fishermen had been cultivating the soil for a long time in defiance of British law, and had not been able to prevent the need to obtain American provisions. In June 1813, Governor Keats informed the Colonial Office that Newfoundlanders had again experienced a winter of near famine, and he observed that without year-round access to American provisions, merchants could not hope to import enough provisions at low

prices from either the British Isles or British North America. Pointing to a new phenomenon in 1813 which was to become a recurring theme for the next forty years in the northeast coast's history, he reported that, in many areas, residents were forced to eat their seed potatoes when their flour ran out. Even if cultivation received immediate official encouragement, such action would be too late for the approaching winter.³¹ In mid-summer of 1813, communities from around the island reported that they had already run out of supplies,³² but plentiful imports of supplies from Great Britain and Ireland in the fall averted the famine Keats had feared. The governor began to make grants of land in the St. John's area to help ease the provisions shortage. He did not grant leases in the outports because there the surrogates paid little attention to past regulations against cultivation. Consistent with previous governors' acceptance of agriculture as a necessary subsidy to the fishery, Keats limited grants to four acres, so that every fishing family might raise its own potatoes, vegetables, hay and oats. In the outports, he continued to observe the local policy of allowing fishing families to squat on Crown lands so that they would raise garden vegetables.³³

The cautious encouragement extended to subsistence agriculture by these governors reflected the larger changes the island experienced during the Napoleonic Wars. From 1793 to 1815 the permanent population increased rapidly as the

fisheries made their final transition from a migratory industry to a Newfoundland-based way of life.³⁴ The war-induced prosperity on which the fishery thrived did not survive the peace. After 1815, British merchants began to lose their dominance in the supply of salt cod to European markets as the French and Americans increased production; the resulting glut forced down prices. In Newfoundland, merchants began to restrict credit to planters, ruining many, causing much unemployment, and leaving people with little means by which they could pay for their winter's supply. By 1817, famine had again become a real prospect.³⁵ Post-war depression raised a new spectre before the eyes of British officials: during the winter of 1816-17 the senior naval officer on the Newfoundland station, Captain David Buchan, was forced to issue provisions to local fishermen. Governor Pickmore, then in London, agreed with relief as a temporary expedient, but indicated to British authorities that Newfoundland's surplus population would have to be removed because the economy was not likely to improve soon.³⁶

The situation was dangerous. Government relief measures had not stopped people from threatening mercantile premises at Carbonear and Harbour Grace as they searched for food, and Pickmore was sitting on a powder keg of discontent.³⁷ British authorities did not want to authorize funds for relief, leaving people without food or the means of leaving the island.³⁸ Despite the Colonial Secretary's admonishment

to relieve people through public works, Pickmore had to issue stores. The problem he faced was that, without the fishery, there was no useful work in which the governor could employ people. Cultivation and cutting wood might subsidize the fishery, but they were not areas in which residents could find full-time subsistence. Pickmore resorted to sending paupers out of the island on ships bound for colonial and British ports.³⁹

While Poole merchants offered to supply cheap American provisions of bread, flour, Indian corn and livestock for one season only, officials within the Board of Trade began to consider whether or not the Newfoundland governors were correct all along in hoping that expanded subsistence agriculture might solve the provisions problem in Newfoundland. To be sure, such encouragement would depart from past Board of Trade policy, but they now admitted that a resident fishery was a fait accompli in Newfoundland, and perhaps agriculture might meet its needs. The Board suggested that Newfoundlanders turn to animal husbandry, and also decided to allow the governors to lease more small lots of land, cautioning that such land was to be used only by fishing families for their own support. Merchants were not to be allowed to engross large amounts of land for their own purposes.⁴⁰ This change of heart was a response to significant public pressure. In Conception Bay people had formed into mobs in January 1817 to seize provisions from

merchants.⁴¹ Deprived of credit and supplies by merchants wary of the state of the market for salt cod and unable to obtain enough to eat locally, these people seized what they needed for themselves. At both Carbonear and Harbour Grace, fishing servants broke into merchant stores while military and civil authorities stood by, helpless to prevent them.⁴²

A detailed look at the riot of 1816-17 shows that the fishery's labour force actively shaped government relief and agriculture policy. The crisis began on 6 November 1816 when Matthew Stevenson, Clerk of the Court at Harbour Grace, issued an order to merchants and planters to stop £4 wages from any servant they would not supply for the winter as passage money to America or Great Britain.⁴³ This plan failed. Conception Bay ended up with large numbers of servants to whom merchants were unwilling to extend winter supplies. In January 1817, the Court of Sessions ordered a meeting of Harbour Grace's "principal" inhabitants, both planters and merchants. This meeting ordered that the most distressed servants report for shipment to St. John's, and then out of the island; failure to do so would bring a flogging and gaol with only bread and water for the winter.⁴⁴

Servants ignored the order in favour of collectively seizing food for themselves. This action alarmed authorities in Conception Bay who could take no action until June when the ice broke and allowed a summons for help to be sent to St. John's. Then the magistrates sent a message that 70 to

80 men had been roaming the Bay since 3 February, armed with guns and sticks, seizing whatever food they could find. The magistrates had allowed the "mob" to take the food to avoid bloodshed. Now they wanted aid to stop the plunder.⁴⁵

Merchants' refusal to give the servants provisions on credit provoked the mob. The storekeeper of Patten, Graham & Co., Duncan McKellar, stated that when the mob approached him at the store at Bareneed on 3 February, one of its leaders "Nicholas Nevil shaking his ha'd in my face, said that as we had not given him provisions at the fall of the year, insinuated that he would have it by force...." On hearing that McKellar hoarded food in his house, the mob deputed five to six men to search it, and they found food in the bedroom, taking bread and pork.⁴⁶

The "mob" was actually an organized response by servants to the provisions crisis. Surgeon Richard Shea reported that the servants selected a spokesperson, Thomas Cooney, to talk with him. Cooney stated that the people needed food and Shea promised to do what he could to help. Other servants were not so orderly; one of their number, Thomas Walsh, thought that the "mob" ought to return to Port de Grave "like Men and spare neither Man woman or Child."⁴⁷

On 27 March, merchant George Best reported that fishing servants, organizing in the Bay for some time, twice searched his house for food. Two deputies from the mob, Walsh and Ryan, approached Best first, warned him that they heard he

was hoarding food, and demanded that he permit a search. Best let them in when the mob threatened to break his door, but found nothing. They left to get a barrel of potatoes from Best's partner, merchant Charles Cozens.⁴⁸

Fishing servants who searched for food during the winter of 1816-17 observed a form of collective self-discipline which belied any notion that they were simply a disorganized rabble. This discipline is well illustrated by the "mob's" quest for food at Charles Cozen's premises. Cozens explained to the same mob that he only had a barrel of flour for the use of his own family. Two fishing servants, Thomas Trehea and John Murphy, believed Cozens, but Walsh argued the mob had received something from every other place, so Cozens should contribute also. The next day, after visiting Best, the mob returned demanding potatoes. Cozens said he had none, but the crowd forced his store, and took potatoes as well as a barrel of pork. When Walsh began to talk brazenly of forming even larger mobs and taking more than the servants needed for their own use, Trehea emerged as a leader whose limited demand for only a fair share of the food hoarded by the merchants the other servants accepted. Walsh fled Trehea's authority.⁴⁹

Merchants with ties to Bristol houses reported that, until government could guarantee their property's safety against fishing servants' store breaking, they would not send out their ships to Newfoundland with goods for the next

fishing season. The Bristol merchants argued that the British government would have to find some permanent remedy to the provisions crisis as post-war depression in the fish trade was likely to continue.⁵⁰ Like their Bristol counterparts, Poole merchants in the Newfoundland trade made it clear that under no circumstances would they ship provisions to anyone in Newfoundland until the government guaranteed the security of their premises against the "mob."⁵¹ Poole merchants suggested that government remove unemployed servants to other colonies, although they suggested no specific destinations. If such action could not be pursued, then the merchants favoured wider encouragement by government for subsistence agriculture. Poole merchants opposed only colonization schemes which they felt the northeast coast's landward resources could not sustain.⁵²

Merchants like the Kemps did not object to agriculture, but they could not see how anyone could pay back credit which was extended to them only by agricultural pursuits. The best way to improve the circumstances of Newfoundland society and economy, they thought, would be to eliminate the large number of hired servants in the fishery. These servants' labour was affordable when prices for salt cod were good, but too expensive when prices were bad. Without wages, servants had nothing to live on, and turned to crime against merchants' property to survive. Second, merchants felt that production in the fishery should be orchestrated around the fishing

family's labour, supported and (from the merchants' perspective) subsidized by nonmarket agricultural activity. Such a policy lay behind the Colonial Office's decision to allow small leases.⁵³

This decision reflected unofficial government policy at Newfoundland which was reinforced by the winter rioting. Conception Bay magistrates tried to arrest members of the mob, but only a few could be found.⁵⁴ Yet it was impossible to forcibly remove all the fishing servants, or to expect that merchants would, as they had in Harbour Grace and Carbonear, donate food for the purpose of "quieting the minds of the people."⁵⁵ The surrogate at Harbour Grace informed people in response to their complaints that the governor was more determined than ever to let any men who wanted it "enjoy what land they had enclosed and till'd for the use of raising vegetables for their families...."⁵⁶

As part of its efforts to cope with Newfoundland's economic crisis, the House of Commons appointed a select committee of the House of Commons to investigate the Newfoundland trade in 1817. It heard testimony from George Garland, representing the Poole merchants; James Henry Attwood, of the St. John's Society of Merchants; and George Kemp Sr. and Jr., Poole merchants. All four men believed that the resident fishery could no longer support fish production by hiring servants now that the boom times had ended. Merchants could not get a high enough price for fish

to support both planters and wage labourers. The halcyon days of the fishery in the past twenty years or so had led to an extravagant prosecution of the fishery. George Garland suggested that the fishery's wage labourers, the excess population, would have to be removed.⁵⁷

J.H. Attwood, like Garland, felt that government must do something to prevent further rioting and store-breaking. But Attwood did not see how or where government could remove Newfoundland's "surplus" residents. Attwood represented St. John's merchants who were beginning to realize the profit to be made by supplying goods and provisions to the outports. Unlike the West Country merchants, the St. John's merchants did not worry about carrying provisions from Ireland or England. Instead Attwood recommended a two-fold plan. First, the British government should give St. John's merchants complete freedom of trade by allowing them to import food stuffs from the United States. Second, to maintain Newfoundland's population -- that is, the market for merchant supplies and the producers of fish -- the British government should encourage fishing families to supplement their staple activity with household cultivation during depressions in the fishery.⁵⁸ Attwood further suggested that government would have to relieve or remove any that would not be supported by such family-based activities.

George Kemp Jr., while attending to his family's business in Conception Bay, observed enough of the local

environment to be pessimistic about the agricultural potential of Newfoundland. He personally felt that government should try to remove people to other British colonies. Kemp agreed that Newfoundland's soil was too poor to allow significant improvement of the soil, even by manuring it with fish offal and seaweed. Kemp worried that if government encouraged agricultural colonization, such colonists would soon face the prospect of famine and look to raiding merchants' stores for their relief. People must look to the fishery to pay for their livelihood, assisting this object with cultivation as they might.⁵⁹

The British government in 1817 had to accept two things as a result of the "mob" action of 1816-17. First, a permanent population had established itself in Newfoundland. This population could not survive on earnings from the fishery alone; people had to make their living from a combination of cultivation and fishing. Second, unless government encouraged this latter object, it would have to pay for relief or resettlement of people. The British government had no desire to spend money on these options, or even on bounties to support the fish trade. Merchants could not be expected to supply provisions on credit, if there was no hope for a return on that credit. So the British government, on the advice of merchants, decided to encourage family-based production subsidized by agriculture. British authorities hoped to minimize relief expenditures and

encourage fish producers to provide for their own consumption as much as possible, so that the fish trade would survive the post-Napoleonic Wars restriction of credit by merchants.

Almost as soon as this policy had been instituted from 1817 to 1818, a political reform movement arose in St. John's, complaining that the British government should go further by sponsoring a full-fledged settlement scheme in the island. St. John's Reformers felt that Newfoundland must be developed through systematic agricultural colonization and road-building under the direction of its own legislature.⁶⁰ As Keith Matthews suggested, the Reform leaders were only a small St. John's mercantile and professional elite fighting for Newfoundland's right to self-determination in an era in which other British colonies were doing the same. This is the context in which people like William Carson and Patrick Morris created the myth that Newfoundland had a tremendous resource potential awaiting only their benevolent guidance under the institutions of colonial self-government.⁶¹

Not surprisingly, the new governor, Sir Charles Hamilton, objected to grandiose Reform suggestions that commercial agriculture schemes would be the salvation of Newfoundland, because he had constantly before him the necessity of relieving people who had been cultivating the soil for decades to little avail. Hamilton could see no utility in putting too much faith in agriculture if Newfoundland's soil and climate could not even support regular potato crops.

Agricultural schemes would only draw labour from the fishery (the only means of paying for imported goods), encourage further colonization and result in more mouths to feed.⁶² Carson and Morris, however, argued that if people could survive through a combination of farming and fishing, imagine the prosperity to be had by bringing Newfoundland's millions of unused acres into production. The labouring classes of Newfoundland could find their provisions locally, escaping the yoke of expensive imports.⁶³ Carson in particular felt that Newfoundland's future lay in combining fish production with agriculture based on peasant production.⁶⁴

The reference to a peasantry is revealing because, while Carson wanted the fishery and agriculture to complement each other, he had no desire to see fishing families have their own property rights. Instead, Carson envisioned a gentry class of people like himself. Indeed his own discontent with the Newfoundland governors arose from Governor Keats denying him certain tenure, without rents, to a large tract of land in the St. John's area in 1813.⁶⁵ In 1823, Hamilton refused a similar petition from William and Henry Thomas of St. John's for land to establish a commercial farm employing wage labour. Like other governors, this was not because he opposed the creation of a gentry in Newfoundland, but because he could not see how the island's unfavourable agricultural conditions could support such a class. It was a relative matter -- in Newfoundland, soil and climate were barely able

to support families at the best of times. There was simply not enough hope of agricultural surpluses to allow a gentry to thrive on the backs of a potential tenantry already established in the coastal fisheries, let alone on landed estates in the island's interior. Far better to give fishing families small plots on which they could build a hut and plant a garden.⁶⁶

Nevertheless, the St. John's Reformers kept up their pressure for change in the Newfoundland constitution. As a result of continued opposition to their goals by Newfoundland officials, Carson and Morris began increasingly to emphasize the necessity of having local representative government direct agricultural development as a support to the fishery. Such pressure appealed to British officials who were growing weary of the constant provisions crisis in the fishery.⁶⁷ The British government now fully believed that agriculture could solve Newfoundland's problem of too many fishermen catching too much fish for a glutted market which was, moreover, shrinking as the dietary observances of Catholic Europe began to relax. Lower fish prices only forced Newfoundland fishermen to try and catch more to make up for the shortfalls in their income. Unwilling to yield ground in fish markets to the French or Americans, the British government felt that it was essential that Newfoundland production should not drop. The Newfoundland product should be made cheaper, by subsidizing labour costs with cheap American

provisions and local agricultural production, which would also serve to lessen the burden of relief on government. In the end, therefore, they recommended that all restrictions be lifted from agriculture so that fishing families might be more fully employed in year-round activities.⁶⁸

In response to increasing complaints from Newfoundland Reformers about the arbitrariness of judicial and government authority, the Colonial Office oversaw the passage of two pieces of British legislation in 1824: the Newfoundland Judiciary and Fisheries Acts. Together these acts established a judiciary independent of the governor's authority, removed any remaining restraints on the real property rights of Newfoundlanders both in agriculture and the fishery, and empowered the governors to lease, sell and dispose of unused land.⁶⁹ In 1825 a new governor, Thomas Cochrane, arrived to implement the new system. He took an active role in encouraging agricultural pursuits by fishermen and, over the next five years, tried to lessen the colony's economic problems by road works and encouraging people to raise crops and livestock for the local market.⁷⁰

Cochrane's encouragement of agriculture stemmed from his belief that nobody should receive free government relief. Like almost all previous governors, Cochrane had to deal with the problem of winter supply, especially at Bonavista, where conditions were very bad. Continuing depression in the fish trade caused planters to curtail their employment of ser-

vants, and the combination of low fish prices, lack of credit, and unemployment, forced people to consume their entire garden produce before the end of fall in 1825.⁷¹ George Coster, a clergyman at Bonavista, asked the government for a supply of seed potatoes so that the area's residents might have something to plant in spring. Cochrane agreed only on the condition that recipients pay for the seed potatoes in spring with fish or potatoes. Between them Coster and Cochrane arranged a means by which families received small amounts of provisions through two local merchants: Mifflin and Alexander. Cochrane would not authorize the provision of meat for relief, stating that Bonavista residents would have to look to the sea for this part of their diet. The governor hoped that relief recipients would believe that they received these goods on credit, and would have to repay that credit in Spring with potatoes, timber, and fish.⁷²

Already government was learning that fishing families' limited cultivation was not, without government relief, enough to sustain people when merchants would not give enough credit for winter supply. Officials at Newfoundland began to relieve fishing families only after decades of encouraging jointly with merchants agricultural development in association with the fishery. If government at Newfoundland and London, as well as merchants, showed little enthusiasm for large-scale agricultural settlement, this was only because

every assessment of Newfoundland's soil and climate, aside from the politically motivated exhortations of St. John's Reformers, indicated that northeast-coast soil and climate would not sustain it. Opposition to settlement should not be confused with any attempt by a cabal of fish merchants and government officials to prohibit agriculture.

Indeed, even if official regulation prohibited agricultural settlement, fishing servants demonstrated that they cared little for such laws by their mob actions during times of provision crises. If merchants were going to tighten credit when depression struck the fish trade, then servants determined to take food. This was, however, only a temporary solution. Servants could not import food themselves; they ultimately depended on fish merchants' credit for this in the long term. To ease the tension inherent in this condition, government officials both in Newfoundland and London, accepted that the best compromise was to recognize what merchants and resident fishing people had long realized: namely the fishery at Newfoundland was best prosecuted through petty production supported by the subsistence cultivation of fishing families. Merchants accepted agriculture because they knew what fishing families had discovered, that no amount of cultivation could force enough surplus from Newfoundland's relatively barren soil and harsh climate to allow an escape from dependence on merchant capital.

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2. Keith Matthews, "History of the West of England-Newfoundland Fishery," PhD. thesis, Oxford University Press, 1968; W. Gordon Handcock, So long as there comes no women: Origins of English Settlement in Newfoundland (St. John's: Breakwater, 1989).
3. H.A. Innis, The Cod Fisheries, 2nd. ed. (Toronto: University of Toronto Press, 1954), pp. 481-83; C. Grant Head, Eighteenth Century Newfoundland (Toronto: Mclelland and Stewart, 1976), pp. 35, 78, 185.
4. Gerlad Sider, Culture and Class in Anthropology and History: A Newfoundland Illustration (Cambridge: Cambridge University Press, 1986), pp. 111-14.
5. R.G. Lounsbury, The British Fishery at Newfoundland, 1634-1763 (London: Longmans, Green, 1941), pp. 3-25, 51-87, 145-92.
6. Gillian Cell, English Enterprise in Newfoundland 1577-1660 (Toronto: University of Toronto Press, 1969), pp. 7-21, 52-96. See also Keith Matthews, Lectures on the History of Newfoundland 1500-1830 (St. John's: Breakwater, 1988), pp. 66-76.
7. The demographic expansion of settlement in Newfoundland in this period is most fully explored in W. Gordon Handcock, "An Historical Geography of the Origins of English Settlement in Newfoundland: A Study of the Migratory Process," Unpublished PhD. thesis, University of Birmingham, 1979. This thesis is usefully supplemented by essays by Michael Staveley, Alan Macpherson and Patricia Thornton in John J. Mannion, ed. The Peopling of Newfoundland (St. John's: Institute for Social and Economic Research, Memorial University of Newfoundland, 1977).
8. Lewis A. Anspach, A History of the Island of Newfoundland-Containing a Description of the Island, the Banks, the Fisheries, and Trade of Newfoundland, and the Coast of Labrador (London: T. & J. Allman, 1819), pp. 334-412.

9. Center for Newfoundland Studies, MUN, Colonial Office Papers # 194 (Hereafter cited as CO 194), Reel B-676, volume 35, 1780-1784, Folio 326-30; Archibald Buchanan to Keith Stuart, London, 5 April 1784.

10. C.O. 194, Reel B-677, v.37, 1783-1787, F. 125-33; "Remarks of a Merchant in the Newfoundland fishery, 1781."

11. C.O. 194, B-677, v. 36, 1785-1786, F. 13-15; Governor Campbell to Secretary of State Lord Sydney, St. John's, 14 May 1785; v. 37, 1783-1787, F. 138-40; Petition to Lord Sydney from Poole merchants, 1785.

12. CO 194, B-679, v. 40, 1798, F. 31; Captain Crofton, Portsmouth, to Governor Waldegrave, 10 January 1798.

13. CO 194, B-679, v. 40, 1798, F. 137-38; Governor William Waldegrave to the Duke of Portland, Agincourt at sea, 30 October 1798.

14. CO 194, B-680, v. 43, 1801-1803, F. 3; C.W.M. Pole to the Duke of Portland, London, 12 January 1801.

15. CO 194, B-680, v. 43, 1801-03, F. 189-99; Thomas Skerrett to Lord Pelham, St. John's, 22 September 1801.

16. CO 194, B-680, v. 43, 1801-03, F. 283-85; "Committee of Council appointed for the consideration of all Matters Relating to Trade and Foreign Plantations," 2 March 1803.

17. CO 194, B-680, v. 43, 1801-1803, F. 323; "Extracts from a letter from Brigadier General Skerrett," Newfoundland, 26 October 1803.

18. CO 194, B-680, v. 44, 1804-05, F. 26-33; Governor Sir E. Gower to Earl Camden, Spithead, 19 November 1804.

19. CO 194, B-680, v. 44, 1804-1805, F. 50-53; Gower to Earl Camden, Hermitage, 24 December 1804.

20. CO 194, B-681, v. 45, 1806, F. 253; Gower to Sir Stephen Cottrel, Hermitage, 9 June 1806.

21. CO 194, B-680, v. 44, 1804-1805; Gower, 13 December 1805.

22. CO 194, B-680, v. 44, 1804-1805, F. 32; Sir E. Gower, "Explanatory Observations on the Accompanying Return of the Fishery and Inhabitants of Newfoundland ... 1804."

23. CO 194, B-681, v. 45, 1806, F. 61; Gower to William Windham, London, 29 April 1806.

24. CO 194, B-681, v. 45, 1806, F. 61, Sir E. Gower; "observations on certain Parts of His Majesty's Instructions to the Governor of Newfoundland," 1806.
25. CO 194, B-682, v. 49, 1809, F. 52-64; Governor Duckworth's Instructions and Observations, 1810.
26. CO 194, B-683, v. 51, 1811, F. 47-48; Duckworth to the Earl of Liverpool, London, 12 November 1811.
27. CO 194, B-684, v. 53, 1812, F. 3-5; Duckworth to Lord Bathurst, Antelope at sea, 2 November 1812.
28. Provincial Archives of Newfoundland Labrador, P1\5, Duckworth Papers, MicroF. R5.5, M-3176, Rev. Edmund Violet, "Memorandum on Agriculture in Newfoundland," nd, F. 1153-57.
29. CO 194, B-684, v. 53, 1812, F. 158-9; James Buller to H. Goulbourn, Whitehall, 15 September 1812.
30. CO 194, B-684, v. 53, 1812, F. 170-74; Lewis A. Anspach to the Colonial Office, London, 9 November 1812.
31. CO 194, B-684, v. 54, 1813; Governor Keats to Earl Bathurst, St. John's, 23 June 1813.
32. CO 194, B-684, v. 54, 1813; Keats to Bathurst, St. John's, 20 July 1813.
33. CO 194, B-684, v. 54, 1813, F. 160-66; Keats to Bathurst, Bellerophon at Torbay, 18 December 1813.
34. Shannon Ryan, "Fishery to Colony: A Newfoundland Watershed, 1793-1815," in P.A. Buckner and David Frank, eds., The Acadiensis Reader: Volume One, Atlantic Canada Before Confederation (Fredericton: Acadiensis Press, 1985), pp. 130-48.
35. Anspach, History of ... Newfoundland, pp. 258-76; D.W. Prowse, A History of Newfoundland from the English Colonial and Foreign Records (1895) (Belleville, Ont.: Mika, 1972), pp. 404-05.
36. CO 194, B-686, v. 59, 1817, F. 82, Governor Pickmore to Bathurst, London, 12 June 1817.
37. CO 194, B-686, v. 59, 1817, F. 92-93; John Brown, James Blackie, J. Macbraire, Peter W. Carter, and H. Brook-
ing, J.P.s, to Governor Pickmore, St. John's, 1 April 1817.
38. CO 194, B-686, v. 59, 1817, F. 110-12; Pickmore to Henry Goulbourn, Portsmouth, 20 July 1817.

39. CO 194, B-686, v. 59, 1817, F. 187; Pickmore to Bathurst, St. John's, 22 December 1817.

40. CO 194, B-687, v. 60, 1817, F. 28-29; Thomas Lock to Henry Goulbourn, Office of the Committee of Privy Council for Trade, Whitehall, 24 September 1817.

41. Prowse describes the time, known as the "The Winter of the Rals", as a time when "gangs of half-famished, lawless men everywhere threatened the destruction of life and property" by store-breaking (see his, History of Newfoundland, p. 405).

"Mob" was the term used by government officials, planters and merchants to describe the gathering of fishing servants in their search for food that winter. George Rudé has well explored its use as a pejorative by the pre-industrial English and French ruling classes to describe participants in crowds' collective self-organization and protests against food shortages, unfair food prices, or the nonobservance of customary rights. "Mob" thus became a way to dismiss such protests as being that of the "rabble", not of "the people". While not wishing to discount "spontaneity in the origin, development, and climax of popular disturbance," Rudé illustrates pre-industrial disturbances' unity of essential beliefs, slogans, leaders, "or some elementary or more developed form of organization." See Rudé, The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848 (London: Lawrence and Wishart, 1964, 1981), pp. 3-15, quotes from 244-45. Rudé's warning against easy assumptions that "mobs" are by their very definition disorganized is further developed by E.P. Thompson's "The Moral Economy of the English Crowd in the Eighteenth Century," Past and Present, 50 (February 1971), pp. 76-136.

42. CO 194, B-687, v. 60, 1817, F. 185-86; Petition of the Merchants of Bristol to Earl Bathurst, 13 March 1817; F. 198-99, Petition of the Merchants of Poole to Earl Bathurst, 12 November 1819.

43. Provincial Archives of Newfoundland and Labrador, GN5\4\B\1, Minutes of the Harbour Grace Court of Sessions (Hereafter cited as PANL, GN5\4\B\1, Sessions' Minutes, Box 1, 1816-17, (January - September); 6 November 1817.

44. PANL, GN5\4\B\1, Sessions' Minutes, 2 January 1817.

45. PANL, GN5\4\B\1, Sessions' Minutes, William Pinsent, et al., to Surrogate Thomas R. Toker, Harbour Grace, 18 June 1817.

46. PANL, GN5\4\B\1, Sessions' Minutes, affidavit of Duncan McKellar, Port de Grave, 18 June 1817.

47. PANL, GN5\4\B\1, Sessions' Minutes, Testimony of Richard Shea and William Hampton, port de Grave, 18 June 1817.

48. PANL, GN5\4\B\1, Sessions' Minutes, Testimony of George Best, 2 January 1817.

49. PANL, GN5\4\B\1, Sessions' Minutes, Testimony of Charles Cozens, 16 June 1817.

50. CO 194, B-687, vol. 60, 1817, F. 185-86; petition of the merchants of Bristol to Earl Bathurst, 13 March 1817. The merchants were Thomas Thorne & Co., Charles Nuttall & Co., William Danson, William Henderson, William Mallowney and Bartholemew Henderson & Co.

51. CO 194, B-687, v. 60, 1817, F. 211-12; Memorial of the Merchants of Poole, 7 March 1817. The merchants were Thomas Colbourne; George Garland; Christopher Spurrier & Co.; Samuel and John Clark; John Slade & Co.; Slade and Cox; Fryer, Gosse and Pack; George and James Kemp & Co.; Sleat and Read, and Joseph Bird.

52. CO 194, B-687, v. 60, 1817, F. 217-19; "Extract of a letter from Edward Kemp to George and James Kemp & Co.," Brigus, 30 May 1817.

53. CO 194, B-687, v. 60, 1817, F. 189-91; James Henry Attwood to W.R.K. Douglass, London, 13 August 1817.

54. See PANL, GN5\4\B\1, Sessions' Minutes, Box 1, 1816-17, January-September 1817; Jn. Fergus vs. Peter Frey and John Griffin, Harbour Grace, 13 June 1817; Wm. Foley vs. Thomas Fogerty, Harbour Grace, 16 June 1817; Rex vs. James Henderson, Harbour Grace, 16 June 1817; Rex vs. William Hampton and William Lawless, Port de Grave, 18 June 1817.

55. Provincial Archives of Newfoundland and Labrador, GN5\1\B\1, Minutes of the Surrogate Court (Hereafter cited as PANL, GN5\1\B\1, Surrogate's Minutes, Box 2, 1816-18; Record of the Surrogate, 29 May 1817.

56. PANL, GN5\1\B\1, Surrogate's Minutes, Box 2, 1816-18; Decision of the Surrogate in the case of Keefe vs. Brennan, Carbonear, 24 April 1817.

57. CO 194, B-687, v. 60, 1817, F. 292-99, Report from the Select Committee on the Newfoundland Trade, 19 June 1817, Testimony of George Garland.

58. CO 194, B-687, v. 60, 1817, F. 300-301, Testimony of J.H. Attwood.

59. CO 194, B-687, v. g0, 1817, F. 303-04. Testimony of George Kemp Jr.

60. CO 194, B-688, v. 64, F. 49, Petition of the Inhabitants of St. John's, 1821.

61. Keith Matthews, "The Class of '32: St. John's Reformers on the Eve of Representative Government," in Buckner and Frank, eds., Acadiensis Reader, pp. 212-226.

Patrick O'Flaherty has recently criticized Matthews' views about the St. John's reformers, suggesting instead that the reformers' goals were rooted in "long-established local conditions and practices" in Newfoundland. They were not, as Matthews suggested, a simple overseas transfer of British Whig idealism.

O'Flaherty is partially correct; the reformers did object to the autocracy of the governors' rule, the lack of real property rights, and the refusal of government officials to embrace their vision of agricultural development. But Matthews' important contribution retains its integrity; the reformers were, for the most part, isolated from the barren quality of outport ecology, basing their ideas more on their British-shaped gentry aspirations and desire for representative government than any accurate knowledge of Newfoundland's agricultural capacity.

O'Flaherty misses the point that all the governors from 1800-1818, despite at times initial misgivings, encouraged agriculture and accepted a de facto property right of fishermen in their gardens. It was in this sense that Governor Keats did not want Dennis Sweeny to enclose more land than he could use to provide for his personal needs, and ordered the Bell Island resident dispossessed of his 40-50 enclosed acres in 1814. Governors simply had no sympathy with a group of St. John's merchants and professionals who aspired to add the burden of tenantry to that of truck in the fishery. This had nothing to do with benevolence, but had everything to do with the governors' own very gentry-like disdain for merchants, and their paternalistic safeguarding of the state's position in Newfoundland society: if merchants enclosed land, then fishermen would not have rights to that land. The state would be left to pay the relief bill whenever merchants withdrew credit for provisions. In the end, the reformers got their chance to demonstrate how a representative assembly could create a new prosperity based on agriculture and the fishery. The result was failure. See Patrick O'Flaherty, "The Seeds of Reform: Newfoundland, 1800-1818," Journal of Canadian Studies, 23 (Fall 1988), pp. 39-59.

62. CO 194, B-688, v. 64, 1821, F. 121-23; Governor Hamilton to Earl Bathurst, St. John's, 4 December 1821; F. 129-30, Petition of the Inhabitants of St. John's to Hamil-

ton, 24 October 1821; B-689, v. 65, F. 26, Petition of the Inhabitants of St. John's to Hamilton, 6 May 1822; F. 22-25, Hamilton to Bathurst, St. John's, 6 May 1822; F. 213-21, "Report of the State of Newfoundland for the information of the ... Earl Bathurst", 1822.

63. CO 194, B-689, v. 65, 1822, F. 213-21, "Report of the State of Newfoundland for the information of the ... Earl Bathurst", 1822.

64. William Carson, Reasons for Colonizing the island of Newfoundland (Greenock: William Scott, 1813), pp. 13-15.

65. William Carson, Distress in Newfoundland (St. John's: nd, 1817), pp. 358-60. More detailed, if very sympathetic, treatments of Carson's and Morris' careers can be found in Patrick O'Flaherty, "Carson, William," and John J. Mannion, "Morris, Patrick," Dictionary of Canadian Biography, VII, 1836-1850 (Toronto: University of Toronto Press, 1988), pp. 151-56, 626-634.

66. CO 194, B-690, v. 60, 1823, Hamilton to Bathurst, Ranger at sea, 28 November 1823.

67. Ibid., B-691, v. 68, 1824, F. 467-68; Petition of the Inhabitants of St. John's to the House of Commons, 1824.

68. CO 194, B-691, v. 68, 1824, F. 78-80; "Inquiry into the present state of the trade and fisheries of Newfoundland," nd, [1824?].

69. The Colonial Office limited the duration of the Judiciary and Fisheries Acts to five years, but extended them to 1832 as it finalized plans for the granting of representative government to Newfoundland. See Alexander McEwen, "Newfoundland Law of Real Property: the Origin and Development of Land Ownership," PhD. Thesis, University of London, 1978, pp. 106-08; Newfoundland Law Reform Commission, Legislative History of the Judicature Act 1791-1988 (St. John's: NLRC, 1989), pp. 1-18.

70. J.D. Rogers, A Historical Geography of the British Colonies, Vol. V-Part IV: Newfoundland (1911) (Oxford: Clarendon Press, 1931), pp. 171-84; A.H. McIntock, The Establishment of Constitutional Government in Newfoundland, 1783-1832: A Study of Retarded Colonisation (London: Longmans, Green & Co., 1941), pp. 145-92; Charles Pedley, The History of Newfoundland (London: Longman, Green, 1863), pp. 342-88; D.W. Prowse, History of Newfoundland, pp. 421-34.

71. CO 194, B-692, v. 70, 1825, F. 182-85; Archdeacon George Carter to Chief Justice Tucker, Bonavista, 23 September 1825.

72. C) 194, B-692, v. 70, 1825, F. 186; E.B. Brenton to Archdeacon Coster, St. John's, 11 October 1825; F. 188-91, "Extract of a letter from the venerable Archdeacon Coster to E. B. Brenton ... , Bonavista 15 October 1825; F. 192-96, George Coster to E.B. Brenton, Bonavista, 18 October 1825.

CHAPTER FIVE:

The Gender Division of Labour in the Households of the Northeast Coast Fishery of Newfoundland, 1785-1855

The use of family labour in household production dominated the social formation of northeast-coast communities. Not only did their fisheries not begin to industrialize to any extent which might have threatened merchant hegemony, but fishing families were unable to find much else to produce, particularly in agriculture, which would lessen their dependence on merchant credit. Northeast-coast society possessed few of the attributes necessary to developing an industrialized or diversified domestic economy during the first half of the 19th century.

State and merchant encouragement of families' agriculture as a supplement to the fishery meant that, by the early years of the 19th century, the northeast coast had developed a limited dual economy based on a combination of household subsistence and market production similar to that which *Marjorie Griffin Cohen* has found to be important in explaining the development of industrial capitalism in Ontario out of its early, staple-based, economy. Cohen argues that the consequences of such dual production cannot be analyzed at a level which only examines the external relationships of households to merchants. Patriarchal relationships between men and women, both in law and practice, differentiated

labour within Upper Canadian households in ways that encouraged household capital accumulation, and a relative independence from merchant credit. Women concentrated on providing the household's subsistence needs, freeing male labour for the production of staple goods for market exchange. Upper Canadian women's subsistence-oriented agriculture in time proved able to produce much more than the family's needs, and they traded their surpluses with other households in a growing domestic market.¹

Cohen argues that women's production largely remained outside of the male-dominated arena of the staple trade because Upper Canadian society saw their work as household-, not market-oriented. Women's duty, according to the patriarchal norms of their society, was to care for the family's needs, not produce for the market. Women's local exchanges of their surplus production nevertheless encouraged the growth of domestic industries, particularly in textiles and clothing, poultry, and dairy products. Upper Canada's local economy, then, began to diversify early, not only because of transportation and demographic development, but also in part as a result of the by-products of women's work becoming differentiated from staple exchange.²

Cohen's interpretation provides a useful context in which to consider two implications of the relationship between households' organization of labour and staple production on the northeast coast.³ First, although New-

foundland households shared with the rest of the Anglo-American world the same legal structures of patriarchy, the fishery's production and marketing requirements demanded a much closer integration of female and male labour. The northeast-coast's dual economy was consequently much more restricted. Moreover, women's subsistence production found little encouragement in the coast's limited landward resources. These factors did not bode well for the development of the Northeast coast's domestic economy. Second, the struggle for survival by fishing households partially eclipsed the importance of their formal patriarchal structure. Women's indispensable role in the production of cod and domination of the household's subsistence challenged normal male authority. Yet such challenge ultimately remained subordinate to the struggle for survival while tension between households which resulted reinforced the bonds between men and women within the patriarchal family.

Gordon Handcock has established the critical role played by women in the Newfoundland fisheries' transition from migratory to resident industry. There had always been a few families present on the northeast coast from the early proprietary colonies of the 17th century onwards. The migratory fishery augmented this population by "the transfer of seasonal labourers into the inhabitant sector". While imperial policy frowned on the development of a resident population, government officials brought with them numbers of

female domestic servants who married into resident families or with single migratory fishermen. As more residents pursued the fishery, the labour requirements of their families meant supplementing the family with servants brought out from England by merchants. These servants, both male and female, often intermarried with the families of their employers. Migrants who married were much less likely to return to England than those who did not.

Until the late eighteenth century, the resident population grew slowly due to the imbalance favouring males to females in this seasonal migration of labour.⁴ Women servants were more likely to stay on the island, marry and produce female offspring who would in turn marry the next generation of male servants.⁵ Thus, the female population provides Handcock with an index of permanence for the resident population: the merging of female to male sex ratios in the late-eighteenth and early-nineteenth centuries indicated the establishment of permanent fishing communities.⁶ A process of transatlantic family migration established in Newfoundland the patriarchal family structure of West Country English society in the early modern period.⁷

The increase of settlers in Newfoundland brought with it the question of which rules would govern cross-generational transmission of settled property. Such inheritance rules played a crucial role in defining women's place in society. Females who joined fishing households entered a world of

patriarchal family structure, defined both in law and practice by inheritance as in the other patriarchal households of the Anglo-American world in this period, Upper Canada included.⁸ Widows usually inherited little property from their deceased husbands' estates. Those who did, like Mary Sheppard in 1788, were not allowed to alienate what little women did inherit from the husband's patriarchal line. Mary Sheppard produced a copy of her husband's will in court during a dispute with her son Adam:

The Will of the aforesaid Martin Sheppard being produced in Court bequeaths what goods he may Died possessed of unto the Petitioner his Widow for her use during her life and after her Death to the said Adam and his heirs of which it appears upon investigation the said Adam died possessed of a watch and feather bed only which I hereby order and direct to be immediately delivered to the petitioner and that the said Adam's Heirs to pay the sum of six pounds to said Petitioner for the use of what goods he enjoyed during his Life and which belonged to his Mother....⁹

Clearly Martin Sheppard did not intend by his will to let his wife take property away from his heirs if she joined another household. Martin's property belonged to his sons, not his wife. Jane Mardon found this out in 1789 after her husband, John LeCoux, a former Jerseyman, died leaving her their fishing room at Western Bay. James, a son Jane did not know that John had, showed up from Jersey claiming the room and the surrogate awarded it to him, allowing Jane only one third of any proceeds from the lease of the property.¹⁰

As elsewhere, when married daughters inherited property

from their fathers, their husbands assumed ownership. This emerges in a number of disputes concerning wills in the Supreme Court. In 1817, Nicholas Newell, a St. John's planter, testified that he was married to Frances, the eldest daughter of Robert Mugford, a deceased Port de Grave planter. By Mugford's 1793 will, Mugford's wife Ann inherited his property for her natural life, but then it was to pass to their eldest daughter Frances. Ann died in 1813, but left no property to Frances; she had sold the land to John Walsh. Chief Justice Tucker returned the property to the Newells.¹¹ Similarly, in a dispute over the estate of Thomas Thistle at Harbour Grace, the Supreme Court carefully ensured that the use of their father's property properly passed to Thistle's four daughters, but through the ownership of the daughters' husbands.¹²

This Supreme Court ruling reflects the fact that on the northeast coast as elsewhere in Anglo-America, the rules governing inheritance of household property on the northeast coast were patriarchal. Indeed, from the late eighteenth century men usually governed the process of intergenerational household formation. Court records show that, throughout the late eighteenth and early nineteenth centuries, men in Newfoundland as elsewhere inherited property in lieu of their mothers or wives, usually with some provision that they care for their mother or mother-in-law. Occasionally, if widows inherited property, it was for their lifetime only, and not

to be alienated from the family line of their deceased husbands.¹³

Widows who received such awards usually affiliated with the household of a son-in-law, if their own sons were hostile to their estate claims. Jane Smith testified in 1827 that her sons would allow her nothing from her husband's estate, forcing her to live with an impoverished son-in-law.¹⁴ Being left to the goodwill of a son could be disastrous for a widow. In 1838, Mary Murphy petitioned Assistant Supreme Court Judge E.B. Brenton complaining about the treatment she had received for nearly ten years by her stepson Dennis Murphy. Mary Murphy's husband Patrick died in 1827, leaving her with two children and her ninety year-old mother to support. Dennis Murphy told Mary "that she could not expect nor should not have further maintenance or support in that House. She was obliged to sustain the greatest abuse and scandalous threatening expressions during her stay among that party and was obliged to provide her own diet during the summer altho performing every description labouring work that they required without receiving any remuneration whatever." Eventually Dennis kicked Mary out of the Murphy house, and she took to St. John's to work as a servant to provide for her mother and children. The Court awarded Murphy £13.7 from Patrick's estate.¹⁵

Some women, however, do appear to have assumed important leadership roles within their households if there was no male

to assume ownership or control of a household's inheritance. Widows left as custodians of their husbands' property, although severely circumscribed in their ability to sell it by inheritance law, could take on important economic roles as estate managers and temporary household heads throughout the Anglo-American world in this period.¹⁶ Ann Brazill assumed direction of her son's interests when he died as a planter's servant in 1787. The planter, Patrick White of Belle Isle, paid Brazil, upon her suit, the wages he owed her deceased son John Butler.¹⁷ In another case, Mrs. Thomas Thirts of Harbour Grace tried to protect her claim to a fishing room from the intrusion of a neighbouring planter family: Elizabeth Webber & Sons. The court allowed Webber -- a widow left with eight children to care for -- to build her stage on the property.¹⁸ She had to contend with her eldest son Charles trying to mortgage their property to a merchant Thomas Lewis to pay his own debts, but the court allowed Charles only an eighth part of the total property, and gave Mrs. Webber one third of her late husband's land as her sole property.¹⁹

Women without male relatives asserted their inheritance rights to the fishing equipment of their deceased husbands. In 1822, for example, Eleanor Canty petitioned surrogate Toup Nicholas to have her husband's share of a caplin seine turned over to her after his death. Timothy Canty had bought the seine in partnership with Martin Casey at Harbour Grace.

When Timothy died, Casey tried to steal out of the Harbour with the seine, only to have Eleanor Canty demand her share from him. When Casey refused her request with much verbal abuse, Eleanor Canty had the Surrogate enforce her demand.²⁰

Some women, like Ann Protch, appear to have earned their living by leasing such property to other fishermen, rather than conducting a fishery themselves.²¹ Jane Cook, who acted for Protch in the matter, also handled their account with merchant James MacBraire and rented other property at Harbour Grace to John Clements.²² Indeed a number of cases appear in the Surrogate's Court showing that women managed property and accounts left to them by their husbands.²³

Throughout the first half of the nineteenth century women continued to pursue their own rights as leaders within their own fishing households through the courts. Sometimes, as in the case of Ann Mugford, a woman submitted her case to the court by way of a petition presented by a son. In Mugford's case, in 1827 she petitioned the Northern Circuit Court through her son Richard Fillier to have a fishing room she inherited from her deceased husband Richard protected from the claims of William Dunning, a Port de Grave merchant. Dunning's supposed credit to Fillier was a thirteen year-old claim which Mugford knew nothing of. Mugford made clear to the court that she had no intention of giving up her fishing room (which she leased to other fishermen) for this old affair, especially considering that at the time her husband

supposedly contracted the debt, Dunning had refused to grant them any more supplies, being dissatisfied with Fillier's return of fish, firewood and a skiff for credit in the previous fishing season.²⁴ Other women, like Ann Taylor in 1829, sued to protect their inheritance rights from brothers who tried to exclude their sisters from the division of their fathers' estates.²⁵

While Newfoundland fishing households were similar to other parts of Anglo-America in the formal structure of patriarchy within the family, they were dissimilar in the greater degree to which Newfoundland households integrated women's work into commodity production, at least when compared with Upper Canada. Patriarchy, in Upper Canada, reinforced a relatively strict division of labour between men and women. Only during the land-clearing phase of initial settlement did women become extensively involved in the market-oriented work of preparing the land for crop production.²⁶ During the fishing season, however, all of the family's activities, whether male or female, gave precedence to making saltfish. The household's female labour had to stand ready to cure fish when it was brought ashore by men.²⁷ Indeed, the rhythms of male work in the catching of fish dictated the pattern of women's and children's labour during the fishing season. As long as there was fish to be caught and made, women's subsistence production remained a secondary and subordinate activity to the household's principal

productive activity, which was to supply fish and oil for trade in truck with merchants. Consequently, whatever women were doing when the fish arrived to be cured had to be dropped immediately. Curing left little energy for other work.²⁸ So important was the curing work of women to the fishery that a correspondent to the Weekly Herald felt compelled to remind another, "D", who had argued that fishermen were the only productive people in the island, that "The fisherman who hauls the line is unquestionably a productive labourer; but so also is the man who splits the voyage and the woman who salts it"²⁹ As long as the fishery continued, these women had little time to produce surpluses from their subsistence activities which might be exchanged locally as was the case in Upper Canada.

If women's labour could not be fully utilized in the production of one household's fish, then it could be hired out to another. On at least one occasion, a fisherman contracted his wife's labour to cure another man's fish.³⁰ On occasion, a man could bargain to hire both his and his wife's labour to a planter involved in the Labrador fishery. Patrick Loughlan hired himself out to Edward Guernsey of Carbonear to work as a fish splitter in return for wages of £26 and 4 quintals of fish. Mary, Patrick's wife was to accompany him to help make the fish for £8 wages.³¹

The great attraction of female labour was that it commanded much lower wages. In the course of an 1833 court

action, Joseph Pippy gave a statement of his summer fishery at Labrador. Pippy had four sharemen as well as three male wage servants who received wages of £12, £20 and £21 respectively. Pippy gave his wife £8 for her work as a salter. Pippy's two other female servants -- daughter Lydia Pippy and Ann Coke -- received only £5 and £6 each. Pippy enjoyed the double advantages of cheap female labour that was also subject to the discipline of the family structure.³²

Women hired by planters unrelated to them in the Labrador fishery performed shore work for migrant fishermen there without the benefit of family labour to draw on. In 1835, for example, Mary Reed complained to the Northern Circuit Court about nonpayment of her wages. Her testimony reveals that Reed agreed to work for Thomas Davis and his five sharemen on the Labrador coast. Reed cured and made all the fish they caught in exchange for £13 wages. When Davis refused to pay her wages, and the sheriff could not find enough property of his to secure the wages, Reed charged "that Charles Nuttall Merchant of Harbour Grace hath become the receiver of the Voyage of fish & oil ... and that more than sufficient fish and oil of the said Voyage ... has passed into the Custody and possession of the said John Charles Nuttall." Reed charged that Davis, a planter, and Nuttall conspired to defraud her of her wages. The Court ordered Nuttall to pay £15.15.4 in wages and damages to Reed.³³

Although women's labour was an integral part of fish staple production, the patriarchal nature of the cod trade remained unchallenged. Women were not recognized as formal partners in their household's dealings with merchants. Out of the hundreds of suits by merchants to recover outstanding account balances in the Surrogates' courts at Harbour Grace between 1785-1824 there exists only one in which a husband and wife were the defendants in such an action. In 1794, Richard Cornish sued Grace and John Holmes "for recovering a Book Debt for Goods sold and Delivered in the year 1791-- amounting to Twenty-Eight pounds." Both parties compromised by the Holmes agreeing to pay the debt off in six yearly payments on a mortgage of their fishing room at Adams Cove in Conception Bay.³⁴ In almost all the other cases merchants sued single men or small partnerships of two or three men.

While official authority did not recognize women's partnership with their male relatives in fishing households, women did appear in court to defend their households' interests. Nancy Daw of Port de Grave, in 1831, tried to protect her household from the effect of a judgement of £2.5.10 levied against her husband George in 1830. A sheriff's attachment saw part of the Daw's fishing room sold to John Daw. Nancy Daw informed the court that they had plenty of other property to satisfy the debt; selling part of their room resulted in a "great and manifest injury ... in as much as her said Husband has not any place to dry and cure

his fish by which he makes a living for his family."³⁵ While the record does not reveal the outcome of Nancy Daw's plea, the language of it says much about Nancy's place within the patriarchal structure of outport society. Her appearance in court suggests that Nancy Daw played an important role in the management of her fishing household's affair. But her reference to her husband not having a place to dry his fish indicates that Nancy Daw recognized the household's patriarchal legal status. Daw was part of a society in which her labour was simply part of the household as the unit of production: her labour, at least in the court's eyes, was seen as part of 'his' -- her husband's -- estate.³⁶

The lack of legal or mercantile recognition of the (unequal) partnership of women in the production of the cod staple does not mean that women did not force a recognition of their presence. This is dramatically illustrated in "The Case of James Landergan (1818)", described by Patrick O'Flaherty and Peter Neary. Landergan was a poor planter harassed by his supplying merchant for falling behind on his account payments, and eventually whipped at the naval surrogate's orders for not yielding his property to a writ of attachment.³⁷ Little mention, though, is made in the account that the severity of the punishment inflicted on Landergan was a result of two constables, Kelly and Moors, being threatened by Landergan's wife. Moors testified that when he and Kelly went to the Landergan plantation at Port de Grave

".... there was nobody in the house but a woman and one or two children. The woman who was Plaintiff's Wife, desired Kelly to be gone or she would blow his brains out..."³⁸

A similar case occurred in 1827 when constables Edward Janes and William Legrow attempted to serve a writ on John Earles at Broad Cove. Earles, along with his wife Ann and sister-in-law beat the two. Ann defended her family's property with a hatchet, threatening to "cleave him down" if constable William LeGrow came near her. Constable Janes reported

.... that previous to Deponents demanding entrance into the house where the Calf and lambs so attached ... were concealed by the said John Earles - the Deponent read the Kings Writ of Execution to the said Jn. Earles who replied he did not care for the King's Writ the said Jn. Earles Wife Ann Earles standing by - said - shit on the King's Writ after this she took up a Hatchet in her hand in defiance of this Deponent as aforesaid."³⁹

Similarly, in 1836, when Chief Constable James Sharp left Harbour Grace to assist Constable Jonathan Martin attach the fish of Samuel Pike at Mosquito as a result of a suit against Pike by merchant Peter Rogerson, Ann Pike, Samuel's wife, asked Sharp "'What brought you here you long son of a bitch.'" Ann Pike then told the constables that she would die before she allowed them to take the fish in question. When a boat arrived to carry the fish to Harbour Grace, Ann threatened to smash the skulls of the boat's crew with a rock, and then began to beat the constables. Finally, Sharp struck Ann Pike down with a stick. Upon this, Edward Pike

"son of Edward" (probably a relative) approached the scene, while Samuel looked on, and declared "that they were all mean low spirited people to permit the Fish to be taken away. The Mother of the said Edward Pike and two of his sisters were also upon the spot menacing and threatening the officers calling them all sorts of bad names."⁴⁰

The importance of women's labour within fishing families did not eclipse the power of men within a patriarchal household structure. Mary Barry, wife of fisherman Michael Barry of Harbour Grace, found this out in 1828, when a number of fishermen living in her house accused Mary of being a "whore". Mary Barry brought these men to court, where one, David Bansfield - a fisherman who had lived with the Barrys for four years and served Michael at the Labrador fishery, denied the charge and attested to Mary's good character. This was too late to save Mary from a beating at Michael's hands earlier in the week, in addition to the terror of being forced to listen to Michael's debate with himself as to whether he would shoot her or cleave her skull with a hatchet. The court arrested Michael on Mary Barry's complaint.⁴¹ Similarly, when fisherman Michael Dawley accused Ellen Power of being a whore in 1832, her husband Patrick Power demanded of her what she had done. In Patrick's opinion, Ellen, not Dawley was the problem because she had brought shame on their household.⁴²

Ann Noel's position as wife of planter John Noel at

Carbonear did not protect her from her brother-in-law Charles in 1835. Charles lived in Ann's household until his own could be built according to some family agreement. After Ann refused to acknowledge that Charles owned any part of her and John's home, Charles swore that he would either cut Ann's throat or burn down the house with her in it. Charles chased Ann and her servant "into the stairs of said House and exposed his Nakedness and his backside slapping the same and told complainant to kiss the latter he called Complainant a strumpet and whore and other such approbrious [sic] names."⁴³ Such threats could not be taken lightly. Patience Hussey, wife of fisherman William Hussey at Port de Grave, complained that she greatly feared for her life as her husband repeatedly beat her and threatened her life. William's brother John and his daughter Ann, in addition to a neighbour Frederick Kenny, all testified that William Hussey had an insane paranoia that his wife meant to do him some harm. Kenny stated that he had begun to think it usual to hear Patience cry murder at her house each night.⁴⁴

Wives were not the only objects of such male violence. Charlotte Bradbury, in 1844, complained that her father John McLean "gave me a cut over the right Eye and bruised me in several parts of my body whereby I was unable for some hours to walk to my own home."⁴⁵ Sarah Dalton stated in another case that her uncle Thomas Dalton struck her with a stick simply because he did not like the way she looked at him.⁴⁶

Women who worked as servants in the fishery also faced the problem of male violence. Sarah Neary received such a violent beating at the hands of her master Arthur Thomey's son Henry, at Musquitto, that she refused to return to his service.⁴⁷ In 1853, Edward Shanahan beat his servant Catharine Chitman for accidentally tipping over a cart of caplin. Catharine's mother had hired her out to Shanahan for £4 and came to take Catharine home when she heard of the beating. The court did not think this beating to be totally unjustified, and allowed Catharine only some clothes bought for her by Shanahan; she had to forfeit her wages.⁴⁸ Female servants in the Labrador fishery faced another problem. Mary Ryan, hired by Patrick Meaney of Musquitto in 1832, Johanna Connors, hired by Kennedy Thomey of Musquitto in 1835, and Eliza Mills, hired by John Burke's brother William in 1847, are examples of women who became pregnant as a result of their relationships with their employers while at the Labrador. All these women had to sue for support of their illegitimate children on their return home.⁴⁹

The family's basic struggle for survival on the north-east coast ensured an essential solidarity between men and women in households despite the presence of male violence. Women's importance in the fishery challenged formal male authority in society, but could not overturn it. The subsistence activities in which women engaged -- particularly in household-oriented agriculture -- operated under very

severe resource constraints.⁵⁰ John Walsh reported in 1819 that, in the post-Napoleonic Wars recession, families avoided buying as much as possible from merchants, subsisting on their own fish and potatoes, and mending their clothes to stretch them along. When they were not working in the catching and drying of fish, both men and women did what they could to supply their families' needs; the merging of nonmarket and market production thus partially crossed gender lines. Men cut wood for fuel or boat building and repair, or for making utensils. Women made garments. In winter families would migrate into the shelter of woods near the coast where fuel could be more easily obtained. Aside from this, there was little for women to do in agriculture because of the limited nature of the northeast coast's agricultural resources.⁵¹

Although such activity was limited, there is evidence that the management and labour of the household's subsistence agriculture was the special preserve of female family members when they were free from the overriding demands of the fishery. In an early surrogate court case, for example, Mary Cole, of Colliers in Conception Bay, sued Stephen Hunt for the illegal seizure of her son's cattle. The court ordered the cattle returned.⁵² Cole appeared to earn her living by being "shipped" for the summer as a servant of Jason Ellison, but the exact nature of her work is not specified in the court records.⁵³ Johanna Healey, in 1829, made clear in the

settlement of her late husband John's effects and property, that she should inherit the family's garden and meadow, contrary to the claim of her son-in-law Philip Meaney.⁵⁴ While her husband was away at the Labrador fishery in 1836, Catherine Callahan looked after their garden. When James Counsell's pig got into it, she yoked the pig, and vigorously protected her garden by threatening Counsell's wife Mary with a beating if she tried to take the pig. The Northern Circuit Court ordered Callahan to keep the peace.⁵⁵ In 1845, Ann French took her neighbour Thomas French to court for allowing his dog to run loose, harassing goats kept by local families. Ann felt that it was her duty to protect local livestock from this menace.⁵⁶

In an 1845 dispute at Harbour Grace, court evidence made it clear that women were the experts when it came to the family's livestock. On his return from the Labrador fishery, George Heater stated that his wife informed him that a labourer of their neighbour had killed their female goat for entering the neighbour's garden. Sophia, Heater's wife, had a number of her women friends testify as to the value of the goat. Sophia stated that after she had milked the goat she had properly yoked it. The labourer, Thomas Pine, was fined by the court for his action.⁵⁷

The constraints imposed on women's subsistence activities by Newfoundland's relatively poor agricultural resources can be seen in a number of court cases in which

they actually fought each other over the possession of topsoil. Catharine Gould complained in 1840 that she witnessed three persons raking the topsoil off her son-in-law William Lyon's garden in Carbonear. Upon entering the garden, Gould found Nancy Hurley, who stated that Mary Kough was the person stealing the topsoil.

Complainant then commenced scattering the turf on the ground and while in the act of doing so Marry Kough, Wife of John Kough did violently assault and strike with stones causing the blood to flow of the said Catharine Gould and also drag her hair from her head calling her whore and many other vile epithets and repeatedly said she would harm this complainants life.⁵⁸

The court arrested Kough. A similar fight broke out between two other women in 1844:

.... Mrs. Dogherty called Mrs. Cotter a Bitch and was returned the same language of abuse - when Mrs. Dogherty spit in Mrs. Cotter's face and struck her with a stick and made Mrs. Cotters nose bleed [court's emphasis], which Mrs. Cotter returned.... they each claimed some sods cut by Mrs. Cotter in the woods - they both claim the land where the sods were cut."⁵⁹

The tension implicit in trying to provide for their families from such meagre resources made their gardens a focus for much violent confrontation between women. In 1839, for example, Eleanor Sullivan at Harbour Grace, charged Susan Russell, the wife of a fisherman Patrick Russell, with assault. In her own defence, Susan Russell stated to the justices of the peace that she was only trying to prevent Sullivan from stealing roots from her garden.⁶⁰ Such

conflict cut across even family ties. in 1853, at Marshall's Folly in Conception Bay, Mary Slade testified that she lived as relatives and neighbours with Rebecca Slade and Ann Slade. In August she heard the latter two arguing outside her house and went to see what was the matter. At her door Mary Slade saw

Rebecca and Ann Slade standing just outside their own doors - they were disputing a fowl laying an egg in the garden, when Ann said that she removed her own eggs from her back house for fear Rebecca should take them - and then Rebecca said 'a Rogue can't trust a Rogue' - and then Ann ran towards Rebecca and said don't think that I am afraid to strike you - and she put her clenched hand up against Rebecca's face, she did so three times - they were not blows but pokes in the face...."⁶¹

This violence could unite people of both genders within immediate families against other families. Edward Noftell, a fisherman of Broad Cove, complained to the justices of the peace in 1845 that his brother Nathaniel let a horse into his potato garden, destroying some of his crop. Edward threw a rock at the horse, causing Nathaniel to strike him. The two brothers began to fight. Nathaniel's wife, seeing the fight, called on her daughter to strike Edward in the face with stones. Upon the entry of Nathaniel's female family into the fray, Edward's wife Louisa rushed to his defence, only to be struck down by Mary, Edward's wife, with a spade. A third brother, James, watching the fight, called to his own wife to help Louisa into his house while he returned to digging his own potatoes.⁶² Occasionally women served as peacemakers.

In 1834, Luke Micheton told JP Thomas Danson that James Titford would have beat him to death in a fight over manure, except that Titford's wife Mary pulled James away from him.⁶³

The tensions between the Slade women, or the fights which broke out among the Noftels, are not so much an indication that interfamilial squabbling was common on the northeast coast as they are of the manner in which the difficulty of households' survival mitigated against any concerted female resistance to patriarchy. The Slade women fought each other to make sure their own immediate families got their fair share of eggs. The Noftel Brothers' wives and daughters came to their defence in a violent dispute over the potential destruction of the family's all-important potato garden. Other women battered each other over soil. These strong actions suggest that the imperative influence shaping men and women's relationships within fishing households was the constant effort required to supply households' subsistence needs.

The unity of men and women within northeast-coast households is further suggested by the absence of a certain type of evidence. Elsewhere in British North America, the press of the late-18th and early-19th centuries commonly printed men's notices that they would no longer accept responsibility for the debts of run-away wives.⁶⁴ Running away allowed many women to break out of the restrictions of patriarchal household structures.⁶⁵ Notices of their action

in the press indicate that, in other colonies, conflict between men and women within families could break households apart. Freeman Durham, of Beverley in Upper Canada, for example, warned in 1829 that he would no longer pay his wife Rachel's debts because "some unhappy differences have lately arisen between [us, and] ... we have mutually agreed to live separate, and apart from each other."⁶⁶ No similar notices exist in the surviving newspapers of Conception Bay for the first half of the 19th century.

The difficulties northeast-coast women faced in their subsistence activity not only entrenched their loyalty to the patriarchal household, but also limited women's contribution to the production of local goods for market to satisfy domestic consumer demand. The rise of such markets drew Upper Canadian women's production - particularly in dairying - even further into the marketplace, creating eventually a fully industrialized domestic industry.⁶⁷ But where Ontario women found improved outlets for their agricultural produce at mid 19th century, Newfoundland women found only famine. John McGoun, commissioned by the governor in 1831 to survey the northeast coast, found wherever he went in Conception, Trinity and Bonavista Bays women huddling together with their children while their husbands roamed the coast looking for food or work. In most cases they had so little food that they could only hang on from one meal to the next, none of their family having much energy to do anything else but wait

for the next meal. McGoun found one well-off family in Spaniard's Bay whose integration of market and subsistence activities he recommended to all:

.... they had a family of ten children the eldest and greatest part of whom were daughters. These however were the personifications of industry-unusually warm as the morning was they were hoeing away in the potato field like Irishmen utterly regardless of fatigue from being used to exertion-they were the only 'hands' that their father took to Sea....⁶⁸

The survival of families on the northeast coast depended in part on the merger of market and subsistence activities by women in staple production. As settlement grew in Upper Canada, on the other hand, women pursued a more successful and bountiful subsistence production. Women found in market-gardening, poultry-raising, and dairying, important sources of household income from selling surpluses in the local market. Many of these activities became capital-intensive industries in their own right by the late-19th century.⁶⁹ On the northeast coast, by contrast, instead of women coming to town with the surplus of their gardens to market, there are many reports similar to the following in the newspapers from the 1830s-1850s:

On Saturday and Monday last our streets presented a melancholy appearance, about, we suppose, two hundred poor females came from the North Shore to seek relief from the Benevolent Irish Society of this town, which Society had given Fifty Pounds for the Poor, and these poor creatures had scarcely a garment to cover their nakedness.⁷⁰

Similarly, a Harbour Grace newspaper reported in 1847 that,

while young men could hope to find their subsistence in the seal fishery, "Who, for the most part, will be left behind? Women, the aged, the decrepit, and the helpless! How are these to be fed?"⁷¹ To meet the inadequacies of local subsistence agriculture, the Harbour Grace Weekly Herald recommended that women stop going to the merchants' stores to buy food, and think about ways to make fish offal part of their family's diet.⁷² The merging of the dual economy under the rubric of staple production in Newfoundland did not allow the kind of surpluses which generated indigenous market development in Ontario.

Like women throughout the pre-industrial Anglo-American world, women in nineteenth-century northeast-coast fishing households were responsible for most of subsistence production, particularly in cooking, maintaining the family's clothing, and gardening. The traditional Newfoundland household economy, however, survived well into the twentieth century, whereas such subsistence production elsewhere was curtailed by the increasing pervasiveness of industrial capitalist industries, many of which grew out of women's early subsistence activities. While in Canada, twentieth-century families obtained most of their subsistence goods by the purchase of commodities in the domestic market, families in Newfoundland continued to live by the merging of subsistence production and the fishery.⁷³ Women continued in their roles as shore-crew skippers, gardeners, keepers of live-

stock, menders of clothes, cooks, and chief family-reproducers.⁷⁴ Part of the problem for Newfoundland has been that the cod staple trade required little hinterland development or domestic market diversification,⁷⁵ but we must look deeper, into the very structure of household production itself. The production of cod, at times, required the labour of all household members, absorbing much of the female labour that, through the channel of subsistence production, provided important early domestic production for Upper Canada's fledgling local market. The resource endowment of the northeast coast proved to be a severe restraint on what subsistence activities women could engage in. On Newfoundland's northeast coast there existed little of the dialectic between women's subsistence production and staple production which provided such a nurturing environment for the emergence of industrial capitalism in Ontario. A symbiotic relationship between the fishery and the household's other production (that of both men and women) continued as a strategy for dealing with the dominance of merchant credit in staple export. If families did occasionally generate surpluses from subsistence production, these likely ended up on the fish merchant's books rather than circulating in local exchange.⁷⁶

The merger of women's household labour in market-oriented work in the fishery did give them an important place in northeast-coast society. Women's crucial role in the

making of saltfish challenged, at least informally, the household's patriarchal structure. Their often violent defence of households' relatively meagre subsistence resources was an additional challenge by women to female subordination in society. Yet the struggle for survival in the end ensured women's full support for their households, even though the latter were at heart patriarchal structures sometimes dominated by male violence.

NOTES

1. Marjorie Griffin Cohen, Women's Work, Markets, and Economic Development in Nineteenth-Century Ontario (Toronto: University of Toronto Press, 1988), pp. 6-8.

2. Ibid., pp. 9-12.

3. To use Cohen's thinking about patriarchy and Upper Canadian development in contrast with Newfoundland is not to suggest that the latter could, or should, have paralleled southern Ontario's industrial capitalist history. Southern Ontario's case, like that of New England, was unusual, its success partly a matter of resource endowment but partly a matter of fortuitous circumstance. More normal were less startling development paths. Rusty Bitterman's work, although not specifically considering patriarchy, suggests that the agricultural activities of some Cape Breton households allowed specialized production for local domestic exchange as well as export, contributing to the local development of an increasingly industrial capitalist market. See his "The Hierarchy of the Soil: Land and Labour in a 19th Century Cape Breton Community," Acadiensis, XVIII (Autumn 1988), pp. 33-55.

Some of the literature which suggests that later regional disparities between Ontario and the Maritimes were historical creations not grounded alone in Upper Canada's unique environment (but differing substantially from Newfoundland) are T.W. Acheson, "The National Policy and the Industrialization of the Maritimes, 1880-1910," and David Frank, "The Cape Breton Coal Industry and the Rise and Fall of the British Empire Steel Corporation," in Philip A. Buckner and David Frank, eds., The Acadiensis Reader, Volume Two, Atlantic Canada After Confederation (Fredericton, NB: Acadiensis Press, 1989), pp. 176-201, 299-330; and E.R. Forbes' collection Challenging the Regional Stereotype: Essays on the 20th Century Maritimes (Fredericton, NB: Acadiensis Press, 1989), particularly his essay "Misguided Symmetry: The Destruction of Regional Transportation Policy in the Maritimes," pp. 114-135.

4. W. Gordon Handcock, "English Migration to Newfoundland," in John J. Mannion, ed., The Peopling of Newfoundland (St. John's: Institute for Social and Economic Research, MUN, 1977), pp. 15-48.

5. W. Gordon Handcock, "An Historical Geography of the Origins of English Settlement in Newfoundland: A Study of the Migration Process," PhD. thesis, University of Birmingham, 1979, pp. 100-106.

6. W. Gordon Handcock, Soe longe as there comes noe women (St. John's: Breakwater, 1989), p. 95.

7. This patriarchal family structure is examined by Ann Kussmaul, Servants in husbandry in early modern England (Cambridge: Cambridge University Press, 1981), pp. 3-25.

8. Upper Canadian inheritance law confirmed patriarchal authority over household property, including its transmission between generations. Male household heads rarely left property to women's control after their deaths, usually doing so only when no mature male heir existed. Even then, women usually were not allowed to alienate property from the deceased male's immediate descendants, particularly through remarriage. If sons were old enough, husbands commonly stipulated that wives and daughters be cared for by their sons without the females inheriting much property in their own right. As in Newfoundland, women could inherit some property, for use in their lifetime, which reverted to male heirs upon their deaths. Daughters rarely inherited much property. Inheritance compelled women's final dependence on men's ownership of the means of production. See Cohen, Women's Work, pp. 48-58.

As in Upper Canada, women in the northeastern United States lost the right to most property upon marriage based on English common law. Widows in Connecticut had a legal right to use one third of their deceased husbands' property as a life-estate if their husbands' wills made no other provision. Women otherwise were had few inheritance rights. Men would not allow women, through inheritance, to alienate household property from their patriarchal line. See Toby L. Ditz, Property and Kinship: Inheritance in Early Connecticut 1750-1820 (Princeton: Princeton university press, 1986), pp. 119-39.

9. Provincial Archives of Newfoundland and Labrador, GN5\1\B\1, Minutes of the Surrogates' Court (Hereafter cited as PANL, GN5\1\B\1, Surrogate's Minutes), Box 1, 1789-1792; Ruling of Surrogate Edward Packenham, 7 October 1788.

10. PANL, GN5\1\B\1, Surrogate's Minutes, 1789-92; Jane Mardon vs. LeCoux, 23 October 1789.

11. Provincial Archives of Newfoundland and Labrador, GN5\2\A\1, Minutes of the Supreme Court of Newfoundland (Hereafter cited as PANL, GN5\2\A\1, Supreme Court Minutes), Box 2, 1811-18, Minutes 1817-18, Folio 35-36, 131-32; Nicholas Newell vs. Peter McPherson, 5 August 1817, 15-16 September 1817.

12. PANL, GN5\2\A\1, Supreme Court Minutes, Box 3, 1818; Emma Gaden, George Bayley and Charles William Beverley vs. The Administrator to the Estate of Thomas thistle, 1818.

13. See PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, Matthew Whelan vs. Children of the late James Cole, 15 April 1795; Michael Boyce and the Widow and Children of Michael Mayne vs. Thomas Danson, 25 March 1797; Petition of Jane Smith, 30 November 1807; Hunt & Brien vs. Stapleton & Sons, 5 November 1807; Jane Furneaux vs. Alfred Mayne, 29 April 1814; Petition of Emmanuel Stone *et al*, 6 April 1815; Box 2, William Pitts vs. John Billy, 20 December 1817.

Provincial Archives of Newfoundland and Labrador, GN5\3\B\19, Harbour Grace Court Records (Hereafter cited as PANL, GN5\3\B\19, HGCR), Box 20, File 10, 1832; Petition of James Black, Port de Grave, 7 May 1827; Box 26, File 10, Petition of James Halfpenny, Harbour Grace, 15 May 1827; Petition of John Farrell, 29 May 1827; Box 19, File 3; The petition of John Roach in behalf of his mother Ann Roach, 7 May 1831; Box 27, File 12, petition of Catharine Gould, 2 May 1832; Box 21, File 3; Petition of Widow Donovan, 1848, file 12, Petition of Catharine Donovan, 7 May 1852.

14. PANL GN5\3\B\19, HGCR, Box 26, File 10, petition of Jane Smith, Bread and Cheese Cove, 4 June 1827. One such case earlier emerged in one Richards' successful suit against John Newall: "This was a complaint that the petitioners father had died Intestate and that the whole of his property was taken possession of by the defendant who was son of the intestate -- whereby the Widow of the Deceased who lived with the Plaintiff was unprovided for -- and the plaintiff and other children deprived of their share of the property." See GN5\1\B\1, Surrogate's Minutes, 1793-97; Richards vs. John Newall, 25 March 1795.

15. PANL, GN5\3\B\19, HGCR, Box 28, File 12, 1830-31; Memorial of Mary Murphy to Judge Brenton, Harbour Grace, 8 November 1838.

16. Ditz, Property and Kinship, pp. 145-50; B.A. Holder-ness, "Widows in pre-industrial society: an essay upon their economic functions," in Richard M. Smith, ed., Land, Kinship and Life-Cycle (Cambridge: Cambridge University press), pp. 423-42.

17. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1787-88; Petition of Ann Brazill, 1 October 1787.

18. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1789-92; Decision of Surrogate John Trigge, 23 October 1789.

19. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1789-92; Elizabeth Webber vs, Thomas Lewis, 15 September 1792.

20. PANL, GN5\3\B\19, HGCR, Box 65, File 1, 1820-29; Petition of Eleanor Canty to Surrogate T. Nicholas, Hr. Grace, 8 January 1822.

21. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1789-92; Jane Cook for Ann Protch vs. Richard Brit, 23 October 1790.

22. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1793-97; Jane Cook vs. John Clements, 15 November 1793; James MacBraire vs. Jane Cook, 4 December 1793.

23. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1787-1813; Mary Davis vs. Joseph Pynn, 25 October 1793; Mary Davis vs. Simon Wells, 23 October 1794; Dinah White vs. John Thomey, 30 October 1794; Amy Thistle vs. Jn. Churchill, 29 February 1808; Martha Butt vs. George Butt, 9 December 1813.

24. PANL, GN5\3\B\19, HGCR, Box 20, File 10, 1832; Petition of Ann Mugford to Chief Justice R.A. Tucker, Port de Grave, 21 May 1827.

25. PANL, GN5\3\B\19, HGCR, Box 47, File 1, 1827-29; Memorial of Ann Taylor to Chief Justice R.A. Tucker, Harbour Grace, 4 June 1829.

26. Cohen, Women's Work, pp. 66-71.

27. Provincial Archives of Newfoundland and Labrador, Wesleyan Methodist Missionary Society, Newfoundland Correspondence (Hereafter cited as PANL, WMMS Corr.), 1818-24, 971.8W2, B-4-4-, # 137; "Observations &c. on the island of Newfoundland," March 1919.

28. PANL, WMMS, Corr., 1800-1817, 971.8W1., B-4-4, # 64; Richard Taylor to Joseph Benson, Carbonear, 2 June 1812.

29. The Weekly Herald, Harbour Grace, 27 October 1852.

30. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1807-10; Thomas Farley vs. Kemps & Co., 14 November 1808.

31. PANL, GN5\3\B\19, HGCR, Box 20, File 2, 1833; Petition of Patrick Loughlan to Judge E.B. Brenton, Harbour Grace, 31 October 1833.

32. PANL, GN5\3\B\19, HGCR, Box 20, File 1; statement of Joseph Pippy's voyage at Labrador, summer 1833, 10 November 1833.

33. PANL, GN5\3\B\19, HGCR, Box 50, File 3, 1821-47; Petition of Mary Reed to Assistant Justice George Lilly, Harbour Grace, 1835.
34. PANL, GN5\1\B\1, Surrogate's Minutes, 1793-97; Richard Cornish vs. Grace and John Holmes, 6 November 1794.
35. PANL, GN5\3\B\19, HGCR, Box 59, File 3, 1830-39; Deposition of Nancy Daw to the Northern Circuit Court, Hr. Grace, 14 May 1831.
36. PANL, GN5\3\B\19, HGCR, Box 20, File 2, 1833; Oath of Mary Higgins, Northern Circuit Court, 4 November 1833.
37. "The Plea for Reform: The Case of James Landergan (1818)," in Peter Neary and Patrick O'Flaherty, eds., By Great Waters (Toronto: University of Toronto Press, 1974), pp. 67-69. See also Patrick O'Flaherty, "Lundrigan (Lander-gan, Landrigan, Lanergan), James," Dictionary of Canadian Biography, VI, 1821-1835 (Toronto: Toronto University Press, 1987), p. 410.
38. Centre for Newfoundland Studies, MUN, Colonial Office Papers # 194 (Hereafter cited as CO 194), B-688, v. 64, 1821, F. 6-8; "Pleas in the Supreme Court of Saint John's Newfoundland, November 9th 1820."
39. PANL, GN5\3\B\19, HGCR, Box 21, File 1, 1828; Complaint and Examination of Edw. Janes, Harbour Grace, 17 November 1827.
40. PANL, GN5\3\B\19, HGCR, Box 47, File 11, 1832; Information and Complaint of James Sharp of Harbour Grace, Chief Constable and Bailiff, before John Stark, JP, 8 September 1836.
41. PANL, GN5\3\B\19, HGCR, Box 21, File 1, 1828; Oath of Mary Barry before Thomas Danson, JP, Harbour Grace, 2 January 1828; Oath of David Bansfield, 12 January 1828,
42. PANL, GN5\3\B\19, HGCR, Box 33, File 3, 1835-42; "Papers in the case of Ellen Power versus Mchl. Dawley of Harbour Grace alledged threats ... Before Wm. Stirling J.P.," 13 November 1832.
43. PANL, GN5\3\B\19, HGCR, Box 68, File 2, 1830-39; Information and Complaint of Ann Noel before Thomas danson, JP, Carbonear, 19 January 1835.
44. PANL, GN5\3\B\19, HGCR, Box 38, File 7, 1836; "Docu-ments in the Case of William Hussey a dangerous Lunatic," 29 March 1836."

45. PANL, GN5\3\B\19, HGCR, Box 33, File 1, 1835-43; Information and Complaint of Charlotte Bradbury Wife of Charles Bradbury of Harbour Grace before Thomas Danson, JP, 28 October 1844.
46. PANL, GN5\3\B\19, HGCR, Box 41, File 14, 1851; Information and Complaint of Sarah Dalton, Western Bay, before Thomas Danson, JP, Harbour Grace, 7 August 1851.
47. PANL, GN5\3\B\19, HGCR, Box 47, File 11, 1832; Information and Complaint of Sarah Neary before John Stark, JP, Harbour Grace, 26 February 1838.
48. PANL, GN5\3\B\19, HGCR, Box 59, File 5, 1850-59; Minutes, Catharine Chitman vs. Edward Shanahan, assault & battery, Harbour Grace, 27 June 1853.
49. PANL, GN5\3\B\19, HGCR, Box 47, File 10, 1832; Examination Of Mary ryan, 9 November 1833. Box 33, File 2; 1835-43; Papers in the case of Johanna Connors before Thomas Danson, JP, 19 January 1835. Eliza Mills vs. John Burke, bastardy, Northern Circuit Court, 8 June 1847.
50. For a full description of women's work in Upper Canada see Cohen, Women's Work, pp. 66-92.
51. PANL, WMMS, Corres., 1818-24, 971.8W2, B-4-4, #66; John Walsh to Joseph Taylor, Conception Bay, 28 June 1819.
52. PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1787-88; Mary Cole vs. Stephen Hunt, 3 October 1787.
53. PANL, GN5\1\B\1, Surrogate's Minutes, 1787-88, Mary Cole vs. Stephen Hunt, wage dispute. Hunt was a merchant who received all of the voyage of Ellison, but refused to allow Cole's wages.
54. PANL, GN5\3\B\19, HGCR, Box 47, File 1, 1827-29; Petition of Philip Meaney to Chief Justice R.A. Tucker, Harbour Grace, 5 June 1829.
55. PANL, GN5\3\B\19, HGCR, Box 22, File 6, Complaint of Mary Counsell, wife of James Counsell, Bay Roberts, 25 August 1836.
56. PANL, GN5\3\B\19, HGCR, Box 49, File 5, 1845; Ann French vs. Thomas French, 24 May 1845, writ # 20.
57. PANL, GN5\3\B\19, HGCR, Box 22, File 6; Depositions of George Heater and Sophia Heater, Harbour Grace, 3 November 1845.

58. PANL, GN5\3\B\19, HGCR, Box 19, File 5; "Information and Complaint of Catharine Gould," Carbonear, Northern Circuit Court, 25 September 1840.

59. PANL, GN5\3\B\19, HGCR, Box 19, File 5; "Information and Complaint of Bridget Cotter," Carbonear, Northern Circuit Court, 27 July 1844.

60. PANL, GN5\3\B\19, HGCR, Box 54, File 2, 1830-39; Examination of Susan Russell before Thomas Danson and James Power, JPs, Harbour Grace, 29 June 1839.

61. PANL, GN5\3\B\19, HGCR, Box 61, File 5, 1850-59; Minutes of Rebecca Slade vs. Ann Slade, Northern Circuit Court, 27 August 1853.

62. PANL, GN5\3\B\19, HGCR, Box 55, File 3, 1840-48; Information and Complaint of Edward Noftell before Thomas Danson and R.J. Pinsent, JPs, Harbour Grace, 2 October 1845.

63. PANL, GN5\3\B\19, HGCR, Box 66, File 1, 1820-29; information and complaint of Luke Micheton, Spaniards Bay, Northern Circuit Court, 14 August 1834.

64. Beth Light and Alison Prentice, eds., Pioneer Gentlewomen of British North America (Toronto: New Hogtown press, 1980), pp. 163-64. Notices reprinted in this collection are from Maritime newspapers.

65. Myron Brenton, The Runaways (Boston: Little, Brown & Co., 1978), pp. 19-21.

66. The Gore Gazette, Ancaster, Upper Canada, 24 January 1829.

67. Cohen, Women's Work, pp. 90-117.

68. CO 194, B-354, v. 83, 1832, F. 128-31; "Extract from Mr. John McGoun's report of his proceedings whilst employed conveying Seed Potatoes and other relief to the Suffering Inhabitants of the Northern parts of Newfoundland."

69. Cohen, Women's Work, 89-92.

70. The Carbonear Sentinel, 26 February 1839.

71. The Weekly Herald, Harbour Grace, 3 March 1847.

72. The Weekly Herald, Harbour Grace, 28 June 1848.

73. Within another context, the manner in which women's subsistence activities could find little room in industrial capitalism is explored in Bettina Bradbury, "Pigs, Cows, and

Boarders: Non-Wage Forms of Survival among Montreal Families, 1861-91," Labour/Le Travail, 14 (Fall 1984), pp. 9-46.

74. A surprisingly extensive literature exists on women in Newfoundland fishing households. Much of this is synthesized in Marilyn Porter, "She Was Skipper of the Shore-Crew: Notes on the History of the Sexual Division of Labour in Newfoundland," Labour/Le Travail, 15 (Spring 1985), pp. 105-123. Two important works that deserve special attention are Ellen Antler, "Women's Work in Newfoundland Fishing Families," Unpublished paper deposited at the Center for Newfoundland Studies, MUN, 1976; and Hilda Murray, More than 50% (St. John's: Institute for Social and Economic Research, 1979).

75. Rosemary Ommer, From Outpost to Outport: A Structural Analysis of the Jersey-Gaspe Cod Fishery, 1787-1886 (Montreal and Kingston: McGill-Queen's University Press, 1990).

76. Rosemary E. Ommer, "Merchant Credit and the Informal Economy: Newfoundland, 1919-1929," in the Canadian Historical Association, Historical Papers, 1989 (Ottawa: CHA, 1989), p. 188.

CHAPTER SIX:

The Role of the Wages and Lien System in Inhibiting The Use of Wage Labour in the Northeast-Coast Fishery

Household production which relied primarily on family labour was a solution adopted by fishermen, merchants and the state to continue the existence of northeast-coast fishing communities. Household producers could rely on family labour to avoid using merchants' credit to pay wages. Fishing families' cultivation of the soil further minimized dependence on merchant capital. Merchants, in turn, faced less risk because household production allowed them to get fish at a cheaper price without overextending credit. The coast's limited agriculture furthermore proved little threat to their provisions trade, and families still had to purchase most of their clothing and equipment from the merchants. Government at both Newfoundland and London accepted fishing families's combined fishing and agriculture as a means of encouraging the fishery without state intervention, and of avoiding relief expenses when merchants restricted credit.

The fishery could not completely do without servants. There were times when planters had to have servants, especially when households could not supply enough labour. At times, such as during the Napoleonic wars, conditions were unusually encouraging for planters' use of wage labour. With the end of the north-shore fishery, some planters restricted their activities to supplying transportation and goods to the

Labrador fishery, while many others gradually fell back on family labour.

The post-1815 depression which discouraged expanded manufacture of saltfish by planters through the use of wage labour was part of the development of boom-and-bust cycles which followed on the heels of the 18th century's many wars. Planters on the northeast coast, even in the long-settled areas of Conception Bay, could not take advantage of the large numbers of servants looking for work during the depression, since the coast's narrow landward base meant that most people had to rely on merchant credit for most of the things they needed, without using credit to pay wages. Credit, however, was not the only obstacle planters faced in hiring servants. The Newfoundland courts' enforcement of the laws governing both wages and credit was an additional problem that further discouraged planters' use of wage labour. These laws, collectively known as the wage and lien system, originated in Palliser's Act. This Act, passed in 1775, provided migratory fishing servants with security for wages in the event of any kind of default in payment by masters. By 1802, as planter insolvencies increased with the growth of the resident fishery, the courts extended this wage lien to payment due to resident servants from insolvent planters, although no law or court ruling denied the continuing existence of the more general wage lien for fishing servants.

The Board of Trade had drafted Palliser's Act (15 Geo. III, cap. 31) in an attempt to revive a dying migratory fishery by protecting the wages of British servants who temporarily engaged in the Newfoundland fishery.¹ Since the Board did not want to encourage the growth of a resident fishery, the Act specifically provided that anyone employing seamen or fishermen in the Newfoundland trade must agree to set wages in a written contract with their servants before the fishing season began, reserving up to 40 shillings of servants' wages for the return passage. While at Newfoundland, servants were not to receive more than half their wages in goods, liquor or money; the remainder was to be paid in good bills of exchange drawn on British merchants when the servants returned home. The payment of wages could not be evaded unless employers could prove wilful negligence on the servants' part. If convicted of nonpayment of wages, employers paid a ten pound fine, and the remaining wages. To prove neglect, merchants or planters had to produce the written agreement in court, and then prove that a servant's actions violated the agreement. Servants could only be fined two days wages for every one day of neglected work. Palliser's Act secured servants' wages by giving them first preferred lien against fish they caught, whether it lay in the planters' or merchants' hands. Planters could not profit from the fishery until they had paid their servants' wages, and merchants had to pay planters' servants before receiving

any payment for credit extended during the fishing season.²

Steven Antler and Gerald Sider suggest that Palliser's Act had effects beyond the intentions of its authors. First, they argue, by guaranteeing the wages of seamen and fishermen, the Act encouraged the development of an indigenous capitalist planter class in Newfoundland, one based on the employment of wage labour. Second, by confining liens on the fish produced by planters to creditors of the current fishing season only, it gave planters a special form of labour discipline over their servants. Merchants, Antler and Sider suggest, used Newfoundland's courts to strike down the wage and lien system in order to preserve merchant hegemony against the challenge of this new planter class; in the process truck was also reinforced.³ A close reading of the debates over the effects of Palliser's Act reveals little to support these propositions. Instead, the Act smothered the efforts of planters to accumulate capital by allowing them little leeway in the contracts they formed with their hired servants. Such legal inflexibility encouraged merchants to rely instead on the law of current supply, which gave suppliers of credit to planters the second lien on planters' fish, as security for credit for the current season only. Planters thus became enmeshed in an endless stagnant cycle of hiring servants and finding credit from one season to the next.

Palliser's Act was a late-eighteenth century response to

merchants' use of the truck system to deal with planters and servants. Officials like Governor Palliser felt that the existence of merchant truck within a resident fishery represented a deviation from the goals of imperial policy in Newfoundland, which were to provide training for seamen and give employment (and hence income) to West Country families. Merchants incorporated wage payments into truck as a form of wage; as a result seamen brought out to work in the fishery would have little or nothing left after the season with which to return home, once they had balanced their subsistence costs against their "pay". This loss of wages to truck caused many servants to stay in Newfoundland, contributing to the growth of a resident population through intermarriage with planters' families. To counter this, Palliser ordered merchants and planters to reserve part of servants' wages so that they could purchase passage home, and this became the basis for the 1775 act which bears his name.⁴

The British government hoped Palliser's Act would also stop English merchants' ships masters from seizing planters' catches during bad seasons. This happened because masters, acting as agents for their merchants, supervised the credit advanced to planters in return for the provisions and capital equipment they needed to begin the season. If catches or prices were poor, planters might be tempted to sell their fish to another master should he offer slightly better prices than that of the planter's own merchant. To ensure a return

on their merchants' credit, then, ships' masters would have to seize their planters' fish quickly if they thought this situation might unfold. If merchants seized planters' fish, servants would no longer work because they had no hope of being paid, and unpaid servants possessed no means by which they could return home. Imperial policy could not tolerate this threat to a well-trained supply of British seamen who were also consumers of British-made goods.⁵

Fish merchants argued against Palliser's Act, stating that the provisions for return of servants to Great Britain restrained the development of many different kinds of service required by a complex and volatile trade. Furthermore, the act's mild provisions for disciplining servants particularly bothered them. Merchants felt that planters only had trouble paying wages when servants' negligence hurt their fishing season. What was needed, therefore, was an act to compel servants to work harder, not to guarantee their wages.⁶

Merchants dominated the early administration of Palliser's Act, despite their grumbling about the wage lien. Justices of the peace, usually chosen from agents of merchants, usually heard wage disputes. To redress this pro-merchant bias Parliament passed a temporary judiciary act in 1791 (31 Geo. III, c. 29) establishing a supreme court to hear civil disputes.⁷ Newfoundland's first chief justice, John Reeves' duty was to recommend changes for a permanent judiciary act. The Chief Justice noticed that Palliser's Act

assumed that merchants directly manufactured salt cod. This was not so; planters dealt with the problems of producing fish, while merchants concentrated on the profits to be made by supplying the trade in return for fish. Reeves felt that the planters suffered most because of Palliser's Act. Merchants charged such high prices for supplies and gave such low prices for fish and oil that planters earned little. Some merchants might not even issue supplies if they thought planters might not catch enough fish to pay for them. In the midst of the varying availability of merchant credit, planters faced the constant demand of servants' guaranteed pre-fixed wages; in a bad year, planters' ruin often emerged from the twin demands of merchant credit and servants' wages.⁸

Reeves sympathized with the merchants. The entire codfishery depended on merchant credit, since planters alone did not have enough capital to engage in the fishery as independents. They had to have merchant credit for supplies, but had only their catch to offer as security, and often tried to renege on their credit obligations by trading fish for even more supplies from some other merchant. If a planter failed, then the merchant had to pay the wages of the planter's servants over whom he exercised no form of discipline. Palliser's Act protected the servant, but not the planter or the merchant. Reeves recommended that a new form of judiciary be established: surrogate judges, assisted by

one or two magistrates, should hold courts in the major outposts to arbitrate civil disputes, protecting servants, merchants and planters equally.⁹ These surrogate courts, under the appellant authority of the Supreme Court of Newfoundland at St. John's were established by the Act 33 Geo. III, c. 76 in 1793.¹⁰ Both Surrogate and Supreme Court judges continued to judge civil disputes under Palliser's Act. In the inflationary early days of the Napoleonic Wars, return passage fares to Great Britain more than doubled, however, preventing seamen and fishermen from leaving Newfoundland at the end of the fishing season. Consequently, officials at Newfoundland began to overlook the Act's requirement that servants return home. Captain Crofton, winter commanding officer of the Newfoundland Squadron, reported that war also caused servants' wage rates to double.

Servants could stay in Newfoundland and live off half their wages while their families back home enjoyed the use of the rest.¹¹

The 1793 British House of Commons select committee investigating the judicial reform of the Newfoundland trade gathered much evidence about how Palliser's Act discouraged planters' employment of servants. It heard evidence from Sir Hugh Palliser and William Knox, a "Newfoundland Adventurer" and former under-secretary of state, as well as William Newman and Peter Ougier of Dartmouth, and a Mr. Jeffrey of Poole, the last three representing the West Country mer-

chants. In addition, the select committee took evidence from a Mr. Graham, secretary to the Newfoundland governors, and Mr. Routh, Newfoundland customs collector. Newman stated that the planters faced a "Certain loss" in the fishery because servants learned that Palliser's Act's penalties regarding negligence prohibited masters from effectively disciplining their hired labour, or even dismissing them, except in case of desertion. The Act imposed only small penalties on servants for poor work in an industry in which employers had few means of controlling production during a restricted catching and curing season. Newman claimed that the wage and lien provisions of Palliser's Act ruined many planters because servants worked hard enough only to cover their own wages, not to ensure the planters' profit.¹² Jeffrey agreed with Newman, but also argued that the intensive short-term activity demanded by the fishery (trying to catch and cure a seasonal resource in which neither the quantity of the catch nor weather conditions for the cure could be controlled) demanded that planters should be able to deduct at least five days' wages, rather than two, for each day a servant neglected his work.¹³ Palliser, dismayed at his namesake act's inability to ensure servant discipline, recommended a return to pre-1775 methods of disciplining servants: authorities should punish negligent servants by fines and corporal punishment.¹⁴

All witnesses had reported that Palliser's Act did

nothing to stem the growth of the resident fishery, yet the Act continued. Throughout the Napoleonic wars it remained the guiding force behind wage law in the Newfoundland cod trade. The wars themselves, however, by disrupting the migratory fishery, overrode the provisions within the Act designed to secure the return of servants to England. While naval governors perfunctorily attempted to enforce Palliser's Act throughout the war, officials at Newfoundland and London increasingly accepted that the fishery had become a resident one.¹⁵

A ruling by the Supreme Court confirmed that Palliser's Act's wage and lien guarantees would survive in the resident fishery, but without provisions for servants' return to Great Britain. In 1802, for example, Justices Tremlett, Williams and Cooke debated whether or not the penalties of Palliser's Act applied to one Halfyard, who had advanced his servant Thomas Coysh almost all of his wages during the fishing season, without reserving the usual half. Coysh was originally from England, but married and took up residence at Newfoundland. While Williams wanted to enforce the exact letter of Palliser's Act, Tremlett and Coke disagreed, arguing that the Act applied only to migratory seamen and fishermen. Residents fell under the regulations of the Judicature Act of 1793, which gave them the same rights to attach for wages the goods, debts and effects of their masters. The Judicature Act especially applied to insolvency

cases, and contained no provisions for the return of servants to Great Britain.¹⁶

The wages and lien system was carried over from the law governing the migratory fishery to the law governing the resident fishery. The manner in which servants received their wages did not change. As in the migratory fishery, merchants supplied planters and servants with provisions and equipment on credit through truck during the fishing season.¹⁷ In 1804, however, Governor Gower became concerned about the inability of resident planters to enjoy success in the fishery. The restrictions imposed on Newfoundland trade with New England during and after the American Revolution, he reported, had deprived planters of their best and cheapest source of provisions. Planters had often dealt directly with New England merchants, breaking their dependence on the more expensive credit of the West Country merchants. Now planters had to try to rely on West Country merchants alone for supplies while conducting their fishery with either family or servant labour to catch fish in exchange for these supplies. Gower reported that planters' inability to provide most of their own provisions for the fishery and their loss of cheap American imports reinforced merchant domination in Newfoundland. Only those few planters, largely from Conception Bay, who employed their own schooners in a combined seal and north shore fishery, could circumvent the control of outport merchant credit by bringing their fish and cod oil to the

more competitive market at St. John's, and even these found it difficult to prosper once war with the French and Americans drove up the price of provisions.¹⁸

While servants were unusually well-protected by the wages and lien system, they did not enjoy either an exploitation-free or even easy existence. During the Napoleonic wars, servants sometimes voluntarily accepted service in the British army or navy when they met up with the many naval and army press gangs that roamed the northeast coast. It is a telling comment on the harsh conditions of employment in the Newfoundland fishery that the Newfoundland governors - first Gambier and then Gower - prohibited by decree press gangs accepting servants who had unfulfilled shipping agreements with planters. John Clinch, a missionary at Trinity, reported that servants left their masters after the summer fishery ended to join the army or navy through the gangs, thus avoiding the debts they had incurred. This deprived masters of the labour they needed to conduct the next spring's seal fishery.¹⁹ Gower would not allow press gang recruitment to hurt the fishery's labour supply in any way,²⁰ so he ordered the gangs not to take any servants without their masters' permission because the former had taken credit for winter and the latter guaranteed his service in the seal fishery. Without that service, masters would lose the voyage, yet be responsible for the servants' supplies which had been purchased by the master on credit.²¹

Gower's regulations, by recognizing that resident planters needed servants year-round, acknowledged implicitly that the migratory fishery at Newfoundland was dead: merchants conducting all of their business with resident families. However, the wage and lien system continued despite this change. The high price of labour in the fishery, and the legal requirement that masters must agree to a pre-fixed wage with their servants, meant that any planters who wanted to remain solvent retreated into household production through family-based labour, and dependence on merchant capital (see Chapter Three). The legal infrastructure inherited from the migratory fishery, and entrenched in the wages and lien system, discouraged planters from relying more on the use of wage labour in production.²²

Governor Gower therefore recommended the removal of all regulations which impeded the resident fishery, especially Palliser's Act,²³ yet the Colonial Office engaged in no such legislative reform. Parliament did enact 49 Geo. III, c.27 in 1809 which, for the first time, detailed the rights of current suppliers and servants under a permanent judicature. Suppliers of capital goods, provisions, and clothing for the current fishing season, did not have to fear previous years' creditors seizing the catches which had been made on the current suppliers' labour or credit. Current suppliers could sue for the sale of their debtors' boats and other property in the Supreme or Surrogate Courts, but if a current supplier

allowed an indebted planter to continue to obtain credit for the next season, then he lost current supplier status, and could not take action to seize the effects of a debtor to the prejudice of new current suppliers.²⁴

The supplying merchant generally paid servants' wages through the medium of credit on the hiring planters' account in which the planters' fish and oil, caught by servants, was posted against servants' debts throughout the fishing season. Servants's claims then, in the case of planters' insolvency, on the planter took precedence over those of the merchant under the lien of current supply. This angered merchants, who felt that those who invested capital in the trade through extending credit to planters bore the greatest risk. The Society of Merchants at St. John's, in 1809, demanded that Parliament amend 49 Geo. III so that in the case of planter insolvency, current suppliers' claims, and then all other suppliers', receive preference over those of servants in the settling of insolvent planters' estates.²⁵

Chief Justice Tremlett angered merchants by refusing to allow them to engineer, through the courts, a hybrid enforcement of both 49 Geo. III and Palliser's Act. The merchants wished to use Palliser's Act's restrictions on the payment of wages in combination with their preferred status as current suppliers of credit to deprive servants of their right of first lien against the effects of insolvent planters. Although the fishery had been altered by residency, Pal-

liser's Act still provided that the servants employed by planters not be given more than one half their wages through supplies or money during the fishing season. Servants could charge more than their entire wages to their own, or their planters' accounts with merchants during the fishing season. Unlike planters, however, servants' remaining half-wages were safe from the merchants' lien for credit they took up during the fishing season. Palliser's Act, by insisting that nothing interfere with the payment of the reserved half-wages, prohibited merchants' retaining planters' fish and oil intended for wage payment to ensure that servants met their debts. The merchants did not feel that servants should have the first claim on a planter's voyage if the servants owed money themselves, but Chief Justice Tremlett would allow no contract entered into by servants to infringe on the security of their wages. The Chief Justice's great crime in the eyes of the Society of Merchants was that he insisted that, as suppliers of labour, servants continued to have the right of first lien against the effects of insolvent planters.²⁶

Parliament did not agree to overturn Palliser's Act, and Tremlett continued to use it to foil merchants' claims against servants. In a defense of his actions, Tremlett resorted to the section of Palliser's Act which prohibited masters advancing their servants more than one half their wages in goods, money or liquor during the fishing season. He felt that the Judicature Act did not override Palliser's

Act in this respect because that part of the Judicature Act which gave current suppliers the right to attach the property of debtors under £5 applied only to planters who were not paying on their accounts, not servants who were still under contract to a master in the fishery. Arrest for debt during time of service would disrupt the planter's fishery and servants' reserved half wages could not be considered servants' effects liable to a merchant's lien, because they had not yet been paid.²⁷

Tremlett decided that merchants' rights as planters' current suppliers did not extend to claims for credit extended against servants' wages. Furthermore, by the wording of Palliser's Act, the balance of a servant's wages had to be paid in good bills of exchange, not ones returned because the master who issued the bill had a poor credit standing. Planters and merchants, Tremlett believed, tried to use the issue of bad bills of exchange as a way to dodge paying servants' wages. The Chief Justice ruled that only planters and their supplying merchants were in a position to know exactly how solvent the planters were. Neither the planter nor the merchant could expect servants to have access to such knowledge, or take any action which could violate the right of a servant to payment of wages. The only ones besides the merchants who knew how much fish had been shipped throughout the fishing season were planters, servants did not have access to such information. Planters, then, who issued

bills to pay servants' wages, knowing that their voyage had not realized enough fish and oil to meet their servants' wages, had to find other means of paying. Issuing bad bills of exchange did not free planters from the servants' lien on the fish and oil of the voyage they were employed in.²⁸

Merchants responded that the fishery was no longer well served by Palliser's Act, and that Tremlett should not resort to an obsolete law in his decisions. Furthermore, the root of the evil in the merchants' eyes was the way in which the servants seemed to get the best of the legal system. Bills were not always issued intentionally to defraud servants, but planters would sometimes become insolvent before servants actually used the bills. The merchants saw no justice in Tremlett's refusal to attach servants' wages for debts. The whole of Palliser's Act no longer fairly applied to the payment of half-wages in bills of exchange because few servants returned to Great Britain, but rather continued to stay in Newfoundland, take goods on credit during the winter, and find employment in the Spring seal fishery. The whole transatlantic system of payment should be struck down in favour of the truck practices merchants used with resident fishermen. It took time to negotiate bills in Great Britain for servants residing at Newfoundland. Servants took credit against those bills, and should be liable to legal process if they did not honour their accounts, even if the drawer of their bills for wages became insolvent. The Society of

Merchants argued that the fishery at Newfoundland had become a resident one. Palliser's Act was a law for a migratory fishery, designed only to secure the return of servants to Great Britain by guaranteeing their wages. The Act consequently must fall away.²⁹

Tremlett's refusal to compromise with merchants on wage law led the Board of Trade to recommend the appointment of a new Chief Justice open to a wider interpretation of the laws at Newfoundland.³⁰ Yet believing that war's end might reestablish the migratory fishery, no part of the British government took steps to remove the guarantees afforded by Palliser's Act to servants for their wages until 1817. Colonial Office administrators, aware that a gap existed between the intentions of Newfoundland legislation and the reality of the resident fishery, continued to ask the governors whether or not the Judicature Act should be reformed. Although the Newfoundland courts accepted that the wage lien protected resident servants, the law still officially declared that only servants from Great Britain or Ireland had first lien for the payment of their wages in the current season. Governor Pickmore recommended that the law be amended to officially give all servants, including residents, a lien on the fish and oil alone of an insolvent planter, not only those from Great Britain and Ireland. After servants were paid, then current suppliers of credit for goods absolutely required for the fishery should be paid.

Next, all other current suppliers would be paid, and then all other creditors, rateably out of any remaining effects. If the fish and oil were not sufficient to cover seamen's and fishermen's wages, then they might also share rateably in the remaining effects of the insolvent. Pickmore agreed that no planter should collude with a merchant to sell fish or oil during the season without the knowledge of the servants. If an insolvent estate revealed that merchants bought and sold fish without regard for the security of the servants who caught the fish, then such buyers and sellers were liable for a fine of £1 per quintal of fish and £20 per ton of oil sold.³¹

Post-war depression focused attention on the manner in which the wage and lien system exacerbated planters' inability to achieve any profit through the use of wage labour. J. Newart, who described himself as a long-time resident of Newfoundland, wrote to the Secretary of State for the Colonies in 1817 to state the case for the island's planters. Newart was angered by what he felt to be the injustice that it was by the planters'

.... skill, enterprize, and exertion that the greatest part of the wealth hitherto produced by the fishery has been obtained; they are the life and Soul of the business, yet by the laws and Customs which prevail in Newfoundland they are the least protected in their Interests of any class of people concerned in the Trade of the Country, they are the hirers or Employers of all descriptions of people employed in the fishery whether at Sea or ashore, all of whom are entitled to be paid twenty shillings in the pound out of their years earnings when disposed of at the market price, may not

amount to half the sum which well be required to pay their wages, an arrangement which too often leads to fraud and idleness on the part of servants, who from the nature of the business in which they are engaged pass a great part of their time out of the inspection of their Employers.....³²

Here emerged a familiar theme: planters could not make consistent profits in the fishery because the law compelled them to sign agreements with servants fixing wages before the season began. Servants shared none of the voyage's risk either in highly variable catches or market prices. Furthermore, the law compelled planters to pay wages without any real means for making deductions for negligence or insubordination.

Merchants were the bigger villains in Newart's analysis because they supplied credit and fixed prices for both planters' supplies and fish relative to one another to ensure their own profit at the end of a fishing season. Planters could not hope to survive under the burden of truck.³³ The great injustice of all this for Newart was that planters could not do the same to their servants. Seamen, fishermen and other fishing servants had the right to be paid the full amount of their wages before anyone else received any money from the sale of the planter's catch. Not only this, but servants had the right to follow the fish and oil into the hands of planter's supplying merchants. The combined forces of the wages and lien system and truck in the Newfoundland fishery were a pincer movement which forced impoverishment of planters. Merchants, because they had no way legally to

proceed against servants' wages for debt, took their planters' fish to pay servants' debts. Planters had to recover such sums from their hired labour on their own.³⁴

Thus, the law dealt, not with a few cases, but with many -- in the context of post-war depression, planters frequently faced insolvency. According to Newart, the immediate aftermath of the wars saw some merchant houses fail, but it was primarily planters who either went broke or were forced to greatly reduce the scale of their operations through a retreat, before they became insolvent, into reliance on family labour. Planters could only survive and prosper if all the laws generated in the interest of the migratory fishery disappeared. Merchants who had formerly opposed the wages and lien system had found a way to use it to their advantage. Planters effectively were obligated to their merchants' credit for both supplies and servants' "extravagant" wages. If they could not pay all their debts to both merchants and servants, planters lost all their property to merchants who seized fishing rooms, plantations, dwellings and equipment to pay the debts.³⁵

Newart suggested that Newfoundland needed a better judicial system if planters were to succeed. He advocated clearing away the underpinnings of merchant domination of the Newfoundland fishery --the wages and lien system -- so that true capitalist competition could assert itself in the fishery. Then merchants would only extend capital to

successful planters. Planters would succeed because, no longer hampered by Palliser's Act, they could more severely discipline servants and renegotiate wages to better reflect the success or failure of a fishing voyage. Planters and servants who did not succeed would have to hire themselves to solvent, prospering planters on shares so that they could only make claims to a reasonable proportion of a planter's actual voyage.³⁶

The 1817 Parliamentary select committee investigating the provisions crisis heard similar condemnations of the wage and lien system. George Garland (a Poole merchant) testified that West Country merchants accepted that the resident fishery was the most profitable way in which they could obtain their staple commodities. He argued that servants and current suppliers should have an equal preference in claims on the produce of the planters' voyage. The pincers' pressure should balance, but not lessen. Planters then would find no relief in Garland's recommendations.³⁷ James Henry Attwood agreed with Garland. Attwood (who represented the St. John's Society of Merchants) was offended by the manner in which Palliser's Act insinuated itself into the shaping of the Judiciary Act. Under 49 Geo. III servants had the preferred claim for their wages out of the entire estate of insolvent planters, not only from the fish and oil. Attwood claimed that this guarantee to servants undermined the planters' efforts. Servants, fishing alone in their masters'

boats without direct supervision, would catch only enough fish to cover their wages without fear of planters' limited ability to discipline them.³⁸

Uneasiness with the manner in which the wage and lien system inhibited planters' success in the fishery began to inform the decisions of Newfoundland's Chief Justices. On 23 October 1817 Chief Justice Forbes ruled, in the case of Crawford and Company versus Cunningham, Bell and Company, that the definition of current suppliers had taken the lien provisions of 49 Geo. III too far. He stated that the current supply provisions originated in Palliser's Act when merchants transported fishermen of little means to catch and cure fish at Newfoundland. These fishermen could only offer their prospective voyages' earnings as security for credit. Forbes felt that it was "natural" for a custom to develop whereby fishermen and merchants had preferable claims for wages and credit from migratory boatkeepers.³⁹ However, as settlement increased, this custom outgrew its usefulness and became a problem through its entrenchment in the Judicature Act. Forbes felt that the true intention of 49 Geo. III was to make a more equitable division of property among all creditors than was allowed by current supply. But the Judicature Act departed from conventional insolvency law to reflect the unique requirements of producing fish. Planters did not have any capital or credit, "except such as they could raise upon the fish they might catch in the season," to

guarantee servants' wages or merchants' credit. The law consequently tied planters to their supplying merchants through the preferable claim of current supply, after merchants first satisfied servants' wages to the fullest extent planters' catches allowed.⁴⁰

Forbes argued that the impoverished nature of planters which made such a credit system necessary meant that planters could not be considered independent employers. The working of the wages and lien system was a de facto recognition by the law that planters were little more than middlemen between servants and merchants. Planters guaranteed wages based on faith in their supplying merchants' solvency, not their own; that was why merchants and not planters drew the bills of exchange used to pay servants' wages. Merchants funded the fishing voyage, bore all the expenses of marketing the fish, and ultimately paid servants' wages. For these reasons alone servants had the right to follow the fish and oil into the merchants' hands. Ultimately, planters' solvency rested on the solvency of their merchants, so the merchant was the true employer of a planter's servants. Planters did not have the resources to hire servants on their own, but only by the special credit props of the law of current supply.⁴¹

Yet merchants firmly believed that the preference given to wage claims on the proceeds of a fishing voyage jeopardized the credit they extended to planters. Forbes ruled merchants had a right to organize the planters' labour by

insisting that they hire servants on shares rather than by a guaranteed, preset wage because it was in fact the merchants' capital which truly employed servants.⁴² Sharemen would only receive a return from the planter in proportion to their actual productivity during the voyage. In the case of Stuart and Rennie versus David Walsh, the plaintiffs supplied two planters, Merigan and Jervis, on the sole condition that they ship servants to the Labrador fishery on shares alone and that the credit issued by Stuart and Rennie would be paid before any wages. Merigan and Jervis' voyage failed, not allowing them to pay for supplies. Walsh, a servant of the two planters, received his wages. Stuart and Rennie argued that Walsh, as a shareman, shared in the responsibility of the credit. Forbes accepted Stuart and Rennie's argument, recognizing that, in response to the inflexibility of the wages and lien system, merchants and planters increasingly would not hire servants on wages, but rather on shares. In Forbes' opinion, the wages and lien system was itself destroying the employment of wage labour by planters in the fishery. Forbes declared Palliser's Act obsolete. Merchants could attach shares, unlike fixed wages, in planters' hands for debt.⁴³

At the same time as the share system was being reintroduced as a means to circumvent the wage and lien system⁴⁴, some of the naval surrogate judges tried to renew enforcement of Palliser's Act. Captain Nicholas of the HMS Egeria,

patrolling Trinity Bay in 1820, decided that masters must observe the conditions of the Act governing employment of servants. But Governor Hamilton wrote that the exact enforcement of the wage lien would hurt "Capitalists embarked in the trade and fishery of this Island." In his opinion, merchants and masters, now that the fishery was a resident one, were no longer obliged to guarantee wages under an Act expressly designed to secure the return of servants to the British Isles. Masters must pay servants the 40 shillings formerly reserved for their passage home, but that exhausted the obligations between the two. Nicholas, nevertheless, steadfastly maintained that as long as Palliser's Act remained on the books, he was going to observe the Act in his rulings.⁴⁵

Nicholas was absolutely dismayed to find a fishery dominated by indigent planters completely dependent on merchant capital, family labour and, at times, hiring labour on shares. Nicholas suggested that most planters quickly fell into debt to their supplying merchants when they relied on servants, losing all their equipment and property at the merchants' suit. Merchants actually preferred this lien system because of the obligations it imposed on planters. The lien of current supply dovetailed perfectly with truck to ensure that merchants were the ones who earned the profit of the fish trade. Nicholas remarked that the planters and servants of Newfoundland "... really appear to me to be more

like the slaves of a feudal lord, than the free subjects of a Great Nation."⁴⁶

The willingness of surrogates like Nicholas to uphold a law considered obsolete began to fuel demands for legal reform at Newfoundland under the St. John's Reformers. Governor Hamilton, in 1821, in asking that the Colonial Office appoint an attorney-general for the island, pointed out that naval officers were ill-trained to handle matters of civil jurisdiction.⁴⁷ Reformers demanded that the British government provide Newfoundland with its own legislature.⁴⁸ Such a legislature would then begin to reform the fishery's legal infrastructure.⁴⁹ Continued complaints from the local government about the surrogates, poor fish markets, bad catches, food shortages, imminent famine, mass migrations of fishermen to the United States, and a plethora of other problems increasingly led the Colonial Office to see the granting of colonial self-government as a way to get rid of responsibility for one of the Empire's headaches.⁵⁰

The disputes between the merchants and surrogates over the application of wage law continued to grow. The surrogates continued to rule that servants had the right to a prearranged, fixed wage as stipulated by Palliser's Act. Merchants complained that, as most servants were now hired on shares rather than fixed wages, they must accept new arrangements in the fishery. Merchants could not profit if they gave servants the same price for their share of fish that

they gave planters for the whole voyage, therefore servants had no right to demand the same in cash or bills. Servants must submit to truck. Merchants, as suppliers of capital to the trade, demanded that the security of their advances to fishermen be recognized. If not, merchants would either fail or pull out of the trade. Either way, this would leave servants and planters at Newfoundland without the means of subsistence, let alone the capital to engage in a fishing voyage.⁵¹

By 1822, officials in the Colonial Office had decided that the Judicature Act allowed surrogates too much influence over the commercial transactions of the fishery, and that Palliser's Act should be replaced. Servants now resided in Newfoundland, so there was no use in having wage guarantees that secured their return to Great Britain. Furthermore, the depressed fish trade no longer could support such guarantees. Servants should be free to use their reduced wages throughout the fishing season. Merchants should control planters' employment of servants by being mandatory parties to all contracts between the two. Servants should be allowed no preferential claim on the estate of insolvent planters because they were just as much dependent on the current supplier as was the planter; and frequently servants' "misconduct" caused the planters' failure. As security to the merchants' capital, officials felt that the law of current supply should be somehow reinforced.⁵²

Merchants in the Newfoundland trade agreed that the provisions of the Judicature Act allowing servants first lien on the planters' voyage had to be struck down in the interest of labour discipline. Thomas Hunt wrote to William Newman, a merchant at Dartmouth, that changes in the Act to give them an equal claim to the current supplier would force servants to work harder in the fishery, thus insuring that planters would have more successful fishing seasons.⁵³ James Dutton of Liverpool lost no time in letting the Colonial Office know that the laws governing servants' wages must change. Dutton suggested that a new law fix a minimum catch which would pay for servants' outfits and wages. If the planters' total catch was not sufficient, servants' wages should be reduced. As an example, Dutton pointed out that a schooner sailing to the northward with ten hands to catch fish usually made a voyage that would pay servants' wages and provisions if it brought home 1,000 quintals of fish. If a schooner caught only 900 quintals in a season, the law should allow planters to reduce servants' wages by one tenth. Such change would allow planters to calculate wages in light of the prices of provisions and fish. In addition, servants would work harder in a sort of piece system and also would watch carefully that planters deliver all their fish to the current supplier or "lose part of their wages the Merchant being the person who pays them."⁵⁴

The Colonial Office, in 1823, proposed replacing all

previous legislation governing the Newfoundland fishery with a new judicature act. This new Act would prepare the way for the granting of representative government. Inferior district circuit courts would replace the surrogates in the outports. Insolvency regulations would continue to allow servants first claim on the estate of planters for wages. Current suppliers would have the second lien. The new law would confine servants' claims to fish and oil only. Employers could advance all but a fourth of wages in goods throughout the fishing season. Fishermen absenting themselves from work could be penalized five days wages for every one day missed.⁵⁵ Governor Cochrane arrived in 1824 armed with the new Judicature Act (5 Geo. IV, cap lxvii). This act commenced the new circuit court system which would try all civil disputes according to English law and custom. For the time being, the Colonial Office opted for allowing the wages and lien system to stand, particularly considering that the share system overcame its worst restraints on capital accumulation in the production of salt fish.⁵⁶

A new fisheries act accompanied the 1824 Judicature Act, supplanting Palliser's Act and any other laws governing the fisheries. The act 5 Geo. IV, cap. li explicitly recognized the resident fishery. While continuing to insist on written contracts between masters and servants prior to the start of a fishing voyage, the new Fisheries Act recognized both wages and shares as legitimate means by which planters could pay

servants. Servants still had a lien which allowed them to follow fish and oil into the hands of the merchants, but the lien existed for wages and shares. The Colonial Office meant the Act to be a temporary expedient designed to disrupt the resident fishery as little as possible until such time as a colonial government could take over responsibility for the regulation of the Newfoundland fishery.⁵⁷

Administrators in the Colonial Office hoped that merchants and planters would gradually become involved in fewer court cases with servants because of the increased costs of the new circuit courts. Both laws continued to recognize servants' liens because officials believed that planters, stuck between their obligations to both servants and merchants, rarely spent much time solvent. Colonial officials wanted to give merchants first lien, before servants received their wages, because they believed that merchants risked the most in the trade by advancing the credit on which the fishery rested. In the end, the Acts simply made explicit the restriction of servants' liens to the fish and oil they actually produced. Servants could no longer hope to receive payment from the sale of insolvent planters' other effects.⁵⁸

The advantage to both merchants and planters of this change was that if a planter's voyage failed and there was not enough caught to pay wages, then servants could hold neither planters nor merchants responsible for any agreements

made at the end of the season.⁵⁹ According to the logic of the new Act neither current supplier nor planter was responsible in any way for servants' earnings beyond what the latter caught. The Colonial Office did not want to remove the lien altogether because it noticed a disturbing prospect in the share system: fishermen who earned nothing from the fishery still had to eat. Unless they had some rights to earnings, fishermen could well become a constant burden on the public purse for relief. For the Colonial Office there had to be a balance between its fiscal concerns and the desires of planters and merchants.⁶⁰ The new judiciary and fisheries acts served their purpose in allowing the Colonial Office to shift responsibility for winding down the legislative confusion surrounding the wages and lien system. The extended life of these temporary acts cleared the Colonial Office of any further responsibility for legislating in such matters until the Crown finally granted Newfoundland representative government in 1832.⁶¹

Little evidence exists to suggest that the laws governing the wages and lien system gave any encouragement to the formation of industrial capitalist relations between planters and their servants in the first half of the nineteenth century. Such laws, beginning with Palliser's Act of 1775, simply made planters more vulnerable to failure. Palliser's Act, an arm of restraint on planters which originated in the migratory fishery, gave servants a protection far beyond the

ability of planters to pay and still make a profit in the fishery. In the early resident fishery, wage labour did not prove to be a variable cost which planters might manipulate to their advantage.

The special lien of current supply given to merchants did ensure that planters had access to the credit they required to provision a fishing voyage. But the obligations of having to return all the proceeds of the voyage to a merchant entailed by current supply, acting as it did in concert with truck, made it difficult for planters ever to accumulate much capital in their own right. The guarantee of a set wage to servants prefixed before the season even began seriously exacerbated planters' problems. Already restrained by the costs of merchant credit, planters could not renegotiate wages to suit shortfalls in either the catch or prices of salt cod and fish oil. The wages and lien system allowed merchants the right to control the organization of a planter's production. Both planters and merchants cooperated in resorting to the share system as a means of side-stepping the worst impediments of the wage guarantees. Planters, when they could hire servants, remained the merchants' middlemen, now paying shares, and using credit as operated by merchant capital. Like other fishermen, they continued to rely on family labour except during times when the family could not provide all of the household's requirements. The wage and lien system did not alter this trend toward the family

fishery, but rather proved to discourage planters' experiments in the accumulation of capital through the use of wage labour.

Notes

1. Keith Matthews has demonstrated that Palliser's Act represented no hostility between West Country merchants and resident fishing families. The merchants actually fought for the Act's repeal. The legislation eventually encouraged residency as its provisions gave security of land possession to continuous occupiers who were usually resident, not migratory, fishermen. By not allowing masters to advance more than 50 per cent of a servant's wages during a contract period, Palliser's Act encouraged planters to hire servants by two- or three-year agreements, thus allowing the latter to purchase equipment and supplies required for the fishery. Matthews did not pursue the long-term implications of wage guarantees in an economy dominated by truck. See Keith Matthews, "History of the West of England-Newfoundland Fishery," PhD. thesis, Oxford University, 1968, pp. 451-53.

2. Provincial Archives of Newfoundland and Labrador, P1\5, Governor Sir Thomas Duckworth Papers (Hereafter cited as PANL, P1\5, Duckworth Papers), MicroF. Reel 35.5, M-3176, reference copy of 15 Geo. III, cap. 312, 547-572.

3. Steven Antler, "Colonial Exploitation and Economic Stagnation in Nineteenth Century Newfoundland," Unpublished PhD. Thesis, University of Connecticut, 1975, pp. 28-78. Gerald S. Sider, Culture and class in Anthropology and history: a Newfoundland illustration (Cambridge: Cambridge University, 1986), pp. 46-57.

4. John E. Crowley, "Empire versus Truck: The Official Interpretation of Debt and Labour in the Eighteenth-Century Newfoundland Fishery," Canadian Historical Review LXX, 3 (September 1989), pp. 311-336.

Palliser served as governor of Newfoundland from 1764 to 1768. During this tenure he developed a great distaste for the manner in which some West Country merchants left servants behind at Newfoundland during winter without money to return to Great Britain. In 1767 Palliser proclaimed that masters must reserve half wages to secure servants' return to Great Britain at the end of the fishing season. On his return home in 1769, Palliser began a successful political career as a Member of Parliament and Lord of the Admiralty, pressing for his proclamation to be enshrined in legislation. Parliament passed the Act which bore his name in 1775 as "the Act for the Encouragement of the Ship Fishery." See William H. Whiteley, "Palliser (Pallisser), Sir Hugh," Dictionary of Canadian Biography, IV, 1771-1800 (Toronto: University of Toronto Press, 1979), pp. 597-601; and Whiteley, "Governor Hugh Palliser and the Newfoundland and Labrador Fishery, 1764-1768," Canadian Historical Review, L (1969), pp. 141-163.

5. Newfoundland's supply of seamen for the British navy was more apparent than real. British officials, nonetheless, continued to believe that a migratory fishery was an indispensable support of the navy. See Gerald S. Graham, "Fishes and Sea Power," in George Rawlyk, ed., Historical Essays on the Atlantic Provinces (Toronto: McClelland and Stewart, 1967), pp. 7-13.

6. Centre for Newfoundland Studies, MUN, Colonial Office Papers # 194 (Hereafter cited as CO 194), B-676, v. 34, 1776-1777, F. 33; unsigned petition from the "principal merchants" of Newfoundland to the Secretary of State for the Colonies, 1777.

7. D.W. Prowse, A History of Newfoundland from the English Colonial and Foreign Records (1895) (Belleville, Ont.: Mika, 1972), pp. 357-59.

8. CO 194, B-678, v. 38, 1788-1791, F. 290-302, quote from F. 303.

9. Ibid.

10. Lewis A. Anspach, A History of the Island of Newfoundland, (London: T&J Allman, 1819), pp. 215-23. Christopher English has recently explored in detail the often confusing nature of the early Newfoundland judicial system in his "The Development of the Newfoundland Legal System to 1815," Acadiensis, XX (Autumn 1990), pp. 89-119.

11. CO 194, B-679, v. 40, 1798, F. 17-34; Captain Crofton, Pluto, to Governor Waldegrave, Portsmouth, 10 January 1798.

12. CO 194, B-679, v. 41, 1771-1798, F. 64-70; "A Brief State of the Evidence laid before the Committee of the House of Commons, upon the Newfoundland Trade and Fishery, in the last Session, 1793."

13. CO 194, B-679, v. 41, 1771-1798, F. 70-71.

14. CO 194, B-679, v. 41, 1771-1798, F. 71. Palliser believed that the fishery of Newfoundland required non-economic forms of labour discipline if planters were to survive and prosper.

15. Shannon Ryan, "Fishery to Colony: A Newfoundland Watershed, 1793-1815," in P.A. Buckner and David Frank, eds., The Acadiensis Reader: Volume One, Atlantic Canada Before Confederation (Fredericton: Acadiensis Press, 1993), pp. 147.

16. PANL, P1\5, Duckworth Papers, R35.5, M-3176, F. 3386-3387; "Opinion of G. Williams, T. Tremlett & Thos. Cooke on 15 G.III, c. 31", 13 November 1802.

17. CO 194, B-680, v. 44, 1804-05, F. 70-72; Sir Erasmus Gower to Earl Camden, Hermitage Horn-dear, 4 February 1805.

18. CO 194, B-680, v. 44, 1804-05, F. 50-62, quote from F. 59; Gower to Earl Camden, Hermitage, 24 December 1804.

19. CO 194, B-681, v. 44, 1804-05, F. 182; "Extract of a Letter from the Revd. John Clinch Magistrate at Trinity to Joseph Frounseil Esq. Secretary to His Excellency Sir Erasmus Gower dated at Trinity 10 October 1805."

20. CO 194, B-681, v. 44, 1804-05, F. 190-197; Skerrett to Gower, St John's, 15. 17 October 1805, Gower to Skerrett, 17 October 1805.

21. CO 194, B-681, v. 44, 1804-05, F. 185; Gower to Viscount Castlereagh, St John's, 25 October 1805.

22. CO 194, B-681, v. 45, 1806, F. 20-27; Sir E. Gower, "Explanatory Observations on the Accompanying Return of the Fishery and Inhabitants of Newfoundland ... 1804."

23. CO 194, B-681, v. 45, 1806, F. 64-72; Gower, "Observations on certain Parts of His Majesty's Instructions to the Governor of Newfoundland."

24. CO 194, B-682, v. 47, 1808, F. 131-32; copy of the ruling on Cooke and Travers, insolvents, Conception Bay, Supreme Court, 1804.

25. CO 194, B-682, v. 48, 1809, F. 61-66; James McBraith et al. to Governor Holloway, St. John's, 19 October 1809.

26. CO 194, B-682, v. 48, 1809, F. 81-84; the charges of the Society of Merchants against Chief Justice Tremlett to Governor Holloway, 1809. The particular case that so upset the St. John's merchants involved a Placentia boatkeeper, William Miller. Miller plead insolvency in the Supreme Court in 1804. The court appointed two trustees, Michael Sweetman and Francis Edwards, to pay the servants' wages and current suppliers. Edwards was Miller's supplying merchant. The servants received no wages, so they applied to the magistrates, who ordered Edwards to give over enough of Miller's fish to pay them. Edwards responded that Miller's voyage had not resulted in enough fish "to pay the Servants wages, and the Supplies issued by him to said Miller." Tremlett ordered that, as the servants caught and cured the fish, they were entitled to receive their wages from the proceeds of the

voyage before any other creditor was paid. CO 194, B-683, v. 50, 1811, F. 33; Petition of Patrick Miller, John Hearn and Richard Hearn to Chief Justice Tremlett, 13 March 1804.

27. CO 194, B-683, v. 50, 1811, F. 77-79; Chief Justice Tremlett on the complaints of the Society of Merchants.

28. CO 194, B-683, v. 50, 1811, F. 79-98.

29. CO 194, B-683, v. 50, 1811, F. 195-214; Committee of the Society of Merchants to Sir John Thomas Duckworth, St. John's, 24 October 1811.

30. CO 194, B-684, v. 53, 1812, F. 93-96; Minutes of the Committee of Trade and Foreign Plantations, Whitehall, 2 June 1812.

31. CO 194, B-686, v. 59, 1817, F. 10-20; Governor Francis Pickmore to Earl Bathurst, London, 7 January 1817.

32. CO 194, B-687, v. 60, 1817, F. 249-56; J. Newart to Earl Bathurst, St. John's, 14 March 1817.

33. CO 194, B-687, v. 60, 1817, F. 256-60.

34. CO 194, B-687, v. 60, 1817, F. 360-61.

35. CO 194, B-687 v. 60, 1817, F. 261-66.

36. CO 194, B-687, v. 60, 1817, F. 266-71.

37. CO 194, B-687, v. 60, 1817, F. 292-299; "Report from Select Committee on Newfoundland Trade: with Minutes of Evidence...." 26 June 1817, Testimony of George Garland.

38. CO 194, B-687; v. 60, 1817, F. 300-302.

39. Provincial Archives of Newfoundland and Labrador, GN5\2\A\1, Minutes of the Supreme Court of Newfoundland (Hereafter cited as PANL, GN5\2\A\1, Supreme Court Minutes), Box 2, 1811-18, Minutes, July-December 1817, Francis Forbes, Chief Justice, F. 183-84.

40. PANL, GN5\2\A\1, Supreme Court Minutes, Box 2, 1811-18, Minutes, July-December 1817, F. 186.

41. PANL, GN5\2\A\1, Box 2, Supreme Court Minutes, 1817; Philip Meany vs. Thomas Pynn for £22.2.9. wages, 2 December 1817.

42. The reasons for the brief decline of shares as a form of remuneration in the Newfoundland fishery are not clear. Gillian Cell notes that various shares arrangements existed

in the early 17th century for the distribution of migratory ships' catches between owners and fishermen. R.G. Lounsbury's work on the later 17th and 18th centuries suggests that these share systems, preferred by West Country merchants, came into conflict with London and Bristol proprietary colonists' desire to pay fixed wages in a resident fishery as a more "capitalist" development of the fish trade. Keith Matthews emphatically disagreed with Lounsbury's view, pointing out that West Country merchants neither opposed residence nor the use of wage labour, especially after 1660 when they relied on migratory bye-boat keepers' use of servants to actually catch fish. Matthew's argument seems to imply that wages overtook shares as part of merchants' more general withdrawal from actually catching fish. Harold Innis advanced the only explicit explanation, suggesting that fixed wages displaced the share system as the migratory fishery declined in the 18th century. Employers used fixed wages in an attempt to stem the migration of labourers from Newfoundland to New England.

See Gillian T. Cell, English Enterprise at Newfoundland 1577-1660 (Toronto: University of Toronto Press, 1969), pp. 15-18; Ralph G. Lounsbury, The British Fishery at Newfoundland, 1634-1763 (New York: Arcon Books, 1969), pp. 86-90; Keith Matthews, "History of the West of England-Newfoundland Fishery," Unpublished PhD thesis, Oxford University, 1968, pp. 120-70; H.A. Innis, The Cod Fisheries: The History of an International Economy (Toronto: University of Toronto Press, 1940, 1954), pp. 151-55.

43. PANL, GN5\2\A\1, Supreme Court Minutes, Box 2, Minutes, 1818; Stuarts and Rennie versus David Walsh, 24 January 1818. In the later ruling of 1823, Chief Justice R.A. Tucker concurred with Forbes in his belief that planters were not the real employers of servants in the fishery. Like Forbes, Tucker believed that the wages and lien system grew out of planters' lack of capital, and the system, by guaranteeing merchants and servants a return on the fishery before the planter, did nothing to encourage the accumulation of capital by planters. In the long run, in an effort to avoid the onerous obligations of wages, planters resorted to the share system. See GN5\2\A\1, Supreme Court Minutes, Box 5, Minutes, 1823-24; Brehaut and Sheppard vs. Trustees of LesMessuriers' estate, 10 November 1823.

The Supreme Court thus demonstrated a complex understanding of the wage lien based on a series of rulings. It did not simply accept the lien as being in the best interest of the fishery, as Sider suggests [see Sider, Culture and Class, p. 52]. Sider's evidence consists of one 1820 Supreme Court ruling, Rourke vs. Baine, Johnston & Co., which simply stated that, if planters did choose to use servants in the fishery, then the lien must be used to avoid the latter seizing fish and oil to secure wages, and thus disrupting

planters' ability to market the product. A long series of Supreme Court rulings suggests no similar certainty about the larger question of whether or not planters' use of servants under the fixed-wage lien of Palliser's Act was in the best interest of capital accumulation in the resident fishery. The 1820 decision can be found in E.P. Morris, ed., Decisions of the Supreme Court of Newfoundland: The Reports, 1817-1828 (St. John's: King's Printer, 1901) pp. 210-213.

44. Governors' annual reports to the Colonial Office indicated that shares increasingly dominated forms of remuneration given to servants after 1815. In Conception Bay, where planters used schooners in the declining north-shore fishery and in the Labrador fishery, the proportion of servants hired on shares fluctuated between one quarter and one half of the total between 1815 and 1825. The high proportion of servants remaining on fixed wages probably reflects the more capital-intensive nature of the schooner fishery.

The governors reported that the planter fisheries of Trinity and Bonavista Bays were dominated by the use of sharemen, except those who did shore work. Merchants there, as well as at Fogo and Twillingate, still directly employed servants on fixed wages to catch and cure fish.

See CO 194, B-686, vol. 57, 1816, Return of the Fisheries and Inhabitants, 10 October 1814 - 11 October 181; B-696, vol. 9, 1817, Return, 10 October 1816 - 10 October 1817; B-687, vol. 61, 1818, Return, 10 October 1817-10 October 1818; B-688, vol. 62, 1819, F. 149, Return, 1818-1819; B-688, vol. 64, 1821, Returns, 1820-1821; B-690, vol. 6, 1822, F. 120, Returns, 1821-1822; B-690, vol. 66, 1823, F. 172, Returns, 1823; B-692, vol. 70, 182, F. 22, 33, Returns, 1824-182.

Governor Cochrane, in 1826, reported that "the Planter taking his Servants upon Shares" dominated the northeast-coast fishery. See Provincial Archives of Newfoundland and Labrador, Cochrane Papers, Reel 971.8C, Box ., MSS 2363, F. 168-87; Cochrane to Earl Bathurst, St. John's, 30 January 1826.

45. CO 194, B-688, V. 63, 1820, F. 134-141; Governor Hamilton to Earl Bathurst, St. John's, 27 November 1820.

46. CO 194, B-688, V. 63, 1820, F. 250-256; Captain Nicholas to Lord Melville, Newfoundland, 18 October 1820.

47. CO 194, B-688, V. 64, 1821, F. 65-68; Hamilton to Earl Bathurst, St. John's, 26 July 1821.

48. CO 194, B-688, v. 64, F. 49, Petition of the Inhabitants of St. John's, 1821.

49. Keith Matthews, "The Class of '32: St. John's Reformers on the Eve of Representative Government," in Buckner and Frank, eds., Acadiensis Reader, pp. 212-226. See Patrick O'Flaherty, "The Seeds of Reform: Newfoundland, 1800-1818," Journal of Canadian Studies, 23 (Fall 1988), pp. 39-59 for a view of the Reformers that opposes that of Matthews.
50. CO 194, B-688, v. 64, 1821, F. 129; petition of the inhabitants of St. John's to Governor Hamilton, 24 October 1821; Grand Jury to the Magistrates in general Sessions, St. John's, 15 October 1821; Grand Jury to Chief Justice Francis Forbes, St. John's, 13 October 1821.
51. CO 194, B-689, v. 65, 1822, F. 234-35; James Dalton to James Butterworth, Liverpool, 4 April 1822.
52. CO 194, B-689, v. 65, 1822, F. 334-338; Robert Wilmot, secretary of state, remarks on the "Laws Requisite" of Newfoundland, 1822.
53. CO 194, B-689, v. 65, 1822, F. 331-332; Hunt to Newman, Dartmouth, 6 April 1822.
54. CO 194, B-690, v. 66, 1823, F. 340-343; James Dutton to R. Wilmot Horton, Liverpool, 24 July 1823.
55. CO 194, B-690, v. 66, 1823, F. 345-61; Proposed bill "For the Better Administration of Justice in Newfoundland...." with Governor Hamilton's suggestions. V. 67, 1824, F. 49-51; Hamilton to Earl Bathurst, Spring near Midhurst, 5 February 1824.
56. CO 194, B-690, v. 67, 1824, F. 243-248; copy of the new Judicature Act, dated 17 June 1824.
57. CO 194, B-690, v. 67, 1824, F. 251; "An Act to repeal several Laws relating to the Fisheries ... for Five Years..."
58. CO 194, B-691, v. 68, 1824, F. 112-136; J. Stephen Jr. to Robert Wilmot Horton, London, 19 March 1824.
59. CO 194, B-691, v. 69, 1824, F. 76-96; Wilmot Horton, "Remarks upon the proposed Newfoundland Acts," n.d.
60. CO 194, B-692, v. 69, 1824, F. 472-485; "Inquiry into the present state of the trade and fisheries of Newfoundland," n.d.
61. Newfoundland Law Reform Commission, Legislative History of the Judicature Act 1791-1988 (St. John's: NLRC, 1989), pp. 1-18.

CHAPTER SEVEN:

Paternalism and Trade:

Class Relations among Fishing Servants, Planters and Merchants on the Northeast Coast

The laws governing the wage and lien system served as the broad infrastructural context in which people in the fishery worked out their relationships with each other. However, truck, more so than formal legal structures, dominated the day-to-day relationships among fishing servants, planters and merchants on Newfoundland's northeast coast. H.A. Innis hinted (without much explanation) that merchants and planters both used truck to minimize the overhead costs imposed on the fishery by planters' need for servants during the early eighteenth century. Merchants increased the prices of goods they sold residents to offset losses in the fish trade, while planters advanced their servants goods to a greater extent than wage agreements allowed, forcing servants to remain in Newfoundland beyond their time of service to work off their debt.¹

Credit served as the nexus between household producers and merchants on the northeast coast, defining class relationships between fishing families (from the most property-less to those of planters with schooners in the Labrador and seal fisheries) and fish merchants. Truck represented a mutual, albeit unequal, accommodation between two basic classes: merchants and fish producers. Producers' need for

credit to purchase capital, consumer and, particularly during early settlement, labour dominated the Newfoundland fisheries.² Although this need was constant, producers faced frequent, cyclical depressions in the industry due to wars, variable market demand and supply, and catch fluctuations. A planter might be exploited by his merchant's price manipulations, but the merchant "at least ... kept him alive."³

Fish producers and merchants, like suppliers of labour and capital in other staple industries, needed each other.⁴ Paternalism did not, however, preclude struggle between the two. In other parts of British North America, the producing classes -- whether servant, artisan or farmer -- sometimes enforced the rule of accommodation by rough behaviour or riot when their superordinate partners strayed beyond accepted limits of behaviour.⁵ Paternalism in the fishery, the ideological expression of truck, was no simple merchants' tool used to ensure their hegemony. Merchants did not totally control their credit relationships with fish producers.⁶ They had to accommodate the separate purposes of their clients, who often took actions which ensured that truck continued to meet their needs. This chapter will explore the manner in which producers and merchants defined truck in the northeast-coast fishery, emphasizing that fishermen did not accept without challenge the manner in which both planters and merchants used truck to profit in the fishery. While such challenges, especially in the courts, did not end truck,

they did limit the extent to which it exploited producers. The mutual accommodation of merchant credit cemented cross-class ties between producers and fish merchants. Fishermen did not identify merchants as their class enemies responsible for all their problems in the fishery, but their struggles over credit helped to define the character of northeast-coast society.

Court records reveal much about northeast-coast social relations during the first half of the 19th century. Debt disputes dominate the sample of writs issued by the Harbour Grace Northern Circuit Court from 1826 to 1855: 344 out of a total of 542 writs [see Appendix A]. Unfortunately, most of these writs identify little about the people involved in the court actions, and are consequently of little help in an examination of northeast-coast social relations. The 68 wage disputes in the writ sample do allow some tentative conclusions about the experience of servants, planters and merchants in the fishery. Most of the writs issued in wage disputes for Conception Bay involved fishermen. Only six involved servants not directly employed in the fishery.⁷

Seven of the wage dispute writs concerned conflicts between servants in the spring seal fishery and their masters and merchants.⁸ Sealers usually did not sue their masters, but looked to the merchants who received their seals to pay their shares.⁹ On occasion, these suits were not only for wages, but also represented servants trying to protect

themselves from the worst parts of truck with merchants. Michael Patten, for example, sued merchant William Bennett in 1832 for £3 overcharges by the latter on his account.¹⁰ Sealers kept accounts with their masters' merchants for needed equipment which they acquired on credit. Patrick Power, for example, received only £4.1.1 out of his share of £12 after Ridley, Harrison & Co. balanced his account in 1840 [see Table 13].¹¹ Sealers were fishermen who simply engaged in a different industry for an extremely short period of time each year. Merchants tried to use truck in the seal fishery just as they did in the cod fishery.

The remaining 57 wage dispute writs all involved fishing servants. The patriarchal nature of social relations in the fishery emerges in some of these cases. While a very few women servants sued directly for their wages, most servants who used the courts to defend their wages were men.¹²

In two cases fishermen appeared in court suing employers for both their own and their wives' wages. The suits suggest that planters kept accounts with their servants, advancing at least part of their wages as credit. The wages of both spouses appeared as one under the husband's credit. In 1826 Peter Keefe sued Robert Knox for the balance of his wages: £19.0.4 1/2. Keefe's account with Knox, a planter, shows that the balance due was based on both his and his wife's wages (she remained unnamed in the document) [see Table 14].¹³ William Brennan's suit for £26.18.0 wages against

Table 13

Account of Patrick Power with Ridley, Harrison & Co., 1840

Debits			Credits		
07 Feb	1 canvas frock	£0.06.0	7 May	share seals	£11.03.9
10 Feb	2 yds. blanketing	0.08.0		less birth paid	
	3 1/2 yds. canvas	0.08.2		owner schr. <u>Emerald</u>	<u>1.14.0</u>
	1 pr. men's hose	0.03.6		TOTAL	9.09.9
13 Feb	1 pr. men's boots	1.10.0			
	1 pr. men's hose	0.03.6			
	1 ball hemp	0.01.0			
	thread	0.00.6			
17 Feb	1 flannel shirt	0.07.0			
	1/4 yd. whitney	0.03.0			
22 Feb	1 yd. blue calico	0.01.0			
26 Feb	1 pr. drawers	0.06.6			
	1 knife	0.01.6			
	1/2 yd. blanketing	0.02.0			
	1/2 yd. flannel	0.01.3			
2 March	1/4 yd. cloth	0.05.0			
	1 south wester	0.04.0			
	1 bowl	0.00.6			
	1 lb. leather	0.03.6			
	1/2 lb. tea	0.02.6			
	short paid on bread	<u>0.10.0</u>			
TOTAL		5.08.5			

Table 14

Account of Peter Keefe with Thomas Pynn, 1827

Debit		Credit	
Balance due from last yr.	£2.00.0	For work done as	
My diet	8.00.0	per a/c	£00.19.9
10 June 1/4 lb. thread	0.01.9	Overcharge on	
35 lb. soap	1.03.6	tobacco	00.01.6
1 pr. women's boots	0.11.0	Wife's wages	
12 Sept 7 yd. bombazett	0.14.0	for summer	08.00.0
1 yd. calico	0.00.10	Keefe's summer	
6 June 1 1/8 yd. check	0.01.08	1/2 wages	<u>23.00.0</u>
10 June 3 lb. tobacco	0.04.06		
1 1/2 doz. pipes	0.00.06		
12 June cash	0.01.00		
cash	<u>0.08.00</u>		
TOTAL	£13.00.10	1/2	£32.01.3
BALANCE DUE KEEFE	£19.00.40	1/2	

planter Thomas Pynn of Musquitto in 1827 contained a simple statement that the wages were for himself and his wife (again unnamed) the past summer.¹⁴

Servants on shares initiated only five wage disputes in the sample of writs. This low number suggests the greater ease planters and merchants found in paying a wage directly indexed to the season's catch, rather than paying a fixed sum set between planters and servants before the season began. Servants like Jeremiah Pumphry sued for small accounts. Pumphry demanded only £3.5.0 from his master James Ball in 1826.¹⁵ John Mugford did not even bother to sue for a cash value from his master Charles Boon in 1833. Mugford simply demanded his share of the total amount of fish he caught: 12 quintals.¹⁶ At times sharemen could sue for large amounts, such as in the case of Francis Barrett's suit against John Barrett of Bishop's Cove in 1853 for £30 the alleged value of his 1/2 share of fish.¹⁷ But the advantage of the share system to employers emerges in the case of Thomas and Patrick Healey's suit against their master James Walsh for wages of £25 each in 1842. Walsh stated to the court that he had not guaranteed the fishermen this amount, but instead had hired the Healeys on shares. The Northern Circuit Court found that the servants' share allowed them only £0.30.0.¹⁸

Although merchants and planters justified stripping away sharemen's protection under the wages and lien system because of Forbes' 1817 ruling that most had become co-adventurers

with their planters, masters did not accord the latter treatment they would have themselves accepted. John Lander-gan sued his ex-master William Marshall for £27 in 1827 for a "probable Amount of Fish Plff [the plaintiff] would have caught the present or current season (as if on his own share) as a Shareman with Defent [the defendant]," because Marshall had driven Lander-gan from his service with beatings.¹⁹

A number of actual contracts in unsampled court documents suggest that, contrary to supreme court rulings, servants on shares were not co-adventurers with their masters. Sharemen were subordinate to their employers just as were servants hired on fixed wages. A case in point is that of James Pumphry (this could either be Jeremiah or a brother of Jeremiah), at Carbonear on 5 June 1826,

Agreed and shipped myself to serve James Ball as a shareman from this date until the whole of the voyage is off. I am to have half my catch of fish after paying six pounds for my birth. Also to assist all in my power toward making the voyage when in from fishing the same as another man. I am to come home in the Schr. the first trip if required.²⁰

Other sharemen's shipping papers support viewing servants as complete legal subordinates to planters during the length of their agreements.²¹

The amounts sued for by fishermen not identified by the court records as sharemen were much higher than those of sharemen, aside from Marshall's estimate of his own probable earnings. There were seven writs issued on behalf of fishing servants for less than £10. But only three of these, that of

Thomas Melvin for £4.5. in 1827, Patrick Rogers for £3 in 1829, and William Walter for £7.10.0 in 1834, suggest that the amounts sued for represented the total wage earned by servants.²² The other writs specified that the amounts sued for by servants were the balances of wages due. As in the case of the sealers, this suggests that planters kept accounts with their servants by which they advanced supplies against wages as credit.²³ Only one case indicates that a servant hired on a more casual basis than a fishing season. In 1826 Joseph Verge sued James R. Knight for the balance of his wages for 45 days work in 1825 £5.17.6 from £7.17.6 after £1.10.0 for a barrel of flour and £1.10.0 for a pair of men's shoes had been deducted.²⁴ Most other wage disputes were for higher amounts ranging from £14 to almost £34 between 1826 and 1855.²⁵

Planters could take advantage of their control over servants' accounts with them to minimize what they paid out in wages. Palliser's Act allowed masters to advance their servants up to one half of their wages in credit for the latter's clothing, food, and equipment needs during the fishing season. Servants like Daniel Hisney had accounts with their planter-masters, just as planters in turn had accounts with their supplying merchants.²⁶ Other servants might well have a direct account with their masters' supplying merchants.²⁷ No matter what the arrangement no master was allowed to use credit to erode the half-wages balance due

at the end of the fishing season. Planters, however, could manipulate the prices of goods supplied to servants so that it would appear that they did not owe wages at the end of their contracts. A few cases indicating that planters used truck to avoid wage payments appeared in the Surrogate Courts. The Surrogates usually agreed with servants when the latter complained that planters overcharged prices on their accounts to avoid paying wages. Surrogate Packenham, in 1787, readjusted prices and ordered planters to pay wages then due to servants.²⁸

Servants did not passively accept planters' or merchants' use of truck to undercut their wages, even before the establishment of the circuit courts. They used the Surrogate Court at Harbour Grace to ensure that their masters observed the letter of their prearranged wage and service agreements according to Palliser's Act.²⁹ Many fishing servants who won their cases simply demanded that their masters pay their wages according to Palliser's Act at the end of the fishing season, which the Surrogate ordered done. In the 1787 case of David Cushan's suit against his master John Dowdle, for example, Dowdle made clear that he had not made enough from his fishing voyage to pay his servant's wages. The Court ordered Dowdle's fishing boat sold to pay his debt.³⁰ Masters who appeared in the Surrogate Court usually gave their servants half wages in credit for required goods during the fishing season, but did not want to or were not able to

pay outstanding balances for the rest at the season's end. Planters were more concerned to make sure that they satisfied the credit of their supplying merchants. Surrogate Packenham, in 1787, for example, insisted that planters could not deal with merchants as if their servants' wages could wait until they met the supplying merchants' credit. Packenham ordered that the supplying merchants must meet servants' wages before they could credit any fish or oil to planters' accounts, and enforced this rule by attaching enough fish and oil in merchants' hands to pay wages according to Palliser's Act.³¹ Packenham felt that planters could not produce enough fish to meet servants' wages because they prearranged wages according to Palliser's Act at rates both "high & extravagant." Packenham claimed an interest in reducing wages to lower levels, but his rulings do not indicate that he actually did. Palliser's Act forbade tampering with signed, written wage agreements.³²

Throughout the early 19th century the Northern Circuit Court heard claims for neglect deductions and disputes caused by servants who resisted their masters' attempts to reduce their wage balances through extra credit charges for goods supplied on account. In 1826, for example, Robert Knox sold his servant Timothy Mulcahy £6.10.3 in tobacco, clothing and tools during his time of service. Knox consequently had only to pay Mulcahy £16.15.9 out of his £23.8.0 wages at the end of the fishing season. Yet Knox would not pay this amount

until Mulcahy sued. In court Knox bargained down his actual payment of wages by having the court deduct £5.19.0 for 17 gallons of rum, £1 neglect of duty, and £0.8.0 for breaking a window. Mulcahy actually received £9.8.9 in wages.³³ In most cases, however, the court ruled in favour of the servants.³⁴ The Northern Circuit Court sometimes tired of this attrition of wages between masters and servants. When William Thistle withheld Michael Maratty's wages of £17.4.0 in 1831, Judge A.W. DesBarres decided for Maratty after deducting less than a pound. The Judge accompanied this decision with the opinion masters should be very cautious in withholding wages for such petty disputes in future.³⁵

Servants, whether hired on fixed wages or shares, used the courts to defend themselves from the truck practices of their planters. Servant James Sullivan experienced problems with his planters Henry Taylor and Parsons in 1826 when he tried to settle for his wages. Sullivan was to have a share of one twelfth of that part of the voyage he caught as wages, minus only a freight charge back to Conception Bay. On his return home, however, Sullivan found that Taylor and Parsons deducted £4 for his berth and passage to Labrador. The planters also refused to tell Sullivan what price the merchant credited for his fish. Sullivan did not believe that his work during the season could, as his planter suggested, leave him with no credit on the merchant's account for winter supplies.³⁶

Truck played an important part as well, in the wage dispute between Thomas Shea (or Sheehy) and Timothy Crimin of Brigus in 1826. Shea had agreed to serve Crimin from 17 June to 31 October as a shareman for half the fish he caught, deducting 20 shillings for berth plus a freight charge and a share of the cost of putting rinds on board Crimin's schooner to build flakes at Labrador. Yet when he applied for his wages, Crimin gave Shea an account full of overcharges. Shea complained to the Northern Circuit Court that he did not authorize Crimin to take pork or flour on the servant's account with Gosse, Pack and Fryer, the supplying merchants. Crimin further charged too much for his birth, rinds, some tobacco and bait. The court allowed Shea 10 shillings for overcharges on bait but did not recognize any of the servant's other claims, leaving him with no wages due.³⁷

Servants were not free from problems created by the widespread use of credit in the northeast-coast fishery even when they signed what were apparently straight-forward fixed wage agreements with a planter. Masters paid wages only after they balanced their own accounts with merchants, which included charges for goods supplied to the formers' servants. The 31 May 1827 indenture of Thomas Pyne to Michael Barry suggests that goods he took on credit ate up his wages before they were due at the season's end. Pyne agreed to serve as a fisherman or shoreman for one year in return for £18 wages,

one pair of shoes and "one half the Balance of my ac/ct to be paid on the last day of October next and the other half the Spring following." An attached account of Pyne with Barry shows that, by the end of his first year of service, Pyne, actually fell into debt as a result of serving Barry, owing £23.5.8 in liquor, ale, flour, tea, molasses, small amounts of cash, and damages for losing a skiff (£6).³⁸ Throughout the 1820s to 1840s other court cases indicate that fishing servants' wage agreements with planters were usually for credit during the fishing season, with servants taking goods for the remainder of their wages if planters owed them any balance at the end of the fishing season.³⁹

Planters like Thomas Deady of Harbour Grace enjoyed two advantages in using credit to pay servants' wages. First, supplying servants served as a business for the planter in its own right. Deady hired William Fitzgibbon for £24 wages for the 1844 summer fishery, the balance of which was to be paid half in cash and half in goods at the season's end. Throughout the fishing season, Fitzgibbon took from Deady on credit, leather, hemp, an oil jacket, cloth, blanketing, 100 pounds of pork, flour, molasses, tobacco, women's boots, and soap to the value of £12.4.2. At the end of the fishing season Deady only owed Fitzgibbon a balance of £11.15.10.⁴⁰ Second, credit ensnared a servant, preventing him from entering the service of another if he could find better wages. William Donnelly sued planter Jeremiah Lee of Harbour

Grace in 1851 because the latter hired Donnelly's servant Joseph Gosse. Gosse had agreed to serve Donnelly on 3 May as a fisherman for £20 payable in cash and goods. By 26 May Gosse was working for Lee. Donnelly complained to the Northern Circuit Court that Lee hired Gosse knowing that the latter had already taken £5 in credit from Donnelly as his servant.⁴¹ Credit tied servants to their planters, and gave masters a means of minimizing (perhaps at a profit for themselves) the amount of wages they actually owed at the fishing season's end.

Servants did not distinguish between planters and supplying merchants who received planters' fish and oil when they came into court to force payment of their wages. The court would, as in the 1833 case of Thomas Calvert against his master James Cuddihey, order the supplying merchant (in this case George Forward) to produce a full account of the planter's voyage, including a full list of wages due to servants.⁴² The court ordered both planter and merchant to pay if a servant could prove that the supplying merchant, as receiver of the voyage, owed wages. John Landergan sued his master Edmund Whiteway, a planter of Carbonear, and merchant William Bennett for his wages of £20. Landergan won wages of £18.01.0, which Whiteway paid by an order drawn on Bennett.⁴³

The case of James Brine's suit against the bankrupt estate of Harbour Grace merchant H.W. Danson in 1832 suggests that merchant credit was the medium by which planters paid

wages to their servants. Brine demanded £55.02.0, his 1830 wages. The court awarded Brine £13.08.0 the balance of his wages after deducting the supplies and diet he had on account from Danson.⁴⁴ Servants seem to have been reluctant to accept payment for wages in cash by planters' orders drawn on their merchants. In 1832, James Conway sued Abraham and Joseph Bartlett for the balance of his wages: £16.5.7. The Bartletts told the court that they did not deny Conway the amount, and "offered him an order on Mr. Cozens for Cash But would not accept of it."⁴⁵ Servants like John Hunt in 1832, seemed to want their wages paid directly by their masters. Hunt sued his master Maurice Keene for £12.18.0 wages, but would not accept an order by Keene drawn on "his Merchant who is ready to pay the same when the fish is landed out of the Lady Ann."⁴⁶

Servants' reluctance to accept such planters' notes may have originated in the uncertainty which existed about just how the planters' and servants' accounts would balance on the merchants' books. Merchants did not pay wages to servants out of their own pocket, but waited until the master's account was settled to see how much the planter would actually have to pay, and to see how much servants should actually get in cash after the servants own debts were met for the season. Planter James Cuddihy of Carbonear gave his servant John Healey a note dated 23 October 1833 addressed to merchant George Forward for wages. Yet on 16 November John

Healey was in the Northern Circuit Court trying to get £8.19.1 wages remaining due him. Cuddihy's voyage, both the amount and price received, as turned over to Forward probably was not sufficient to fulfill the total £20.⁴⁷ In 1833, Charles Kavanagh sued planter John Leary and the latter's merchant William Bennett for his £22 wages. Bennett produced an account of Leary's voyage to the Labrador which showed that Leary returned only £40 of fish against the total £150.05.0 wages he owed his crew [see Table 15]. The Northern Circuit Court ordered Bennett, as receiver of the Voyage, to pay the servants' wages after deducting their accounts.⁴⁸ The court essentially ordered Bennett to pay the servants' wages in proportion to the amount of fish Leary actually turned in at the season's end. Servants could use the courts to force reluctant merchants to pay wages out of their planters' fish.

These suits against Leary and Connors suggest that planters in the Labrador fishery often were unable to catch and make enough fish and oil to pay their servants' wages.⁴⁹ When merchants like William Bennett faced suits due to such shortfalls, they were not willing to assume the planter's obligation to his servants. Merchant William Bennett of Carbonear declared that he would only pay the servants of his planter William Kehoe to the extent of the fish and oil Kehoe actually delivered.⁵⁰ The Northern Circuit Court would balance the planter's account to determine the amount due the

Table 15

Statement of Wage Agreements and Wages due
to the Crew of John Leary, 1833

Crew	Wages per agree.		Due from Bennett
Charles Kavanagh	£22.00.00	6/2	£05.17.03
Edward Cumming	21.00.00	6/2	05.11.09
James Hearn	22.00.00	6/2	05.17.03
Thomas Murphy	21.05.00	6/2	05.13.01
John Connelly	16.10.00	4/5	04.07.10
Catharine Maddock	06.00.00	1/7	01.11.11
James Breen	09.00.00	2/6	02.07.10
John Quin	16.10.00	4/5	04.07.10
Thomas Oats	10.00.00	2/8	02.13.04
Phillip Murphy	06.00.00	1/7	01.11.11
TOTAL	£150.05.00	@5/ 3d	£40.00.00
Fish received by Mr. Bennett 80 qtls @ 10/)			£40

Table 16

Statement of William Walsh's Voyage of Fish and Oil,
and Crew on Wages the past Season, 1833

Fish & Oil received by Thos. Chancey & Co.		Men on Wages & 1 Women	
172 3/4 qtls. mble. @	£86.07.06	David Laherty	£18.00.00
9 1/4 @	4.03.03	John Condon	18.00.00
66 gallons cod oil	<u>5.03.32</u>	Patrick Dunphy	18.00.00
	£95.13.11	Edward Nowlan	16.10.00
deduct freight	<u>10.01.01</u>	Edward Power	22.00.00
	£85.12.10	James Carberry	14.00.00
		Ellen Grady	<u>07.00.00</u>
			£113.10.00

A/C SHORTFALL FOR SERVANTS: £27.17.2

servants, as in the case of William Walsh's voyage in 1833 [see Table 16].⁵¹ The entire catch of Walsh's voyage to Labrador could not cover his servants' entire wages.⁵²

Servants' success in using the courts to enforce wage payments did not free them from bartering with merchants, particularly after the relaxation of the wage law under the circuit courts. Dennis Landergan and Michael Miles, two servants who worked for planter Joseph Puppy at Labrador in 1832, complained that merchant William Bennett would only give them fish as payment for their wages.⁵³ Geoffrey Rielley agreed to serve Benjamin Leary for £21 wages as a splitter in 1833. At the end of the season, Rielley had a balance of wages due of £6.6.1 which Leary could not pay in money. The court allowed Leary to pay the debt in merchantable fish.⁵⁴ Rielley would have to bargain with a merchant over the price of his fish. In the same year merchant H.C. Watts paid the wages of one Hamilton's crew of 7 servants. Watts paid the total balance due, £81.9.6, in fish.⁵⁵

There were other ways planters might try to avoid paying their servants' wages besides resorting to the complexities of credit. James Coyne, a Harbour Grace fishing servant, found that in 1830 his masters, planters Nathaniel and Thomas Davis, simply tried to avoid him when it came time to pay wages. On their return home from a trip to Labrador, Coyne found that the two planters, upon application for his wages, kept putting him off "from day to day until their fish was disposed of and then they told his petitioner that it would be paid him as soon as possible."⁵⁶ The manner in which other planters went out of their way to either avoid or run

away from servants' wage demands testifies as to the latter's effectiveness in getting their payment through court action.⁵⁷

Planters could try to avoid paying servants' wages by using intimidation to get them to quit. Owen Fitzgerald complained in 1832, for example, that he had hired himself out to planter James Britt of Harbour Grace to work in the Labrador fishery for 18 months in 1832. On their return to Harbour Grace at the season's end, Britt tried to get rid of his servant without paying wages. Fitzgibbon complained that Britt harshly criticized him, belittled his work with abuse, and refused the servant lodgings. Fitzgibbon stated that he would leave Britt's service, except that he needed his wages.⁵⁸ In a similar incident in 1854, servant George Mills complained that his master Dennis Shea tried to scare him off after their trip to Labrador with mistreatment and threats of beatings.⁵⁹

Servants resorted to the courts to combat planters' and merchants' use of truck against their wages. This relatively passive negotiation was not the only way in which servants forced employers to accommodate their needs. Servants could use violence as a direct sanction against treatment they felt to be unfair. Thomas Newell, the agent for Slade, Elson & Co. of Carbonear, complained in 1833 that, while engaged in settling the accounts of a number of the firm's planters, James Murphy demanded his balance of wages out of "his Turn."

Murphy, a servant of Slade, Elson & Co.'s planters named Luther, responded by threatening to tear out Newell's throat. Murphy later apologized for his conduct, but Newell feared that Murphy's behaviour might encourage other servants' use of violence in settling their accounts.⁶⁰ A similar case arose in 1837, when merchant Thomas Ridley complained that fisherman David Power, a shareman of one of his planters, made a drunken demand for money at his house. The merchant refused, leading Power to demand "his account which complainant told him he could have by applying at the Counting House." Power refused to leave, and a fight ensued in which Power struck Ridley, who, with the assistance of James Gorman, threw Power out.⁶¹

Violence by servants did not always represent their desire to be paid out of turn, or stem from too much drink. Servants used force to express their frustration in trying to collect wages from planters' credit. Planter Henry Thomey of Harbour Grace, in 18, complained to JP R.J. Pinsent that he had met a former servant, James Wilson, in the office of his supplying merchant, Ridley and Sons of Harbour Grace who demanded that his wage account be settled. Thomey told Wilson that "if he had any demands against me - he knew what his remedy was," implying that Wilson go to court. The servant instead resorted to a personal remedy by assaulting the planter, harassing him the next day at the wharf of his supplying merchant.⁶²

Servants sometimes joined together to force payment of their wages. William Walsh's servants, fearing that their master would not pay wages, took direct action against Walsh's supplying merchant William Bennett in 1833. Walsh abandoned his voyage to the servants, and left the dispute. His Labrador fish was green, and Bennett had to have it cured before he knew how much quantity and quality he would have to balance against the servants' wage claims. Three of Walsh's servants came to where Walsh landed the fish and took what they pleased before Bennett had a chance to settle accounts. When Bennett tried to "defend his property from such an illegal plunder he was [illegible - told?] by said Servants that they would kill him with stones if he did not let them take away the fish."⁶³

It would be a mistake to interpret the sometimes violent disputes between planters and servants in the northeast-coast fishery as an indication of a clear separation of masters and men along class lines. The class space which separated employers from employed in the preindustrial age was not a wide one. Paternalism linked masters and men together in the same work environment, cooperating to make the same product. Masters and employees faced a common vulnerability to the problem of not being able to keep abreast of credit obligations, insolvency and, possibly starvation.⁶⁴

Catastrophe could strike planters, as in the case of the family of George Pynn of Musquitto in 1828. Fate decreed

that the Pynns would be visited by smallpox in May, and on 30 May the magistrates, fearful of an epidemic, quarantined the family, using a guard to prevent any member of the family leaving the home. All of George's plans for the fishery lay in ruins: he could not send his schooner to Labrador, so his merchant, Bennett of Carbonear, withdrew Pynn's credit for the winter, leaving his family with nothing to eat.⁶⁵

A lesser, but more likely, calamity to strike planters would be the sheriff or bailiff's call with a writ of attachment for some outstanding debt. The bailiff's call could be quite traumatic, joining planters and servants together in a defence of the proceeds of their labour. Charles Kennedy and Thomas Bartlett, planters and partners in the fishery in 1833, reported that bailiff Arnold Webber struck both of them to the ground when he tried to seize property for a debt of the two that year.⁶⁶ The bailiff could be met with violence in turn. When Arnold Webber and Martin Kelly attached the fish and oil of Michael Norcott in 1841, Norcott threw rocks at them.⁶⁷ Such responses were not always so individualistic. The servants of planter Noah Perry joined their master George Perry to resist an attachment on his boat by bailiff Webber "by throwing the said Arnold Webber out of the said Boat into the sea...."⁶⁸

Planters and like servants faced similar catch, credit and market problems. When poor catches, high prices for supplies, and low prices for fish coincided, a planter's

voyage could end in a merchant taking him to court for an account balance due. When his merchants, Pack Gosse and Fryer sued him for £35.5.5 in 1829, Thomas Hedderson stated plainly "that he has no way of discharging the within mentioned debt at present having made a very bad voyage last summer and that it is with difficulty he can get a little to support his wife eight children and an aged mother...."⁶⁹

After planter David Meany ran at least a second year of negative balance on his account to Pack, Gosse and Fryer, the merchant firm took him to court for £400 damages for a £373.18.3 debt due the firm in 1840. In 1839, Meaney owed the firm £226.8.0, but Pack, Gosse and Fryer took a risk and advanced Meaney £488.6.7 in supplies and wages for servants for a trip to Labrador. Meaney could only return less than £340.18.3 in fish and oil to meet this debt [see Appendix B].⁷⁰ In 1844, Pack, Gosse and Fryer took another of its planters, Timothy Morea, to court for the £51.3.10 left owing on his account after a trip to the Labrador fishery. Morea took £187.1.3 in supplies on account for the trip, but only returned £135.12.5 in fish and credit against the debt. A little over £50 debt does not seem like much, but it appears that Morea tried to settle with his merchant without meeting the fixed wages of his servants (Morea paid his sharemen). Morea owed Patrick Moratty £23 wages, Richard Morea £30 wages (including £7 for his wife Ann), and William Morea £22 wages. Thus Timothy Morea's total debt equalled at least £126.12.5

[see Appendix B].⁷¹ In a similar case, Ridley & Sons sued John Keilly and Sons for his account of £300 in 1855. After a trip to Labrador, Keilly and Sons had only £154.7.3 to return against the account for a balance due of £157.19.1 [see Appendix B].⁷²

Planters, like servants, faced ruin when they did not earn enough to pay their accounts and sometimes blamed merchants for their failure. Planter Thomas Powell of Carbonear complained in 1827 that he had carried on a prosperous fishery for nine years, supplying merchants Gosse, Pack and Fryer with seals, fish and oil in return for credit. Powell fared well until 1825 when the fishery failed. The planter ran a negative balance of £61.10.7, so Robert Pack refused him further credit. Pack attached Powell's share in a schooner the latter held in partnership with the firm, preventing Powell from going to the spring seal fishery, and ending the planter's last hope of meeting his debts. A sheriff's sale disposed of Powell's share to Pack for £21 although the Harbour Grace Insurance Society had valued the schooner at between £200-220. Another sheriff's sale sold Powell's room and stage for £5.4.0 (although valued at £25), his fishing room and plantation at Carbonear, a stable and barn and dwelling to Mr. Pack for £148 to satisfy the remainder of the debt: £35.6.7. Powell valued this property at £570. Powell left no doubt that he felt that merchants, not fish stocks, brought about his downfall:

Your memot. therefore feels himself greatly aggrieved, in being thus pressed for a debt for goods charged at exorbitant rates, far higher than Mr. Pack himself sold them for to others of his dealers, and which, if they had been reasonably priced, would have left no balance whatever due to Mr. Pack; in Mr. Pack's preventing the schooner from earning money in the Spring of 1826, between the test of the writ and its return; the sale of the share of the vessel for £21, which was even by Mr. Pack's own valuation worth £70; the sacrifice of his other property, to satisfy a rapacious and merciless creditor....⁷³

Powell accused his merchants of using truck to ruin him. William Morey likewise suspected his supplying merchants Rogerson & Cowan of keeping strange accounts when they attached his plantation for a debt of £97.0.9 in the fall of 1826.⁷⁴ Fisherman John Mason found that his supplier, John Hackett, had actually overcharged him by £1.11.8 in 1829. Hackett claimed that Mason took £41.0.3 in goods against which he returned £36.17.11 for a balance due of £4.2.4. The Northern Circuit Court reduced this to £2.5.8.⁷⁵

Planters, like their servants, not only felt ill-used by truck at times, but could occasionally suffer similar physical mistreatment at their merchants' hands when they disputed their accounts. Planter Jacob Nicholas of Harbour Grace complained of an assault by merchant Henry T. Moore of the same place in 1854 by stating that, when Moore gave him statement of his account containing objectionable overcharges, Moore "took me by the collar and dragged me to the door - and kicked me violently with his foot...." Moore replied by stating he took this action after Nicholas used foul

language in response to his reading of the account.⁷⁶

Planters could try to use merchant credit to their own advantage in dealing with their servants, but in turn could expect little leniency from merchants who felt that their investment in the planter was at risk. The petition of planter Michael Keefe gives some idea of the hazards faced by planters in relying on merchant credit in large-scale operations. Keefe had built up a large fishery, dealing with a number of merchants over the years, and employing many servants. But between 1832 and 1833 he fell into debt to his supplying merchant, J.C. Nuttall. The merchant sued Keefe for the debt, refusing to honour a verbal agreement that the planter would pay off the debt at £8 per year. Nuttall had Keefe jailed for the debt on 12 December 1833.⁷⁷ Nuttall defended his action during Keefe's insolvency hearing by charging that the planter had begun to transfer his property to his sons in an attempt to elude his creditors and would not sign a bond for the £8 per year agreement. Nuttall suspected that Keefe was trying to evade his credit responsibilities to Nuttall as his supplying merchant starting in 1832 by selling fish to the Slades at Battle Harbour, Labrador, for lower-priced provisions. Nuttall made no apologies for no longer being willing to trust Keefe, and in turn asked the court to secure his property. The court declared Keefe insolvent.⁷⁸

Planters who fell in debt certainly felt ill-used by

their merchants through the price manipulations of truck. Yet there exists little evidence to examine how merchants dealt with their planters, except generalizations about truck, like that of an 1829 observer who attributed most of the colony's economic problems to merchants' ability to place

.... an arbitrary nominal value on the fish at the end of the season, and the supplies are charged more with reference to that supposed value, than to their actual cost of importation; consequently the Merchants rely for their profits almost entirely, on the imports, for generally speaking, if fish realizes its nominal cost, and charge of freight in the market, it is accorded a successful speculation.⁷⁹

Through the 1840s and 1850s much public debate took place within the Conception Bay press about class relations in the fishery which suggests that truck held some advantages for planters and servants. Some, like "A Voice From The North Shore", felt that the ongoing depression in the fish trade could not support free market relationships between merchants and their dealers. Merchants, by not undercutting each others' prices in an attempt to gain more customers, cultivated a paternalistic bond with planters, to avoid losing the latter's fish in a ruinous competition with each other. Supplying merchants could count on planters to return fish and oil on their accounts year after year, if the former provided credit during bad years. A good supplying merchant was one who acted as "a father towards his planters."⁸⁰

Not everyone accepted this image of merchants as

benevolent paternalists. Another correspondent described the fishermen of Conception Bay as being worse off than the "slaves and serfs of Russia" subject to their supplying merchants' humour when they begged for credit at the end of the fishing season.⁸¹ But besides such anecdotal assertions, little evidence exists to suggest that any merchant in the Newfoundland fishery of the first half of the nineteenth century pursued a debt-led strategy to secure fish supplies, or used unequal exchange with planters by fixing fish prices relative to the prices for supplies given out on credit for the fishing voyage. All that can be said for sure is that truck consisted of merchants exchanging capital goods, supplies and provisions in return for planters' fish and oil. The governors' returns state that, from 1815 to 1825, merchants in Conception Bay set fish prices at the current international market prices. At Trinity, merchants gave either a "general price", the "Market price", or the "Newfoundland price". The returns generally reported that merchants at Bonavista and Fogo usually gave the market price for fish just as they did in Conception Bay.⁸² There is little evidence to prove that merchants used truck on the northeast coast as a strategy to depress fishermen's incomes or tie a labour force to it through indebtedness to prevent rent dissipation in a common-property resource, although there is some indication that planters, not merchants, used a form of truck to reduce the real wages of their fishermen and

secure labour for a season.⁸³

Planters could even be drawn into a certain identification with merchants when they seized on the opportunities suggested by trade with their own servants, withdrew from the risks of production, and began to trade on their own account.⁸⁴ Charles McCarthy, a prominent merchant in Conception Bay in the 1840s, started out as a planter at Crocker's Cove. McCarthy seized on the opportunities posed by the insolvency of Bristol and Harbour Grace merchant H.W. Danson in 1831 by purchasing Danson's brig Curlew and using it to trade on his own account.⁸⁵ Planter Richard Taylor, in 1839, took a more restricted step by hiring his schooner to merchants like Chancey & Co. to carry supplies to, and fish from planters on the Labrador.⁸⁶ By 1847, George Udell of Carbonear was using his schooner to carry other planters to the fishery at Labrador.⁸⁷

The risks of mercantile activity reinforced the perceptual bonds which linked planters and merchants together in paternalism. Hugh Danson became bankrupt as a result of the manner in which he engaged in the Newfoundland fish trade.⁸⁸ Danson apparently got in trouble as a result of his investments in England. In the financial panic there in 1831, Danson's English assets lost much of their value. A representative of Danson's English estate asked Danson's Newfoundland trustees to sell off his assets. James Prendergast for the Newfoundland trustees replied that Danson's New-

foundland assets, consisting mostly of overvalued mortgages on planters' operations, were overrated, and would not pay £0.2.6 for every pound owed.⁸⁹ Danson held mortgages of over £5,757.2.3 and ranging from one for £89.5.2 to one for £1,191.6.⁹⁰ (As early as 1803, Chief Justice Tremlett reported that fishermen commonly received credit from merchants at Newfoundland by mortgaging their fishing rooms, plantations and dwellings.⁹¹) Merchant William Innott became insolvent in 1833 when he could not meet the demands of his own creditors. While Innott owed 44 creditors £1,658.4.6, over 130 people owed him £3,543.9.1. Innott could not find a way to make the credit he extended to others satisfy his own creditors.⁹²

Fish merchants in Newfoundland found themselves caught in the same trap as did fish producers. "D" wrote to the Weekly Herald in 1852, that the past 35 years had seen the slow attrition of merchants in the fish trade. The old West-Country firms could not survive the credit demands of the fishery, withdrew, and left the trade to a more restricted Newfoundland-based operation. A supplying merchant found little satisfaction in the fish trade:

His hard money goes to pay duties and other expenses of the trade. Short catches, ruinous markets, and desperate debts keep him perpetually upon the rack, and his situation is the unenviable one of being almoner of his dealers.⁹³

Other correspondents, like "Libra", agreed with "D" that

merchants faced adverse trading conditions in the Newfoundland fishery, he did point out that truck, the very means by which merchants tried to survive, was a form of exploitation of planters and fishermen. Merchants charged markups on prices to profit from trade with fishermen in an economy that could only support merchants' profits or producers' profits, but not both because of its vulnerability to cyclical market or catch failures.⁹⁴ "Alpha", in the following months, defended merchants by asking what alternative to merchant capital existed in the Newfoundland fishery, if the merchants' critics accepted the principle of private enterprise in the fishery. Merchants were not in the business to carry planters and fishermen on their backs, nor were they there to develop other sectors of the Newfoundland economy, unless some good reason existed to do so, and without a local agricultural base, none did so.⁹⁵

The paternalism inherent in merchant supply may well have blunted the edges of class struggle in the fishery. Planters and servants could rally to the support of a merchant in their community as easily as challenge them through the courts or with violence. The attachment of merchant John Leamon of Brigus by his creditors, St. John's merchants Bowring Brothers, allows a glimpse about the ambivalent position of a supplying merchant in a northeast-coast outport. On 12 February 1848, a number of men, with blackened faces, broke into Leamon's store, and stole much of

the store's clothing and equipment. The Northern District's sheriff had sealed the store and stationed a bailiff there. The storebreakers overpowered the bailiff to complete their deed.⁹⁶ The bailiff, William Lilly, heard some of the men say "'Bowring you son of a bitch we will make your Goods pay for it.'"97

The sheriff of Harbour Grace, G.C. Gaden, came to Brigus to investigate the affair. His deputy sheriff, Johnston Burrows, after talking to Leamon's son Robert when he first served the attachment of Bowrings, heard from the latter the suspicion that lay in the officials' minds: Brigus people would not allow their merchant to be closed down by Bowrings, a St. John's firm. If, on the other hand, the sheriff could convince them that the attached goods still belonged to Leamon, they would not try to steal them. Burrows took the precaution of removing provisions to another store so that the people of Brigus might be assured that they would not lose their winter supplies. Despite Robert Leamon's assurances that the people would not take any other, attached goods, the sheriff suspected that they had done so.⁹⁸

Sheriff Gaden interviewed two groups of people who lived in the Brigus area: people who worked in the fishery and those who did not. The latter were sure that Brigus fishing people performed the robbery, displaying a certain dislike of them in the process. The Brigus schoolmaster, James Power, for example, said that "I never suspected that it was

strangers that committed the robbery. I thought it was the people of Brigus or the vicinity that committed the robbery." Power disclaimed any suspicion about whether or not friends or enemies of Leamon did the deed.⁹⁹ Joseph Cozens, an accountant, also had no suspicions in this last regard, and took pains to make clear to the sheriff that "I never heard Robert Leamon say that it would be a good thing to secure the goods so that they may not fall into the hands of his father's creditors."¹⁰⁰

Robert Leamon denied leading local people in a conspiracy to keep his father's goods out of the hands of the Bowring's.¹⁰¹ Fisherman Thomas Stephens Jr. likewise denied participating in any robbery, or knowing anything about it.¹⁰² Many other fishermen and planters, either dealers of Leamon's or not, denied any knowledge of the affair.¹⁰³ One fisherman, John Clarke Jr., denied that Brigus people had anything to do with the robbery, stating that strangers to Brigus must have committed it.¹⁰⁴

Three fishermen told Sheriff Gaden that they thought local people did it. Leamon owed them money, and they probably saw their chances of recovering any part of their debt diminish with the theft. John Cole, owed between £100-150 by Leamon, said that "I heard some person say that perhaps it might be some of Mr. Leamon's people that took it. I imagined from that expression that they meant it was taken for his benefit."¹⁰⁵ Nathan Clarke, who Leamon owed about

£35 for seals, also felt sure that Brigus people committed the robbery.¹⁰⁶ Fisherman Thomas Stevens, after telling the sheriff that Leamon could not repay his debt, stated that "I think it was persons belonging to Brigus or handy about the neighborhood that committed the robbery."¹⁰⁷ The statement of fisherman Michael Merrigan may have confirmed law officials feeling that Brigus people took what they saw as their goods to keep them from falling into the hands of a St. John's merchant. Merrigan, living at the home of John Power, stated that his fellow lodger John Lundregan implied to him that local people took the goods. Lundregan told Merrigan, who did not participate in the affair, that "'Your harm is done you are too late now you will get no salvage out of it now.'"¹⁰⁸

The loyalties that officials must have felt existed on the part of some fishing people to Leamon can be seen in the nature of some of the answers Sheriff Gaden received to his questions. John Way Jr., who worked as a shipped servant to Leamon, denied that he took part in the robbery, or said "the devil secure the creditors or that I was not sorry for it."¹⁰⁹ In a similar statement, fisherman John Sullivan responded to questioning by saying that

I have never heard any person state either directly or indirectly that the property was taken by friends of Mr. Leamon's. I never heard any person say that they were rejoiced that it was taken or words to that effect. I never heard any person say that they were sorry.... I never heard any person say that they were glad that Bowring had lost the property, or Mr. Leamon's creditors.¹¹⁰

Eleanor Dunphy, wife of fisherman John Dunphy, and a resident of Brigus for 23 years, argued with the sheriff that she knew nothing of the incident, was sorry it happened, and never said "that I was glad of it and hoped that the goods nor the people that stole them would never be found out." John Dunphy confirmed his wife's statement.¹¹¹

The investigation into the Leamon affair reveals the ambiguity of paternalism. A number of people, for the most part law officials, people who did not fish, and fisherman-creditors of Leamon, were certain that local people took the goods that were under attachment in Leamon's store. No one, however, was certain whether or not Brigus fishing people committed the robbery to support the Leamons, or simply to obtain free supplies for themselves. It may be that some people in Brigus committed the robbery out of loyalty to Leamon, or they might have taken the goods with no intention of giving anything to Leamon. What is more clear, is that the people of Brigus saw Leamon's mercantile activities as being an essential part of their community, one that could not be allowed to fall into the hands of a St. John's firm with no commitment to Brigus. A mutual, although unequal, accommodation of each others' needs forced fishing people and fish merchants together. In particular, and this is made clear by Leamon's son, the people of Brigus saw Leamon's credit as a much-needed source of the provisions that allowed

them to live. Robert Leamon felt sure that Brigus residents would deny Bowring the right to attach the foodstuffs of their merchant.

Credit permeated every layer of class relationships among those involved in the making and trading of salt cod on the northeast coast. Merchants were not the only ones to deal in truck with fishermen. Planters used truck with their servants. They advanced servants, whether hired on shares or fixed wages, provisions and equipment, against the payment of wages at the end of the fishing season. Just as planters relied on their supplying merchants, so too did servants rely on their planters, either on direct account or indirectly through their merchant, to provide the credit which made life possible in their fishing communities.

There is little doubt that servants and planters who lost their faith in their merchants, and ended up without credit, insolvent, or possibly in jail, felt unfairly treated by merchants. Merchants exploited servants and planters in that they wanted to profit from the credit they extended to both. The paternalist chain of credit which linked merchants, planters and servants at all levels of society in mutual necessity was a lasting one. This is not to say that class struggle did not exist in the fishery. Servants resorted to the courts and violence to force planters and merchants to honour their obligations in truck; planters, at times, resorted to similar tactics in dealing with merchants.

However, credit offered some planters opportunities in petty trade that it did not offer servants. In all cases, truck was a negotiation between planters, servants, and merchants which, in the absence of any alternative development, persisted throughout the first half of the 19th century.

NOTES

1. Truck thus encouraged long-term residence and prompted the creation of Palliser's Act in 1775. See H.A. Innis, The Cod Fisheries: The History of an International Economy (Toronto: University of Toronto Press, 1940, 1954), pp. 152-60, 207-09.

2. Rosemary E. Ommer, "Introduction," in Ommer, ed., Merchant Credit and Labour Strategies in Historical Perspective (Fredericton: Acadiensis Press, 1990), p. 14.

3. Keith Matthews, "History of the West of England-Newfoundland Fishery," PhD. thesis, Oxford University, 1968, pp. 174-79; and W. Gordon Handcock, Soe longe as there comes noe women (St. John's: Breakwater, 1989), p. 233. While it is true that merchants began to withdraw credit from unreliable dealers as settlement increased and fish markets worsened throughout the 19th century, merchants did not completely abandon their fishing families, but rather encouraged the state to use relief to support them, as illustrated in chapter four. See Gerald M. Sider, Culture and class in anthropology and history: A Newfoundland illustration (Cambridge: Cambridge University Press, 1986), pp. 58-73

4. Ommer, "Introduction," pp. 9-15.

5. Bryan D. Palmer, Working-Class Experience: The Rise and Reconstitution of Canadian labour, 1800-1980 (Toronto and Vancouver: Butterworth, 1983), pp. 12-59. Palmer draws on a supplementary English and American literature to elaborate on paternalism as the ideology which dominated the pre-industrial social formation of British North America. H.C. Pentland first used paternalism as a concept in the Canadian context to describe labour relations in the age of staple exploitation. See H.C. Pentland, ed. by Paul Philips, Labour and Capital in Canada (Toronto: Lorimer, 1981), p. 25. Allan Greer criticizes Pentland for ignoring the importance of household labour in the long-term transformation of Canada in "Wage Labour and the Transition to Capitalism: A Critique of Pentland," Labour/Le Travail, 15 (Spring 1985), pp. 7-22.

6. Sider, Culture and class, pp. 53-55.

7. Provincial Archives of Newfoundland and Labrador, GN5\3\B\19, Harbour Grace Court Records (Hereafter cited as PANL, GN5\3\B\19, HGCR), Box 22, File 6, Peter Jordan vs. Joseph and Robert Parsons, Harbour Grace, 22 January 1832. Writ # 2. Box 28, File 10, 1837; Richard McCarthy vs. John Keilley, Harbour Grace, 6 November 1837. Writ # 124. Box

27, File 5, 1840; Thomas Snelgrove by his father Roger vs. George Pelley, Harbour Grace, 7 October 1840. Writ # 127. Box 74, File 7, 1840; Thomas Bugden vs. Albert Pittman, Harbour Grace, 20 December 1841. Writ # 112. Box 74, File 1, 1840s; Patrick Houlahan vs. Richard Wedger, Harbour Grace, 17 November 1842. Box 20, File 6, 1853; John Dowle vs. James McCarthy, Harbour Grace, 15 October 1853. Writ # illegible.

8. PANL, GN5\3\B\19, HGCR, Box 22, File 7, Miscellaneous; Charles Ives vs. Nathaniel Munden, Harbour Grace, 16 April 1832. Writ # 23. Box 42, File 1, 1839-40; Thos. McNamara vs. Jonathan Taylor & Sons, Harbour Grace, 11 May 1840. Writ # 69.

9. PANL, GN5\3\B\19, HGCR, Box 42, File 1, 1839-40; Francis King vs. Ridley, Harrison & Co., Harbour Grace, 7 May 1840. Writ # 2. Box 47, File 2, 1835, 1846; Matthew Byrne vs. Punton & Munn, Harbour Grace, 2 May 1846. Writ # 10. Box 21, File 5, 1848; John Jerrett vs. William Donnelly, Harbour Grace, 3 May 1848. Writ # 28.

10. PANL, GN5\3\B\19, HGCR, Box 22, File 8; Michael Patten vs. Wm Bennett, Harbour Grace, 28 April 1832. Writ # 35.

11. PANL, GN5\3\B\19, HGCR, Box 42, File 1, 1839-40; Patrick Power vs. Ridley, Harrison & Co., Harbour Grace, 7 May 1840. Writ # 65.

12. PANL, GN5\3\B\19, HGCR, Box 20, File 10, 1832; Mary Rohan vs. Wm. Munden, Harbour Grace, 3 November 1832. Writ # 183. Box 28, File 5, 1837; Bridget Shannahan vs. Wm. Donnelly, Harbour Grace, 21 November 1837. Writ # 163. Box 28, File 5, 1837; Mary Power vs. Margaret McKie, executrix to the estate of Nicholas McKie of Carbonear, Harbour Grace, 20 November 1837. Writ # 150. Box 28, File 5, 1837; Hannah Piddle vs. Moses and Grace Gosse, Harbour Grace, 9 November 1837. Writ # 133. Box 74, File 1, 1840s; Alice Dunn vs. C. Watts, Harbour Grace, 4 November 1842. Writ # 79.

13. PANL, GN5\3\B\19, HGCR, Box 41, File 3, 1826; Peter Keefe vs. Robert Knox, Harbour Grace, 1 December 1826. Writ # 241.

14. PANL, GN5\3\B\19, HGCR, Box 30, File 5, 1827; Wm. Brennan vs. Thomas Pynn, Harbour Grace, 12 November 1827. Writ # 84.

15. PANL, GN5\3\B\19, HGCR, Box 41, File 3, 1826; Jeremiah Pumphrey vs. James Ball, Harbour Grace, 9 December 1826. Writ # 276.

16. PANL, GN5\3\B\19, HGCR, Box 18, File 5, 1833; John Mugford vs. Charles Boon, Harbour Grace, 1 November 1833. Writ # 181.

17. PANL, GN5\3\B\19, HGCR, Box 20, File 6, 1853; Francis Barrett vs. John Barrett, Harbour Grace, 10 November 1853. Writ # 39.

18. PANL, GN5\3\B\19, HGCR, Box 74, File 1, 1840s; Thomas and Patrick Healey vs. James Walsh, 23 November 1842. Writ # 108.

19. PANL, GN5\3\B\19, HGCR, Box 30, File 5, 1827; John Landergan vs. Wm. Marshall, Harbour Grace, 6 November 1827. Writ # 68.

20. PANL, GN5\3\B\19, HGCR, Box 60, File 1, 1820-29.

21. PANL, GN5\3\B\19, HGCR, Box 30, File 6, 1827.

22. PANL, GN5\3\B\19, HGCR, Box 30, File 5, 1827; Thomas Melvin vs. Thomas Pynn, Harbour Grace, 10 November 1827. Writ # 82. Box 18, File 1, 1829; Patrick Rogers vs. Michael Joy and Richard Brennan of Carbonear, Harbour Grace, 1 December 1829. Writ # 266. Box 18, File 7, 1834; Wm. Walter vs. Wm. Brown of Carbonear, 18 November 1834. Writ # 345.

23. PANL, GN5\3\B\19, HGCR, Box 18, File 2, 1829; Darby Murphy vs. Laurence Maccassy of Cupids £3.2.0 the balance of his wages, Harbour Grace, 16 November 1829. Writ # 182. John Kehoe vs. Wm. Brennan of Harbour Grace £2.10.0, Harbour Grace, 20 November 1829. Writ # 209. File 6; Edmund Grinsel vs. Henry Davis £8.5.4 the balance of his wages, Harbour Grace, 14 November 1833. Writ # 254. Box 50, File 1, 1821-47; Thomas Couney Vs. Edmund R. Danson, Harbour Grace, 21 May 1833. Writ # 75. Box 54, File 4, 1831; June Caval, administrator of the estate of the deceased Tobin Caval, vs. David Power & Co. of Carbonear the balance of wages due £4.1.0, Harbour Grace, 19 November 1831. Writ # 241.

24. PANL, GN5\3\B\19, HGCR, Box 41, File 2, 1826; Joseph Verge vs. James R. Knight, Harbour Grace, 22 December 1826.

25. PANL, GN5\3\B\19, HGCR, Box 41, File 3, 1826; James Ryan vs. Thomas Pynn of Musquitto for £14 wages, Harbour Grace, 8 December 1826. Writ # 273. Box 56, File 3, 1830-39; Henry Bishop vs. James Legg and William Hefford for £12 wages, 19 May 1835. Writ # illegible. Box 18, File 8, 1834; Nicholas Dee vs. John Shepherd for £18 wages, Harbour Grace, 7 November 1834. Writ # 257. Box 50, File 1, 1821-47; Edmund Quinlan vs. John Leary and Thomas Bulbert for £10

wages, Harbour Grace Court Records, 13 November 1835. Writ # 194. Box 50, File 1, 1821-1847; Thomas Phelan vs. Robert Walsh, Harbour Grace for £25 wages, 9 November 1835. Writ # 173. Box 27, File 4, 1840; Absolom Clarke vs. James Howell for £21 wages, Harbour Grace, 8 November 1840. Writ # 147. Box 27, File 4, 1840; John Drake vs. William Winsor, Harbour Grace for £15 wages, 18 November 1840. Writ # 176. Box 74, File 4, 1840s; John Phillips vs. David Whelan, Harbour Grace, 12 December 1842. Writ # 114. Box 38, File 9, 1844; Jacob Hall vs. Hurley and Scane, Harbour Grace for £2 wages, 22 October 1844. Writ # 49. Box 38, File 9, 1844; John Hickey vs. Thomas Deady, Harbour Grace for £24 wages, 4 November 1844. Writ # 60. Box 49, File 6, 1845; James Quinn vs. John Keilley, Harbour Grace for £20 wages, 11 November 1845. Writ # 53. Box 56, File 5, 1840-49; Alfred Ash vs. Wm. Yeatman, Harbour Grace for £20 wages, 3 December 1846. Writ # 62. Box 26, File 4, 1855; Wm. Nicholas vs. Michael Donan, Harbour Grace for £34.12.4 wages, 5 November 1855. Writ # 17.

26. Provincial Archives of Newfoundland and Labrador, GN5\1\B\1 Minutes of the Surrogates' Court, Harbour Grace (Hereafter cited as PANL, GN5\1\B\1, Surrogate's Minutes, Box 1, 1787-1818, 1787-1788; Daniel Hisney vs. his master Henry Widenham, 20 October 1787. Hisney complained that Widenham would not give him a copy of his account so that Hisney might understand why his master refused to pay the balance of his wages.

27. PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, 1787-1818, 1787-1788; M. Courney vs. William Nile, 4 October 1787. Servant M. Courney did not directly bring suit against his master Peter Quinlan for his wages in 1787, but rather against William Nile, as agent for Quinlan's merchants, for refusing to pay Courney's account balance.

28. PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, 1787-1818, 1787-1818; servant Thomas Hennessey vs. his master M. Kennedy, 4 October 1787; servant William Elliot vs. his master William Cochran, 10 October 1787. Not all of the account overcharge disputes involved fishing servants. Jeremiah Donny, agent to merchants Keefe & Sons won his charge that they had overcharged him by £ 34.6.5. See Jeremiah Donny vs. Keefe & Sons, 13 December 1787.

29. PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, 1787-1818, 1787-1788; Petition of Patrick Cochran to Edward Packenham, 19 September 1787. Cochran sued "his mistress" Eleanor Highland in 1787 because she short-paid him by a few shillings on his wages. The Surrogate ordered Highland to immediately settle with Cochran.

30. PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, 1787-1818, 1787-1788; David Cushan vs. John Dowdle, 12 November 1787. The other six cases are Joseph Keary vs. his master Dennis Connors, 26 September 1787; Stephen Woodcock vs. his master Robert Morrisy, 1 October 1787; Timothy Falway vs. his master William Pike, Clown's Cove, 4 October 1787; Daniel Hisney vs. his master Henry Widenham, 20 October 1787; M. Donovan, Ed. Fitzgerald and others vs. William Keefe, 6 November 1787; M. Quinlan, John Meagher and others vs. John Thomey, 6 November 1787.
31. PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, 1787-1818, 1787-1788; Order of Surrogate Edward Packenham to District Constables, 23 October 1787.
32. PANL, GN5\1\B\1, Surrogate's Minutes, Harbour Grace, Box 1, 1787-1818, 1787-1788; statement of Edward Packenham, 31 October 1787.
33. PANL, GN5\3\B\19, HGCR, Box 41, File 3, 1826; Timothy Mulcahy vs. Robert Knox, Harbour Grace, 9 December 1826. Writ # 275.
34. PANL, GN5\3\B\19, HGCR, Box 18, File 2, 1829; John Connors vs. Wm. Brennan, Harbour Grace, 17 November 1829. Writ # 194. Box 18, File 5, 1833; Patrick Neale vs. Philip Walsh, Harbour Grace Court Records, 8 November 1833. Writ # 227.
35. PANL, GN5\3\B\19, HGCR, Box 54, File 5, 1831; Michael Maratty vs. William Thistle, Harbour Grace, 22 November 1831. Writ # 260.
36. PANL, GN5\3\B\19, HGCR, Box 61, File 1, 1820-29; Petition of James Sullivan to Judge DesBarres, Harbour Grace Northern Circuit Court, 23 October 1826. For a similar example see Box 66, File 1, 1820-29; Deposition of Joseph Redmond, Harbour Grace Northern Circuit Court, 15 December 1826.
37. PANL, GN5\3\B\19, HGCR, Box 57, File 1, 1820-29; Contract of Timothy Shea (or Sheehy) with Timothy Crimin, Brigus, 17 June 1826; Box 58, File 1, 1820-29; Deposition of Thomas Sheehy, Harbour Grace, 26 October 1826.
38. PANL, GN5\3\B\19, HGCR, Box 30, File 4, 1827; Indenture of Thomas Pyne to Michael Barry, 31 May 1827.
39. PANL, GN5\3\B\19, HGCR, Box 18, File 3, 1829; Patrick Moore vs. Slade, Elson & Co. and William Kehoe of Carbonear, Harbour Grace, 24 November 1829. Unsampled writ # 228. Box 28, File 10, 1837. Doyle vs. Shanahhan and Walsh, Harbour Grace, 25 November 1837. Unsampled writ # unknown. Box 74,

File 5, 1840s; Complaint of Jonathan Percy before R.J. Pinsent, JP, Harbour Grace Northern Circuit Court, 8 June 1841.

40. PANL, GN5\3\B\19, HGCR, Box 38, File 10, 1844; William Fitzgibbon vs. Thomas Deady, harbour Grace, 4 November 1844. Unsamped writ # 61.

41. PANL, GN5\3\B\19, HGCR, Box 59, File 5, 1850-59. William Donelly vs. Jeremiah Lee of Spaniard's Bay, harbour Grace, 1 November 1851. Unsamped writ # 31 with appended documents.

42. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833; Thomas Calvert vs. James Ciddihey and George Forward.

43. PANL, GN5\3\B\19, HGCR, Box 18, File 3, 1829; John Landergan vs. Edmund Whiteway and William Bennett, harbour Grace, 17 November 1829. Writ # 195. Box 41, File 3, 1826; John Swift vs. Aaron Lewis and Alexander Campbell, Harbour Grace, 2 December 1826. Writ # 247. Box 18, File 6, 1833; James Brawders vs. Philip Walsh and Charles Nuttall, Harbour Grace, 16 November 1833. Writ # 290. Servants occasionally sued only merchants. See Box 19, File 2, 1829; Silvester Mahair vs. Thomas Chancey, Harbour Grace, 16 November 1829. Writ # 184. Box 19, File 6, miscellaneous; Richard Frayne vs. Charles Cozens, Harbour Grace, 11 November 1829. Writ # 159. Box 56, File 4, 1830-39; Michael Fitzgerald vs. Wm. Bennett, Harbour Grace, 17 November 1830. Writ # 226. Box 22, File 8, miscellaneous; Thos. Kenley vs. Nathaniel Munden, harbour Grace, 6 November 1842. Writ # 68.

44. PANL, GN5\3\B\19, HGCR, Box 22, File 8, miscellaneous; James brine vs. the assignees of the estate of H.W. Danson, Harbour Grace, 1 May 1832. Writ # 55. For another example see Box 30, File 7, 1830; George Heater vs. John Fitzgerald, harbour Grace, 4 November 1830. Writ # illegible.

45. PANL, GN5\3\B\19, HGCR, Box 20, File 9, 1832; James Conway vs. Abraham and Joseph Bartlett, Harbour Grace, 5 November 1832. Writ # 173.

46. PANL, GN5\3\B\19, HGCR, Box 20, File 9, 1832; John Hunt vs. Maurice Keene, Harbour Grace, 13 October 1832. Writ # 162.

47. PANL, GN5\3\B\19, HGCR, Box 18, File 6, 1833; John Healey vs. James Cuddihy, Harbour Grace, 16 November 1833. Writ # 282.

48. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833; Charles Kavanagh vs. John Leary and William Bennett, Harbour Grace, 12 November 1833. Writ # unknown.

49. PANL, GN5\3\B\19, HGCR, Box 22, File 5, miscellaneous; Thomas Danson to Colonial Secretary James Crowdy, Harbour Grace, 22 November 1833.

50. PANL, GN5\3\B\19, HGCR, Box 48, File 3, 1831; Oath of Wm. Bennett, Harbour Grace, 23 November 1831.

51. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833.

52. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833.

53. PANL, GN5\3\B\19, HGCR, Box 50, File 2, 1821-41; Petition of Dennis Landeragan & Michl. Miles, Harbour Grace, to Chief Justice R.A. Tucker, 8 November 1832.

54. PANL, GN5\3\B\19, HGCR, Box 18, File 4, 1833; Geoffrey Rielly vs. Benjamin Leary, Harbour Grace, 5 November 1833. *Unsampled writ # 200.*

55. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833; "A Statement of Wages due to Hamilton's Crew," 1833.

56. PANL, GN5\3\B\19, HGCR, Box 30, file 7, 1830; petition of James Coyne to Judge E.B. Brenton, Northern Circuit Court, 4 November 1830.

57. PANL, GN5\3\B\19, HGCR, Box 50, File 2, 1821-47; memorial of Garret Cavanagh to Judge A.W. DesBarres, 23 May 1831. Box 50, File 2, 1821-47; petition of Patrick Flynn to Chief Justice R.A. Tucker, Harbour Grace, 9 November 1832. Box 55, File 2, 1830-39; memorial of Patrick McGrath to Assistant Judge A.W. DesBarres, Harbour Grace, 10 May 1831, with appended documents.

58. PANL, GN5\3\B\19, HGCR, Box 68, File 3, 1830-39; petition of Owen Fitzgerald to the Chief Justice, Harbour Grace, 9 November 1832.

59. PANL, GN5\3\B\19, HGCR, Box 61, file 4, 1850-59; information and complaint of George Mills, Harbour Grace, fisherman, before R.J. Pinsent, JP, 6 November 1854.

60. PANL, GN5\3\B\19, HGCR, Box 68, File 2, 1830-39; Examination of James Murphy, Carbonear, fisherman, before Thomas Danson, 15 November 1833. Box 69, File 3, 1830-39; Information and Complaint of Thomas Newell, Agent of Slade, Elson & Co., Carbonear, 13 November 1833.

61. PANL, GN5\3\B\19, HGCR, Box 62, File 1, 1830-39; Information and Complaint of Thomas Ridley before Thomas Danson, JP, Harbour Grace, 14 January 1837.

62. PANL, GN5\3\B\19, HGCR, Box 49, File 10, 1855; Information and complaint of Henry Thomey, planter, Harbour Grace, before R.J. Pinsent, JP, 30 October 1855.

63. GN5\3\B\19, HGCR, Box 47, File 10, 1832; memorial of William Bennett, merchant, Carbonear, to the magistrates of the Court of Sessions at Harbour Grace, 18 february 1834.

64. Peter Linebaugh, "The Tyburn Riot Against the Surgeons," in Douglas Hay et al., Albion's Fatal Tree: Crime and Society in Eighteenth-century England (New York: Pantheon Books, 1975), p. 83.

65. PANL, GN5\3\B\19, HGCR, Box 59, File 1, 1820-29; memorial of George Pynn, Musquito, to the magistrates of Harbour Grace, 10 November 1828.

66. PANL, GN5\3\B\19, HGCR, Box 49, File 12, miscellaneous; information and complaint of Charles Kennedy, planter, Harbour Grace, before Thomas Danson, JP, 19 June 1833.

67. PANL, GN5\3\B\19, HGCR, Box 33, File 2, 1835-42; information and complaint of Martin Kelly, Harbour Grace, before Thomas Danson JP, 9 September 1841.

68. PANL, GN5\3\B\19, HGCR, Box 49, File 13, miscellaneous; order of Thomas Danson, JP, to the constables of the Northern District, 30 October 1834.

69. PANL, GN5\3\B\19, HGCR, Box 18, File 3, 1829; Gosse, Pack & Fryer vs. Thomas Hedderson, Harbour Grace, 21 November 1829. Unsampld writ # 222.

70. PANL, GN5\3\B\19, HGCR, Box 49, File 3, miscellaneous; Pack, Gosse and Fryer vs. Daniel Meaney, 1 November 1840.

71. Morea's account is in PANL, GN5\3\B\19, HGCR, Box 38 File 10, 1844. Two of the writs issued by the Northern Circuit Court on behalf of Morea's servants turned up in the writ sample [see Appendix A]: Box 38, File 11, 1844; Patrick Moratty vs. Timothy Morea, Harbour Grace, 4 November 1844 (Writ # 55) and William Norea vs. Timothy Morea, harbour Grace, 22 october 1844 (Writ # 48). See also Box 38, File 10, 1844; Richard Morea vs. Timothy Morea, Harbour Grace, 1 November 1844 (Writ # 55) and Pack, Gosse and Fryer vs. Timothy Morea, Harbour Grace, 2 November 1844 (Writ # 57).

72. PANL, GN5\3\B\19, HGCR, Box 26, File 3, 1855; Ridley & Sons vs. John Keilly, Michael Keilly and Richard Keilly, planters, Carbonear, 9 November 1855. Unsampld writ # 23.

73. PANL, GN5\3\B\19, HGCR, Box 26, File 10, 1827; petition of Thomas Powell, Carbonear, to Chief Justice R.A. Tucker, 18 May 1827.

74. PANL, GN5\3\B\19, HGCR, Box 30, File 4, 1827; petition of William Morey, planter, to Judge A.W. DesBarres, Carbonear, 15 November 1827.

75. PANL, GN5\3\B\19, HGCR, Box 18, File 2, 1829; John Hackett vs. John Mason, Harbour Grace, 30 November 1829. Unsamped writ # 169.

76. PANL, GN5\3\B\19, HGCR, Box 51, File 11, 1854; Information and complaint of Jacob Nicholas, planter, Harbour Grace, before R.J. Pinsent, JP, 24 October 1854.

77. PANL, GN5\3\B\19, HGCR, Box 18, File 18, 1833-36; petition of Michael Keefe, planter, Harbour Grace, to Judge E.B. Brenton, 19 June 1834.

78. PANL, GN5\3\B\19, HGCR, Box 18, File 18, 1833-36; H.C. Watts to Judge Brenton, Harbour Grace, 20 June 1834.

79. Centre for Newfoundland Studies, MUN, Colonial Office Papers # 194 (Hereafter cited as CO 194), B-697-98, vol. 79, 1829, F. 199-200; W.A. Clarke to R.W. Hay, London, 9 March 1829.

80. The Weekly Herald, Harbour Grace, 21 July 1847.

81. Ibid., 16 August 1848.

82. CO 194, B-686, vol. 57, 1816; Returns of the Fisheries and Inhabitants, 10 October 1814-11 October 1815. B-686, vol. 59, 1817; Returns..., 1816. B-687, vol. 61, 1817; Returns..., 10 October 1816-10 October 1817. B-687, vol. 61, 1818; Returns..., 10 October 1817-10 October 1818. B-688, vol. 62, 1819; Returns..., 1818-1819. B-688, vol. 64, 1821; Returns..., 10 October 1819-20 October 1820. B-689, vol. 64, 1821, F. 143; Returns..., 1820-21. B-689, vol. 65, 1822, f. 120; returns..., 1821-22. B-690, vol. 66, 1823, F. 172; Returns..., 1822-23. B-692, vol. 70, 1825, F. 22, 33; Returns..., 1824, 1825.

83. Rosemary E. Ommer, "The Truck System in Gaspé, 1822-1877," in Ommer, ed., Merchant Credit and Labour Strategies in Historical Perspective (Fredericton, NB: Acadiensis Press, 1990), p. 71.

84. Keith Matthews attributed such planters' success to the opportunities provided by supplementing the cod fishery with sealing. Successful planters served as a mediating link in a

society defined by the chains of merchant credit. The paternalism of fishing society is captured by Matthews' description of Conception and Trinity Bays as having "a nicely graded and quite self-sufficient class structure. Merchants were 'Esquire', schooner owners and master craftsmen 'Mr.', poorer (but independent) fishermen went by their full name ... while servants had no name at all." See "History of the West of England-Newfoundland Fishery," p. 596.

85. PANL, GN5\3\B\19, HGCR, Box 50, File 1, 1821-47; James L. Prndergast, agent for the trustees of the insolvent estate of Hugh William Danson, to Judge DesBarres, Harbour Grace, 20 May 1831.

86. PANL, GN5\3\B\19, HGCR, Box 55, File 2, 1830-39; Plea of Richard Taylor against Thomas Chancey and William W. Bulley, Harbour Grace, Northern Circuit Court, 1839.

87. PANL, GN5\3\B\19, HGCR, Box 55, File 3, 1840-48; Suit of George Pynn and Joseph Pike vs. William Udell, Harbour Grace Northern Circuit Court, Fall Term, 1847.

88. PANL, GN5\3\B\19, HGCR, Box 19, File 3, 1831 miscellaneous.

89. PANL, GN5\3\B\19, HGCR, Box 19, File 3, 1831; John Gardiner to James Prendergast, Bristol, 12 March 1831.

90. PANL, GN5\3\B\19, HGCR, Box 21, File 10, 1831-32.

91. Provincial Archives of Newfoundland and Labrador, P1\5, Duckworth Papers, Micro R35.5, M-3176, F. 851-858, Chief Justice Tremlett on land holding in Newfoundland, 1803.

92. PANL, GN5\3\B\19, HGCR, Box 20, File 1, 1833; "A Statement of Debts due to and of William Innott, 1833."

93. The Weekly Herald, Harbour Grace, 20 October 1852.

94. Ibid., 2 March 1853.

95. Ibid., 7 December 1853.

96. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of Garland Crawford Gaden, Sheriff of the Northern District, 12 February 1848.

97. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of William Lilly, bailiff, Harbour Grace, 12 February 1848.

98. PANL, GN5\3\B\19, HGCR, Box 22, File 1; testimony of Johnston Burrows, Deputy Sheriff of the Northern District, Harbour Grace, 14 February 1848.

99. PANL, GN5\3\B\19, HGCR, Box 22, File 1; James Power, Brigus, Schoolmaster, 21 February 1848.

100. PANL, GN5\3\B\19, HGCR, Box 22, File 1; testimony of Joseph Cozens, Brigus, accountant, 21 february 1848.

101. PANL, GN5\3\B\19, HGCR, Box 22, File 1; testimony of Robert Leamon, 14 February 1848.

102. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of Thomas Stephens, Jr., fisherman, Brigus, 18 February 1848.

103. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of John Saunders, fisherman, Brigus, 18 February 1848; Patrick Morrissy, fisherman, Brigus, 19 february 1848; John Lundregan, fisherman, Brigus, 19 February 1848; Jeremiah Whelan, fisherman, Brigus, 19 February 1848; Isaac Clarke, planter, 19 February 1848; Caleb Whelan, planter, Brigus, 19 February 1848.

104. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of John Clarke Jr., fisherman, Brigus, 19 February 1848.

105. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of John Cole, fisherman, Colliers, 19 February 1848.

106. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of Nathan Clarke, fisherman, Brigus, 19 February 1848.

107. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of Thomas Stevens, fisherman, Brigus, 18 February 1848.

108. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of Michael Merrigan, fisherman, Brigus, 17 February 1848.

109. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of John Way Jr., fisherman, Brigus, 17 February 1848.

110. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of John Sullivan, fisherman, brigus, 17 February 1848.

111. PANL, GN5\3\B\19, HGCR, Box 22, File 1; statement of Eleanor Dunphy, fisherman, Brigus; statement of John Dunphy, fisherman, Brigus, 21 February 1848.

CHAPTER EIGHT:

Inventing a Potential: Reformers, Agriculture and Government Relief, 1826-1855

The perception that Newfoundland had good resources, awaiting only some encouragement after years of restraint under the fetters of merchant capitalism, developed despite northeast-coast fishing families' experiences in the fishery, particularly with the coast's extremely limited agricultural potential. The origin of such a view lies in the nature and the created rationale of Reformers' attempts to justify the granting of representative government to Newfoundland by showing the Colonial Office that it could free the colony from reliance on British government grants to colonial expenditure, especially for relief. Successive governors clung to this agrarian myth rather than accept a policy of long-term government subsidy to the fishery through relief. Ironically, however, relief expenditures increased as government encouragement to agriculture failed to alleviate the problems families faced in a depressed fishery.

Governor Cochrane at first hoped he could bring prosperity to Newfoundland through agricultural development. The governor initially believed in a two-pronged solution to Newfoundland's problems during his first year in the colony in 1826: let the share system be used throughout the fishery and supplement it with redoubled agricultural efforts on the part of fish producers. At the same time, people should be

encouraged not to live beyond their means: planters and fishermen should have enough left from their summer's voyages to feed their families; the reason they did not was because of the merchants and also the settlers' own improvidence. Merchants allowed families to take up all of their surpluses in goods after a successful season, and saved nothing for lean years. Such "extravagance" was acceptable during wartime prosperity, but after 1815 there were few good seasons to balance against the bad. Debt piled up, causing merchants to tighten credit, and families to face food shortages.¹

The severity of the provisions crisis and the inability of people to find locally-produced substitutes to alleviate it in places like Bonavista led Cochrane to hope that the fishery might revive, providing people with the credit they needed to procure provisions.² At Bonavista, Rev. George Coster continued to assure the government that the local soil and climate could not provide people with seed potatoes, let alone other subsistence goods. Fishing families, he concluded, would have to continue to rely on government relief for their survival.³ Without food, families turned to eating their seed potatoes. In consequence, Coster warned the government not to expect payment for seed potatoes they gave out as relief, reminding the governor that the potatoes were usually eaten by hungry families.⁴

Governor Cochrane agreed to administer relief through

local merchants so that it might appear as if the merchants were extending normal winter supplies, although merchants were tightening credit. In this way the government hoped it would not have to give free relief, although it was prepared to compensate merchants for provisions for which people could not pay. Merchants would supply coarse bread, flour, potatoes, olive oil, pease and molasses, but no meat, as a basic subsistence. Cochrane vainly hoped that the provisions crisis was the temporary result of improvidence,⁵ and told the Colonial Office that he had no intention of allowing people to depend on the government for long-term relief.⁶

The governor looked to the experience of English farmers to find a solution to the provisions problem. The farmers' strength, he thought, lay in the seasonal round of productive activities. Since in the Newfoundland fishery, people counted on a few months' earnings in the late spring and summer for an entire year's subsistence, this had to be changed by increasing government support for fishing families' cultivation during those times in the spring and summer when family labour was not completely absorbed by the fishery. Garden agriculture could be encouraged and road-building used as a type of able-bodied relief which would also aid the government in identifying better agricultural land in the interior.⁷

In 1827, it was time for the government to develop a policy of land alienation for areas outside of St. John's

because families were already squatting on that land, establishing gardens for their vegetables and livestock. At first, Cochrane proposed issuing location tickets in exchange for settlement duties, a policy which would allow property rights in exchange for land improvement.⁸ The government, Cochrane thought, was obliged to promote agricultural development because Newfoundland, having begun as a migratory fishery unlike other colonies had no native gentry devoted to better agriculture. Better soil and climate elsewhere attracted people of means who wanted farms and, in some cases, estates; Newfoundland attracted only fish merchants who had little reason to engage in cultivation. Until the island had developed a gentry interested in its internal improvement, Cochrane thought Newfoundland should not have representative or responsible government because the colony did not have a suitable basis for such in a social hierarchy dominated by a landed interest.⁹

At the same time that Cochrane began to oppose representative government, while encouraging agriculture, the Reformers began to tout a combination of agriculture and representative government as the solution to Newfoundland's economic problems. Patrick Morris wrote in 1827 that it was the wealth of the fishery, "more than any defect in the climate or soil" which inhibited agricultural development. Early mercantile adventurers from England, he claimed, had plundered the easy wealth of the fishery without having to

make any commitment to the island, while settlers in the other American colonies "used every means in their power to clear and cultivate the soil, which in most instances in the first settlements of America afforded the only means of support."¹⁰

Morris charged that it was only narrow-minded prejudice, rooted in a self-serving imperialism, which could believe that Newfoundland's soil and climate were hostile to agriculture. Merchants opposed any agricultural improvement of the island because "every barrel of potatoes grown at Newfoundland would reduce the importations of provisions, and every settler in the country would ... interfere with their monopoly." Ignoring mercantile and government policy, which had accepted agriculture by settled fishing families, from 1785 onwards, Morris suggested that it was only when the post-Napoleonic depression weakened their power, that merchants started to lose their anti-settler attitudes. At this point merchants ceased supplying fishermen and the authorities had no choice but to allow some rights of cultivation.¹¹

Morris claimed that the proof of Newfoundland's agricultural capacity lay in the ability of fishing families to support themselves through garden produce, although he never said that a gentry could support itself from agriculture alone. Rather, he argued that resident merchants like himself or the Thomases of St. John's could combine agricul-

ture with their mercantile pursuits, in the process forming a new colonial élité. While grudgingly admitting that Newfoundland soil was not as productive as that of the Maritime colonies, Morris believed that there was still good money to be made in supplying the fishery with locally-produced food. Governor Cochrane, in Morris' opinion, was to be congratulated for easing the granting of land, but the colony still needed good roads, the want of which must "operate powerfully against the general cultivation of the soil."¹²

This backhanded compliment was meant to suggest that the governor was limited in what he could do to assist agriculture. "It must appear extraordinary" claimed Morris, "to those not acquainted with the cause, that Newfoundland, the eldest born of his Majesty's colonies, ... should until this day, be without a government efficient for any local purpose whatever." In other words, the crisis could only be solved by the kinds of internal improvements that had taken place in the other British North American colonies, which all had representative government. Morris painted a picture of a thriving Newfoundland fishery supported by local agriculture and consuming increasing quantities of British manufactures: a reworking of the old merchant notion that agriculture could subsidize labour costs in the fishery, allowing British merchants to sell fish at competitive prices.¹³

Chief Justice Tucker could not accept the Reformers' position on self-government. Like Cochrane, he felt that

Newfoundland did not have the social structure to warrant self-government: the colony's relative lack of resources made it more like a "common manufactory" than a society which deserved or needed representative government. The fishery needed sound management, not a legislature.¹⁴ Cochrane was himself tempted by the Reformers' visions, and originally believed that there was a two-fold problem, the fishermen's inability to save income for a whole year's subsistence, and the lack of agriculture to solve the seasonal income problem.¹⁵ He therefore recommended that the Colonial Office remove all restrictions left on the alienation of land,¹⁶ so people would be free to cultivate whatever amount of land they wanted, contributing to the colony's revenue by a small quit rent.¹⁷

Cochrane's policy of relief, road-building, and continuing to allow small leases at nominal rents met with local criticism. Some correspondents to the Public Ledger, which began publishing in St. John's in 1820, demanded that the British government remove all crown rents on enclosed land. "X", among others, wrote in 1829 that fishing families had to have free access to land for cultivation. The quality of the soil and climate was not the point. Families in Newfoundland had to farm what soil they could, and why should the government make a bad situation worse by charging for a pursuit without which the fishery would collapse?¹⁸ Another correspondent, from Harbour Grace, suggested that rents would

amount to more than families would gain by farming the land.¹⁹ At the same time, economic distress caused by poor fish prices and catches, continued.²¹ For a number of years no such changes in land policy occurred, and newspaper correspondents expressed relief when the governor decided in 1831 only to charge a very low rent of 9p. per acre on lands within four miles of St. John's.²¹ But no sooner had this policy been put into place than St. John's Reformers began to complain that the British government should go further by sponsoring a full-fledged settlement scheme.

Governor Cochrane thought that the furore developing over the crown rents issue was politically motivated by Reformers to gain support by spreading false rumours about government intentions; he pointed out that government only tried to collect rents from the small bit of commercially-oriented land around St. John's, owned by people like Morris and Carson. Land which had always been cultivated by fishing families in the colony's outports was not subjected to severe exactions. Charging that Reformers were merely riding the wave of agitation over crown rents that was rising in other parts of British North America, Cochrane revealed his growing disenchantment with agricultural prospects in Newfoundland by calling the Reformers' bluff: if land in the colony could not bear a small rent, he suggested, then it was not worth cultivating.²²

Cochrane's arguments with Reformers drew a response from

William Carson. In a letter to the Royal College of Physicians, Carson repeated the tired claim that Newfoundland suffered under the burden of a mercantile-government conspiracy to prohibit settlement in favour of a migratory fishery and merchant profit. The result was that Newfoundland did not have the refined elements of gentry society: roads, agriculture, and well-developed educational institutions. Carson condemned West Country merchants as still being opposed to colonial self-government and settlement, but applauded more "paternal" British authorities for gradually giving the colony its due.²³ Encouragement already given to agriculture by grants and road-building had led to great improvement, although this still mostly took place around St. John's. Newfoundland needed more. The country supported a vigorous population of true Britons who deserved agricultural improvement as their right, just as did colonists in the other British North American colonies.²⁴

The assumption underlying the seductive Reform appeal to the Colonial Office was that Newfoundland had the same resources as any other British North American possession. Although Governor Cochrane sent an accompanying caution with Carson's letter in which he warned that "I believe there is no portion of the King's Dominions where the sterile and useless ground bears so great a proportion to that which is fit for cultivation," Carson's message had powerful attraction for a Colonial Office tired of dealing with crisis in

the Newfoundland fishery. The Reformers claimed that depression in the fishery had released an abundance of labourers ready to work cheaply on farms, awaiting only the Crown's alienation of large tracts of land without rents or charges.²⁵ Carson held out the hope of a gentry employing those who could not be supported by the fishery. Government relief payments consequently would abate, but only if the recalcitrant governor would relax his efforts to see this aspiring gentry pay something for their land. It was essential that a local legislature start administering land and internal development policies properly.

Cochrane remained steadfast in his opposition to the idea that Newfoundland should have representative government. The absence of a gentry class meant that Newfoundland could not be compared to other British North American colonies deserving of representative government. Cochrane contrasted Newfoundland with Nova Scotia, a colony which, Reformers claimed, had a legislature, but no better resources than Newfoundland. Cochrane denied the validity of the comparison, noting that from the time of the Acadians Nova Scotia possessed a flourishing commercial agriculture. Newfoundland had only its fishing families' miserable gardens.²⁶ The petitions for land grants lately flooding in, he suggested, were simply asking for confirmation of land long held around St. John's, and most of the people even there did not have sufficient ties to the land to warrant a

legislature. The governor could grudgingly accept incorporation for St. John's, but not for the outport people, who must continue under the crown's direct care.²⁷

Governor Cochrane also dismissed Reformers' attempts to compare Newfoundland with New Brunswick. Repeating his description of the island's bleak landscape, barren soil, and harsh climate, Cochrane noted that no number of roads was likely to open up any great agricultural interior, and that Newfoundland could import crops much cheaper than it could ever hope to produce them for commercial purposes. It was fine and necessary for fishing families to supplement their diets with potatoes but, Cochrane pointed out, his constant relief of outport people proved that Reformers' dreams of a gentry based on commercial agriculture were but pipe dreams. He scorned the agricultural claims of people like Morris, noting that their own efforts in St. John's had encompassed no more than an effort to enclose arable land as their own, and then to sell it at a profit to neighbouring fishing families. The Reformers' misrepresentation of Newfoundland's resources completed Cochrane's disillusionment. He reported that, although an early enthusiast with respect to Newfoundland's agricultural potential, his increasing familiarity with the island had convinced him that it was a barren place fit for little but fishing.²⁸

Attorney-general Simms supported Cochrane's view, writing to the Colonial Office that Reform petitions for a

legislature and representative government grossly overestimated the island's agricultural potential. He felt that planters should make every attempt to use any labour hired on a yearly contract to cultivate the ground in whatever way they could. It was better to have them employed than idle, but he had no illusions about their likely development into a gentry. Even the agriculture around St. John's made money only because of the garrison which served as a cash market. Colonial revenue raised from Newfoundland's only commercial activity, the fish trade, would be dissipated on opening up the interior.²⁹ Chief Justice Tucker, also president of the Executive Council, agreed with Simms, stating that he could not regard cultivation of the soil as anything more than a supplement to the fishery. Any other plans for agriculture were the result of a dangerous optimism that could well lead to Newfoundland trying to live beyond its means.³⁰

By 1832 Governor Cochrane had developed a policy of using relief to buttress the weakness of local subsistence agriculture in Newfoundland. Like previous governors, Cochrane concluded that fishing families must be encouraged to grow what produce they might to provide for their own subsistence. The governor did not believe that the northeast coast had the soil or climate to promote a successful combination of fishing and cultivation, so he hoped building roads would allow cheaper produce from the St. John's area to filter up the coast.³¹ His policies did not, however, stop

the Reform movement from slowly gaining a momentum which would persuade succeeding government officials to accept the notion that Newfoundland had agricultural resources that some cabal of non-native merchants and officials must have purposefully left underdeveloped. Conception Bay merchants began to support this view. In 1831 Thomas Ridley of Harbour Grace and Robert Pack of Carbonear organized local support for the St. John's Reformers' demands for representative government. At a 4 October meeting, Pack made the reason for his support clear by publicly thanking Carson " for his persevering exertions in the cause of our country, and for advocating the usefulness of agriculture as an auxiliary to the fisheries during a period of twenty years."³²

Believing in the Reformers' promise that a legislature providing the funds for the colony's internal improvements would be advantageous, the British government saw a way to absolve itself of responsibility for Newfoundland's revenues.³³ Reformers' demands fell on increasingly more sympathetic ears at the Colonial Office in London. Agitation by the Colonial Reformers Edward Wakefield, Joseph Hume, Charles Buller and Sir William Molesworth led the Colonial Office to place more emphasis on an "informal" structure for the Empire. Reformers suggested that the lack of self-government in the colonies exposed British subjects to the despotic and arbitrary rule of colonial governors, and incurred unnecessary expenses for the British government. One aspect of this

informal structure which was particularly important for Newfoundland was the Colonial Office's insistence that colonies pay their own way as much as possible within the Empire. The British government would lessen its financial obligations to its possessions by granting them enough self-government so that colonies could govern and tax themselves.³⁴ The Newfoundland fishery was no longer indispensable to an Empire dominated by industrial capitalism and its free-trade ideology. Great Britain's rulers had accepted Adam Smith's fiat: colonies which could not or would not aid the Empire's support must be cut adrift to look after their own civil and military needs.³⁵

Representative government arrived in Newfoundland in 1832, despite the misgivings of many people. How could a belief in the developmental potential of Newfoundland agriculture gain such widespread currency, given the colony's previous bad experiences? The answer lies in the lack of available alternatives when it came to solving the increasing problem of relieving fishing families like those on the northeast coast. Even with representative government, Cochrane had to spend much time pleading with the British government to finance relief of fishing families. The winter of 1831-32 had been unusually severe and long, forcing the government to again issue more seed potatoes to avert famine. In Conception Bay, mobs had begun to loot merchant stores for bread and other foodstuffs.³⁶ Throughout 1833 and early 1834

Cochrane continued to ask the British government to grant more funds to the Newfoundland government as popular demand for relief grew with the provisions crisis. The governor constantly pointed out that Newfoundland's government revenue rested almost solely on customs revenue which fell with the fishery's decline. Reformers' demands that no rents be taken in exchange for land alienation meant that government would lose its only other possible local source of revenue.³⁷

Cochrane received many expressions of displeasure from Colonial Office officials who had believed Reformers' promises about the ability of a Newfoundland legislature to minimize relief through the encouragement of agriculture. Colonial Secretary E.G. Stanley informed Cochrane that reform demands for a legislature had been granted because Reformers had promised that local economic development would lessen, not increase, expenditures on relief, as well as pleas for more financial aid:

I must remind you that at the time when a Legislature was bestowed on Newfld. the encrease of the Wealth & population of the Colony formed one of the Chief grounds on which the boon had been solicited. At the same time the aid previously granted to the other British Governments in North America had either been withdrawn, or was about to be withdrawn....³⁸

The message was clear: the Newfoundland government could no longer look to the Colonial Office to foot the bill for its relief problems.

The experience of people living on the fishery off the northeast coast does not provide much evidence that the

Newfoundland government would be able to support its own population if it had to rely on official encouragement of local agriculture. It must have been quite worrisome for British and Newfoundland officials to again observe mob actions in response to the inadequacy of merchant credit for winter supply and government relief. The agent of merchant firm James Macbraire & Company at King's Cove, Bonavista Bay, reported that a crowd from King's Cove, Keels, Tittle Cove and Stock Cove showed up on 7 June 1832, with the ice not yet free to allow a ship to bring relief supplies, and threatened to break their stores unless given bread. The agent gave out food to avoid violence.³⁹ In 1833, a similar mob forced the stores at Catalina.⁴⁰ To keep the mob of 1816-17 fresh in the mind of the government, Thomas Danson JP wrote almost annual requests for compensation for his part in relieving the earlier mob from his stores at Harbour Grace.⁴¹ Government witnessed history repeating itself in the mob actions of 1832 and 1833.

Cochrane was recalled in 1834 in part because of his intensifying debate with the Reformers (by then popularly known as Liberals), and possibly because he could not lead the colony to independence from British financial support. Yet the Legislative Council, dominated by conservatives, again petitioned the Crown for money to supplement the revenue. What was worse, the Council held out no hope of future improvement, telling the Colonial Office that agricul-

tural diversification would never be successful, and demanding a bounty on Newfoundland fish.⁴²

In 1837 both the cod and seal fisheries failed, leading people to look again to the Assembly for winter relief.⁴³ The Newfoundland legislature had taken on a governmental role similar to that established by Cochrane, namely using road work as a public relief measure and a means to give fishing families access to land. The inhabitants of places like Carbonear hoped that roads would improve winter access to their towns, so that families on the north shore of Conception Bay, and the south side of Trinity Bay would have easier access to town merchants' stores in case of provisions shortfalls.⁴⁴ After almost fifty years of unofficial and official encouragement of cultivation, some Newfoundlanders still thought that the holy grail of successful agriculture lay just around the corner, awaiting only some new encouragement from government. "Public Opinion" hoped that House of Assembly-sponsored road bill (one which had to be approved by a hostile Legislative Council) would create a new age of agricultural prosperity in Newfoundland.⁴⁵ The editor of the Carbonear Sentinel was not so optimistic, noting that government had little revenue to spend on roads, and would be better off improving the fishery by giving bounties to Newfoundland fishermen.⁴⁶

The fruits of such "encouragement" to agriculture were harvested by fishing families in the winter of 1838-39, when

men from Trinity Bay walked across the barrens to Harbour Grace to obtain relief when their provisions ran out, reporting that their families were starving.⁴⁷ A petition from 142 residents of the north shore of Trinity Bay begging for relief to prevent famine, in 1839, forced the Assembly to recommend relief. Information from the justice of the peace at Port de Grave, suggested that similar conditions prevailed in Conception Bay.⁴⁸ The Assembly resolved itself into a "committee on seed potatoes" so that it might press the governor to purchase 325 pounds of them to distribute throughout Trinity and Conception Bays, as well as Ferryland, in accordance with the old Cochrane-Coster plan.⁴⁹

Despite reports of a good fishery in the summer of 1839, the winter of 1839-40 proved to be another season of food shortages. Neither the fishery nor local cultivation seemed able to do much more than allow people to limp through winter. The Carbonear Sentinel began to support the Assembly's road bills as a means by which it hoped people in remote outports might be able to come to large centers like Carbonear to exchange their produce for cheaper provisions than they might get in their own communities.⁵⁰ At the same time, "A Friend to Enterprise" observed that the legislature gave too much attention to roads, and not enough to encouraging the cod and seal fisheries. He warned that it was these, and not internal improvements, that provided the trade which paid for the population's subsistence.⁵¹ The Sentinel's editor

agreed, stating that a bounty for the fishery made more sense because fishermen had neither the knowledge, resources or time to reclaim land. Yet, as there was no hope of such a bounty, people had to rely on road-work to keep from starving.⁵²

For all this discussion, there existed much support for the Assembly's internal improvement schemes. The Carbonear Sentinel condemned the manner in which the Executive Council allowed funds only for road works in the St. John's area in 1840.⁵³ Through 1843, Robert Pack led a local effort to complete roads to Trinity Bay and along Conception Bay's north shore, hoping that the roads would create better economic conditions for the poor by providing them with access to even more land for clearing.⁵⁴ Such encouragement to agriculture did seem to produce some prosperity in Conception Bay that year. In addition, reports suggested that the cod fishery would yield a catch good enough to allow fishermen to clear their accounts, and perhaps to establish a little credit for the winter. Crops in the Bay appeared to be thriving by late summer, and the Sentinel noted that some people found they could even sell their early potatoes in Carbonear.⁵⁵

Cochrane's successors, particularly Governors Harvey and LeMarchant, tried to win support from the Reform-dominated legislature by continuing to encourage opening access to waste lands through road-building. The enthusiasm of many

for the encouragement of agriculture led Governor Harvey in 1841 to remind many of the Newfoundland elite that agriculture in Newfoundland could only succeed if it remained a supplement to the fishery. Despite this caution, agricultural planning continued and, in 1842, a number of St. John's residents formed the Newfoundland Agricultural Society, to distribute seed potatoes, grain and grass seed, and agricultural information throughout the colony.⁵⁶

Government officials began to think that perhaps the Reformers were right about Newfoundland's supposedly great agricultural potential. Even the Public Ledger, usually hostile to the Reformers, agreed with them that Newfoundlanders should support the newly-formed Agricultural Society in 1841. The editor stated that

Whilst we are not so sanguine as some others are as to the susceptibility of the soil and climate of Newfoundland for any very extensive agricultural pursuits, and convinced as we are that Agriculture here can never become other than a secondary occupation, we nevertheless desire to see the resources of the colony developed, to their utmost extent.....⁵⁷

They did not have much choice in this grasping at straws. Faced with merchants' restriction of credit, a series of crop failures, and constant demands for relief, the government turned to agriculture as the panacea for the colony's troubles. In 1843, the Assembly received more petitions for relief from Fogo, Tilting Harbour, Moreton's Harbour, Trinity and Bonavista,⁵⁸ and formed a select committee to try and

find some solution to the relief problem through agriculture. At the same time, Governor Harvey decided that the government should give every encouragement to the Agriculture Society in its attempts to encourage the cultivation of grains, turnips, and better potatoes. In Harvey's estimation, the salvation of Newfoundland lay in discovering the potential of the "... extensive Prairies of the interior of the Island for Cultivation and Settlement."⁵⁹

Popular disillusionment with government roads and cultivation plans could quickly appear, and Newfoundland's climate dimmed such optimism in 1844 when early frosts severely damaged potato crops.⁶⁰ After facing a hard winter in 1844-45, correspondents began to ridicule the government's attempts to introduce sheep husbandry to the outports. No one could understand how government could expect the land to support enough sheep to provide wool to clothe the entire outport population when the land could not support people in the fishery. At the same time, government proposed to limit ownership of dogs since they preyed on livestock, but this was problematic since families relied on dogs to haul wood for fuel.⁶¹

The winter of 1844-45, with its early, heavy frosts and late snowfalls left people in Conception Bay without any crops and no seed potatoes to plant, in a season that was too late in starting in any event.⁶² A smallpox scare meant that authorities in Harbour Grace and Carbonear would not let some

vessels unload provisions. People began to fear that famine would prevail the next winter.⁶³

1845 proved ominous for the advocates of local agriculture in Newfoundland because it marked the arrival of the first serious potato blight in the island. The Harbour Grace Weekly Herald advised its readers to take note of the St. John's Agricultural Society's recommendation that people try not to eat the seed potatoes issued as relief. In Newfoundland, by the mid-nineteenth century, people's subsistence standards ebbed and flowed almost as much with the success or failure of the potato as they did with the fishery.⁶⁴

The spring of 1846 saw another provisions crisis in Conception Bay as merchants found that a poor fishery did not allow them to give out goods on credit.⁶⁵ The summer's cod fishery failed in Trinity Bay, Bonavista Bay and northward, while in Conception Bay and Fogo it proved mediocre.⁶⁶ The poor returns of the seal fishery left many families without the means to pay for provisions. The winter of 1846-47 proved to be a disaster when extremely cold temperatures froze and spoiled an already small potato crop. In Conception Bay this meant "that the great bulk of the population ... are totally destitute of the necessaries of life."⁶⁷ By spring, people in Conception Bay looked forward to the seal fishery employing able-bodied men, leaving only women, children and the aged to government relief.⁶⁸ Again, the

seal fishery failed; many people in Conception and Trinity Bays had to resort to eating seed potatoes to survive, and turned to government for the minimum relief of new seed potatoes.⁶⁹

Government provided relief with reluctance, willing to spend little on seed potatoes. The Weekly Herald advised fishermen that the only way they could maintain any credit with merchants was to "learn to be industrious and economical and honest and, if possible, independent" by taking special care in catching fish and cultivating potatoes.⁷⁰ Despite such advice families in Trinity and Conception Bays continued to experience food shortages, and ate their seed potatoes before the summer of 1847 began.⁷¹ 1847 was a year of particular crisis for the people of the northeast coast. C. Cosens, chairperson of the local relief commissioners in Brigus, Conception Bay, told the governor how everything had gone wrong that year. The winter of 1846-47 saw a fire in St. John's which destroyed many mercantile establishments and made merchants unwilling to extend credit to the outports. Gales had destroyed much property, the seal fishery had failed, and -- the last straw -- potato blight swept the coast. Cosens feared that, because government had not made adequate provisions for relief, Conception Bay families might starve before the winter's end.⁷²

Again, the government decided to "relieve" people by applying the Cochrane-Coster seed-potato plan. Unfortunate-

ly, the Governor found that its usual source of seed potatoes -- the small number of commercial farms which had grown up around St. John's -- had dried up. Potatoes were blighted in St. John's just as they were elsewhere. The Agricultural Society proposed using grain seed as a substitute for seed potatoes, and admonished people not to eat what seed potatoes they had in hope of preserving them for planting the next year's crop.⁷³

By mid-June, acknowledging that government relief did not leave people with enough provisions to avoid eating their seed potatoes, The Weekly Herald advised fishermen to feed their families on fish offal. Manure had become food:

Many a poor family during the course of the past spring was obliged to put up with -- nay considered themselves fortunate in procuring -- a morsel of stale seal or a rusting herring, who, had they been more provident over what is regarded by too many in this country as the refuse of the voyage; viz:- the nutritious head of the cod fish, the tongues and other internals, would in all probability have felt but little of the distress which they were forced to experience.⁷⁴

Yet another poor fishery and a small potato crop due to the spring shortage of seed potatoes, led the paper to forecast another winter of distress in the early fall of 1847.⁷⁵ Potato blight hit Conception Bay hard, leading many people to seek relief in St. John's.⁷⁶ John Soaper, an itinerant doctor in Trinity Bay, wrote to Governor LeMarchant in the fall of 1847, that people there still did not have enough potatoes to live on. Supplies of potatoes were non-

existent. Soaper feared that famine and disease would ravage Trinity Bay unless the government could find a way to deal with the potato crisis.⁷⁷ Government proved unwilling to spend money on relief, leading one correspondent, reflecting on the poverty felt in New Harbour, Trinity Bay, to wonder if government intended to use "the Malthusian principle" to solve its problems by letting people starve to death without relief.⁷⁸

The potato blight led one "Investigator" to suggest that fishing families try planting grains instead of potatoes to provide for their own subsistence, but cautioned against people thinking that agriculture could solve their problems:

I am not one who dreams about making this an agricultural country. With an immense and unrivalled corn growing continent within a few days sail of us, it would be the height of folly to attempt any separate division of labour of that sort as to lead the people to expect that they would, or could, derive any advantage from a competition with their more favoured neighbours. As well might you attempt to establish a rival cod-fishery among the Alleghaney mountains.⁷⁹

Through 1848, as popular demands for relief increased, government sent out barrels of oats to see if they might prove an adequate substitute for the potato. Unlike potatoes, oats would not thrive on the coast's soil and climate.⁸⁰

The Poole merchants were not insensitive to the plight of residents on Newfoundland's northeast coast, but these merchants did not want to take any responsibility for winter

relief. In late 1847, they petitioned the British government for relief measures, noting that the population of Newfoundland only had the fishery and potatoes to look to for their subsistence, and that both of these continued to fail.⁸¹ Earl Grey, British Secretary of State for the Colonies, replied that the British government was not ordinarily in the business of providing relief in the colonies; it expected merchants "... whose interests are bound up with the health and prosperity of the industrious classes of Newfoundland to assist them under their present sufferings."⁸² Governor LeMarchant found that merchants were not of much help in extending relief. Unwilling to think that government might have to commit itself to the long-term relief of fish producers to support the Newfoundland trade, LeMarchant turned once more to the icon of agriculture. Diversification, the governor suggested, was the key to Newfoundland's future prosperity. With some government support through potato seed, road work relief and the work of the Agricultural Society, families could be taught to look to their own resources to provide for their own subsistence. Government relief and encouragement to cultivation would serve as a means by which even more effort could be squeezed from fishing families to keep the merchants in business.⁸³ LeMarchant felt that his duty was clear. Government in Newfoundland had to continue the policy of officially encouraging cultivation which had begun with

Governor Keats. By 1848, LeMarchant had decided that he would encourage the settlement of Newfoundland's interior. He suggested that Newfoundlanders must experiment with better grains, fruits and livestock breeds in order to find the best means of pursuing agriculture. To this effect, he ordered a survey of lands in Conception Bay which might support the cultivation of wheat, barley and oats. He also planned to give out some seed, but did not want to raise people's expectations that they would receive much government aid.⁸⁴ In short, LeMarchant thought that many of the plans put forward by the Agricultural Society were the key to Newfoundland's economic diversification.⁸⁵

While people struggled to survive the potato failures, the Agricultural Society spoke of establishing model farms in the outports to show inhabitants how good agriculture might be practised. Observers in the outports felt that such schemes were a waste of time: people without enough food to eat could not be expected to imitate wealthy St. John's 'experts' who had both money, and what little good land existed at their disposal.⁸⁶ Another correspondent scoffed at the Society's plans to exhibit fattened pure-bred cattle. Noting that not enough crops could be raised locally to feed people, this writer suggested that the Agricultural Society might as well send for fifteen fat Devonshire men and exhibit them throughout the outports, hoping that people who saw them might grow equally fat from the experience.⁸⁷

The Weekly Herald agreed with these criticisms, suggesting that fishing families would be better served by packing away fish offal during the season to help provide their winter diet. The paper advised people not to look to merchants for provisions on credit, when they threw away good food through the trunk-hole of a splitting table.⁸⁸ It is ironic that about seven years before, William Carson advised people that this same fish offal made "large and fertile heaps of manure."⁸⁹ Again and again, from 1849 through the end of 1854, the potato crop and/or the various fisheries failed. Time and again, The Weekly Herald provided the same suggestions as to how people should cope: use economy, eat fish offal, work hard, and make do on sparse government relief.⁹⁰

While many fisher people did survive by working hard and eating fish offal, Governor LeMarchant, continued to support the Agricultural Society as the northeast coast hovered on the brink of famine. Ignoring the fact that outport inhabitants could hardly feed themselves when the potato failed, LeMarchant suggested that they should look forward to the day when a road might allow them to visit the Society's annual fall shows of "stall fed oxen, fat sheep and Hogs," and perhaps compete for a prize at the yearly exhibitions. Instead of growing fat from looking at purebred cattle in their outports, people could come to St. John's to do the same thing.⁹¹ Rather than accept the responsibility for

relieving those to whom merchants would not give credit, LeMarchant chose the fantasy of agricultural potential in Newfoundland: if the potato failed, bring in wheat, if that failed, then try barley or oats, and if they did not take to the climate or soil, then some type of better-bred livestock was the answer. There was always a disappointment for government in its agricultural policy, and always another panacea. Government could not accept that Newfoundland's agricultural resources were at best only a poor supplement to the fishery because it would mean accepting on-going responsibility for providing relief.

The only solution that many fishing families could find in the face of the constant failure of agriculture was to leave Newfoundland altogether.⁹² Tired of the constant struggle to make a living in the fishery, many of the planters who still survived in the Labrador and seal fisheries began to consider the attractiveness of taking up farms in places like Wisconsin:

.... numbers of persons -- families as well as single men -- are preparing to take their departure from this neighbourhood early in the spring; some of these are the owners of considerable plantations and tracts of land, and many of them we know to be in very considerable circumstances. Since the failure of the potato they consider it a hopeless task to contend with the arid soil of this country, while land requiring no manure and admirably situated for agricultural purposes is within so trifling a distance.⁹³

Such fishermen had given up any hope of independence from

merchants, or of reducing reliance on mercantile credit for subsistence by resorting to cultivation, with its appalling record.⁹⁴

Any fisherman who had experienced reasonable success and had a little property often found the prospect of emigration far more appealing than staying in Newfoundland and falling further in debt to merchants. Fishermen who had other plans than grubbing a subsistence from the soil could find no other alternative in Newfoundland. Any who could scrape together the money for passage fare left Newfoundland for the seemingly better prospects of owning a real farm in the United States.⁹⁵ Some of these emigrants, like Edward Pynn of Conception Bay, wrote letters to the Weekly Herald advertising their success in establishing near-200 acre farms, raising wheat and livestock.⁹⁶ A Mr. Hayward of Carbonear wrote to state that Newfoundlanders settled together in Washington County, Wisconsin, establishing their own family farms on which they could raise most of their needs independent of any merchant and sell surpluses in exchange for goods they could not produce at home.⁹⁷

The experience of Hayward and Pynn suggests that Newfoundland's resources were not conducive to fish producers' escape from dependence on merchant capital. The island did not possess the agricultural resource endowment which in some other parts of America proved to be the fertile soil in which industrial capitalist social relations germinated:

America is an agricultural country, giving extensive employment to an endless variety of artisans in the manufacture of the raw material produced by different branches of cultivation, and so extensive as to afford an area amply sufficient for the investment of capital, and the development of industry and talent. There, no man need be idle who is inclined to labour, and all labour insures a reasonable remuneration. On the contrary, this Island can never become an agricultural settlement: here, no raw material is produced to call forth the genius, and reward the industry of the people, who are so pent up along the sea shore that the land already casts out its inhabitants. Besides, the employment generally is so connected with the sea that our native population know little or nothing of agriculture....⁹⁸

In consequence, in northeast-coast Newfoundland it was not so much that merchant capital prevented producer challenges to its hegemony as it was that, unable to find the means by which to overcome merchant capital, producers who possessed any capital simply left for a more hospitable environment. Class struggle is not always a matter of exploiters and exploited duelling it out to the bitter end until one or the other is overcome. Emigration is as much an outcome of class struggle as merchants beating down all fish producers to the level of impoverished fisher folk.⁹⁹ Thus the editorials of the Weekly Herald complained that the best of Newfoundland's "mechanics, fishermen and labourers" chose to leave the island behind for the better prospects of the United States. They left for reasons having to do with the problematic interrelations of the fishery and cultivation in Newfoundland.¹⁰⁰

Correspondents of the Harbour Grace Weekly Herald regretted that, for all the past talk of its agricultural potential, Newfoundland remained essentially a society based on the fishery. To be sure, this meant that Newfoundland remained "in the hands of monopolists, who fix an arbitrary valuation on both exports and imports," but that no one could blame the colony's most successful producers for leaving.¹⁰¹ "Alpha" wrote that merchants could make money off the trade in fish and oil, provisions, and goods, but that merchants were, like most capitalists, in the business for their own profit, not the welfare of the community. For the actual catchers of fish, Newfoundland provided little means of improving themselves "... we have increasing evidence that she was never designed for aught other than a summer residence for itinerant fishermen or a hunting ground for Red Indians."¹⁰²

When planters began to leave Newfoundland in the mid-nineteenth century, their actions served as a mute testimony to the futility of government embarking on agricultural development policies as a means of answering the constant provisions crisis arising from the fishery. In the first years of representative government, Governor Cochrane steadfastly resisted Reformer rhetoric about the bounty of Newfoundland's soil and climate. Yet ongoing depression in the fish trade encouraged fish merchants to restrict credit to fishing families for essential food. Unable to find any

meaningful substitute for their subsistence in local agriculture, especially with the potato failures of the 1840s, fishing families turned to the state for relief to stave off famine. Unwilling to accept the burden of long-term relief expenditure, and unwilling to contemplate restructuring the fishery in any way that would free families from reliance on merchants' imports of food, successive Newfoundland governors turned to agriculture in the hope that it would provide an alternative to government relief. The result was a stalemate at best. It was certainly not a solution.

Notes

1. Centre for Newfoundland Studies, MUN, Colonial Office Papers # 194 (Hereafter cited as CO 194), B-693, v. 72, 1826, F. 87-90; Cochrane to Bathurst, St. John's, 30 January 1826. Cochrane expressed identical sentiments the next year. See CO 194, B-695, v. 74, 1827, F. 121-24; Cochrane to Coster, St. John's, 10 May 1826.
2. CO 194, B-693, v. 71, 1825, F. 363-68; Governor Cochrane to Wilmot Horton, St. John's, 20 May 1825.
3. CO 194, B-693, v. 71, 1825, F. 407-410; George Coster to Chief Justice Tucker, Bonavista, 20 May 1825.
4. CO 194, B-692, v. 70, 1825, F. 182-85; Coster to Tucker, Bonavista, 23 September 1825.
5. CO 194, B-692, v. 70, 1825, F. 186, 188-91, 192-96, 198-203, 204-207, 208-209; Colonial Secretary Brenton to Coster, St. John's, 11 October 1825; "Extract of a letter from the venerable Archdeacon Coster to E.B. Brenton ... in Bonavista, 15th October 1825"; Coster to Brenton, Bonavista, 18 October 1825; Brenton to Coster, St. John's, 25 October 1825; Coster to Brenton, Bonavista, 31 October 1825; Coster to Brenton, Bonavista, 3 November 1825.
6. CO 194, B-692, v. 70, 1825, F. 175-77; Cochrane to Bathurst, St. John's, 7 December 1825.
7. CO 194, B-692, v. 70, 1825, F. 91-100.
8. CO 194, B-695, v. 74, 1827, F. 29-32; Cochrane to Bathurst, St. John's, 13 January 1827.
9. CO 194, B-695, v. 74, 1827, F. 131-34; Cochrane to Bathurst, St. John's, 11 May 1827.
10. CO 194, B-695, v. 75, 1827, F. 175: Patrick Morris, Remarks on the State of Society, Religion, Morals, and Education at Newfoundland... (London: A. Hancock, 1827).
11. CO 194, B-695, v. 75, 1827, F. 190-91.
12. CO 194, B-695, v. 75, 1827, F. 191-92.
13. CO 194, B-695, v. 75, 1827, F. 195-209.
14. CO 194, B-696, v. 76, 1828, F. 60-62; Tucker to William Huskison, St. John's, 25 January 1828.

15. CO 194, B-696, v. 76, 1828, F. 189-193; Cochrane to Huskinson, 19 March 1828.

16. CO 194, B-696, v. 76, 1828, F. 197-199; Cochrane to Huskinson, London, 20 March 1828.

17. CO 194, B-696, v. 76, 1828, F. 277-80; Cochrane to Sir George Murray, St. John's, 3 September 1828. Attorney-General James Simms, however, cautioned the governor that the only real property rights that the Newfoundland government should alienate with great care was the waterfront property of big towns like St. John's and Harbour Grace. Legislation had prohibited the alienation of this property, known as ship's rooms or any shoreland formerly used by the old migratory fishing ships in the conduct of their trade, and Simms warned that this land, which they rented at great profit, lay in the hands of the great merchant houses, contributing nothing to a colonial revenue dependent on custom's duties. See CO 194, B-697, v. 78, 1829, F. 74-79; Simms to Colonial Secretary Brown, St. John's, 6 February 1829.

18. The Public Ledger, St. John's, 28 July 1829.

19. Ibid., 7 August 1829.

20. Ibid., 9 October 1829.

21. Ibid., 8 March 1831.

22. CO 194, B-533, v. 81, 1831, F. 34-40; Cochrane to Viscount Goderich, St. John's, 3 February 1831.

23. CO 194, B-533, vol. 81, 1831, F. 53-55; Reply of William Carson to Queries of the Royal College of Physicians, 7 February 1831.

24. CO 194, B-533, v. 81, 1831, F. 55-63.

25. CO 194, B-533, v. 81, 1831, F. 63.

26. CO 194, B-533, v. 81, 1831, F. 81-82; Cochrane to Viscount Goderich, St. John's, 14 April 1831.

27. CO 194, B-533, v. 81, 1831, F. 82-86.

28. CO 194, B-533, v. 81, 1831, F. 100-103.

29. CO 194, B-533, v. 81, 1831, F. 141-151; Attorney-general Simms, "Observations on the propriety of instituting a Local Legislative Assembly for Newfoundland."

30. CO 194, B-534, v. 82, 1832, F. 79-81; President R.A. Tucker, "Explanatory Statement to be Appended to the Blue Book for the year 1831."

31. CO 194, B-693, v. 72, 1826, F. 87; Cochrane to Bathurst, St. John's, 30 January 1826.

32. The Public Ledger, 14, 21 March 1831.

33. Prowse, A History of Newfoundland from the English, Colonial and Foreign Records (1895), (Belleville, Ont.: Mika Studio, 1872), p. 429.

34. There still exists no study of the manner in which Newfoundland attained representative government. Gertrude E. Gunn's The Political History of Newfoundland 1832-1864 (Toronto: University of Toronto Press, 1966) begins with representative government established without much analysis of its foundation.

Inferences about British Colonial Office policy here are drawn from a number of sources: Helen Taft Manning, British Colonial Government After the American Revolution 1782-1820 (New Haven: Yale University Press, 1933), 474-542; Klaus E. Knorr, British Colonial Theories 1570-1850 (Toronto: University of Toronto Press, 1944), 251-371; A.G.L. Shaw's introduction to his edited collection Great Britain and the Colonies 1815-1865 (London: Methuen, 1970), 7; Peter Burroughs, ed., The Colonial Reformers and Canada: 1830-1849 (Toronto: McClelland and Stewart, 1969), xxiii-xxiv, 24-25, 73-97; Peter Burroughs, British Attitudes Towards Canada 1822-1849 (Scarborough: Prentice-Hall, 1971), 20-35, 120-49; C.A. Bayly, Imperial Meridian: The British Empire and the World 1780-1830 (London: Longman, 1989), 193-247. Two works are helpful in understanding Colonial Office rule over the colonies: Paul Knapland, James Stephen and The British Colonial System 1813-1847 (Madison: The University of Wisconsin Press, 1953), and John W. Cell, British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process (New Haven: Yale University Press, 1970).

The final disruption of the migratory fishery by the Napoleonic wars finally undermined Colonial Office, and before it Board of Trade, opposition to colonial government and complete agricultural-land ownership rights for Newfoundland. No longer could British officials hope to preserve the migratory trade through opposition to a resident fishery or colonization. The Colonial Office had been debating what to do about Newfoundland's relief problems since 1817, but it opposed colonial self-government for the island because it felt that Newfoundland's economy could not shoulder the financial burden. The Newfoundland Reformers' ally in the House of Commons, George Robinson, supported by the radical Joseph Hume, gained government support for

Newfoundland's self-government in 1831 in exchange for his vote for the Reform Bill. See Leslie Harris, "The First Nine Years of Representative Government," Unpublished MA thesis, Memorial University of Newfoundland, 1959, 7-15; Matthews, Lectures on the History of Newfoundland, 142-48; J.M. Ward, Colonial Self-Government: The British Experience 1759-1856 (Toronto: University of Toronto Press, 1976), 126-28.

D.M. Young suggested that the Colonial Office did not really become well organized until after 1824. Caught in the awkward transition between the old and new British empires occasioned by the loss of what became the United States, the Office faced further disruption by the crisis of the Napoleonic war years. After 1815, the unemployment crisis which followed the wars led the colonial office to concentrate its attention on colonies like Upper Canada which might absorb great Britain's surplus population. Such conditions did not facilitate quick decision-making on issues like constitutional reform for Newfoundland. See Young's The Colonial Office in the Early Nineteenth Century (London: Longmans, 1961), 1-123.

Phillip A. Buckner's The Transition to Responsible Government: British Policy in British North America, 1815-1850 (Westport, Conn.: Greenwood Press, 1985) is a recent addition to this historiography.

35. Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (1776), (New York: Random House, 1937), pp. 899-900.

36. CO 194, B-534, v. 83, 1832, F. 96-104; Tucker to Goderich, St. John's, 19 June 1832; F. 124-27; Tucker to Goderich, St. John's, 2 August 1832; F. 156-58; memorial of Joseph Mallowney to President Tucker. B-535, v. 84, 1832, F. 10; Vice Admiral E.G. Colpoys to George Elliot, Bermuda, 21 June 1832; F. 220-22; Benjamin Lester to Viscount Goderich, Poole, 24 April 1832; F. 325-26; Memorial of the Merchants of Poole to Goderich, Poole, 30 January 1832. v. 85, 1833, F. 9-25; Governor Cochrane's first address to the first session of the House of Assembly, 1832.

37. CO 194, B-535, v. 85, 1833, F. 76-87, 207-09, 336-37; Cochrane to Goderich, St. John's, 18 February 1833, Cochrane's report accompanying the Blue Books, 1832, Cochrane to Hay, St. John's, 5 November 1833. B-536, v. 87, 1834, F. 84; Address of the Legislative Council Of Newfoundland to the King in Council, 3 April 1834. B-537, v. 88, 1834, F. 11-12, 15-17; Cochrane to E.G. Stanley, St. John's, 7 July 1834; Cochrane's report accompanying the Blue Books, 1833.

38. Provincial Archives of Newfoundland and Labrador, Cochrane Papers, Reel 971.8C7, Reel 7, MSS 2734, # 13-14; E.G. Stanley to Cochrane, London, 28 May 1834.

39. Provincial Archives of Newfoundland and Labrador, GN2\2, Incoming Correspondence of the Colonial Secretary's Office (Hereafter cited as PANL, GN2\2, Col. Sec. Corr.), Box 1832, vol. May-August, F. 338-339; petition of Edmund Joseph Mullowney to R.A. Tucker, St. John's, 23 July 1832.
40. PANL, GN2\2, Col. Sec. Corr., Box 1833, vol. II, F. 112-21; H.J. Fitzgerald to Governor Cochrane, 2 May 1833.
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CHAPTER NINE:

Inventing a Custom: Liberals, Boulton and the Administration of Wage Law, 1825-1855

The agricultural experiences of northeast-coast fishing households and merchants were not the only ones to be recast in the light of Reform politics. Reformers also reinterpreted the history of the wage and lien system, a body of legal practice that inhibited planters' capital accumulation. Not satisfied with the achievement of representative government in 1832, some Reformers, known as Liberals as they came to dominate the House of Assembly as a loose political party, created a new grievance by suggesting that the wage and lien system was a custom of the resident fishery which benefitted planters and supported their employment of servants. Liberals did this to attack the Executive Council, particularly their early nemesis, the arch-conservative Chief Justice and Executive Council president John Boulton, who decided that the wage and lien system should not be revived after the temporary law of 1824 (which extended the life of Palliser's Act's wage regulations) lapsed in 1832.

By identifying Boulton's actions with fish merchants' interests, Liberals struck at the paternalist bonds which tied fishermen and merchants together in northeast-coast society. Boulton's actions were a perfect occasion for Liberals to build popular agitation for more political reform around the 'outrage' of an outsider arbitrarily using his

authority to overturn a long-standing 'custom' of the fishery, although previous chief justices had ruled that it was more accurately a custom of the old migratory fishery only. In doing this, Liberals invented a tradition that the wage and lien system was necessary for the prosperity of planters and fishermen alike.

Liberals won only four out of fifteen seats in the first House of Assembly in 1832. Merchants, particularly in the outports, were able to use their paternal influence to secure a majority of conservatives in the Assembly.¹ The colony's new constitution provided for a legislature dominated by the Legislative Council. The members of this upper house also served as the governor's Executive Council, and were usually made up of imperially-appointed officials: the chief justice, commander of the garrison, attorney general, colonial secretary, custom's collector, and a sixth chosen by the governor. The imperial government paid the councillors' salaries, depriving the Assembly of much control over the executive power of government.²

Liberals like Patrick Morris and William Carson remained excluded from government. For so long critics of both merchants' influence and official protestantism in government at St. John's, these Reformers remained excluded from power by their antagonist Sir Thomas Cochrane, who had opposed representative government, and his successor Governor Prescott. These governors largely favoured Anglican and

mercantile appointees to government positions to maintain what they considered a respectable government with unquestionable loyalty to imperial authority. Liberals (with the notable exceptions of William Carson, and later Robert Parsons) were predominantly Roman Catholics who rejected Anglican and mercantile control of government, especially patronage appointments. Carson, in 1833, led his Catholic allies in a fight to gain Assembly control over money bills from the Executive. They lost; from 1832 to 1850 Anglicans and merchants dominated government at every level.³

In subsequent elections the Liberals, supported by the Roman Catholic bishop Michael Fleming, used sectarianism to drive a wedge between merchant candidates and their constituents. Tired of the manner in which Assembly-Executive Council struggles disrupted colonial government, imperial authorities replaced Governor Prescott with Sir John Harvey in 1842 (as former governor of New Brunswick he had accepted Colonial Office direction in appointing Executive Councillors acceptable to its Assembly), and amalgamated the legislature, ensuring that conservatives would dominate government.⁴

Governor Harvey departed from his predecessors in that, where they tried to force Liberals to accept Protestant and mercantile ascendancy, he tried to co-opt Liberal support. Cochrane and Prescott attacked Bishop Fleming and Reform agriculture schemes, but Harvey cultivated Fleming and became the patron of the Newfoundland Agriculture Society, with

Carson and Morris on its executive. Harvey, and after him LeMarchant, adroitly turned the agriculture issue to advantage, both as a means of minimizing relief expenditure, and drawing many Liberals into a 'culture' of improvement and British-influenced nativism. Harvey had undercut the agriculture issue as a platform from which Liberals could criticize government.⁵

Many old Reformers like Morris and John Kent, accepted Harvey's version of responsible government: executive councilors responsible to the governor's judgement about what public policy required. In practice this meant that they accepted patronage through appointment to office. Morris joined the Council, and Kent accepted a government appointment under LeMarchant. When Carson died in 1843, this left the Liberals directionless, particularly as Harvey implemented a fairer distribution of patronage among denominations. Even worse, the peace of the amalgamated legislature years deprived the Liberals of a solid leadership.⁶

LeMarchant, appointed governor in 1847 when Harvey requested a transfer to Nova Scotia, would not follow Harvey's conciliatory policies. Unlike Harvey, the new governor was suspicious of Roman Catholic influence in the legislature, and wanted to do nothing to encourage responsible government in a colony dominated by merchants and fishermen.⁷ Responsible government advocates Phillip Francis Little and Robert J. Parsons filled the void in Liberal

leadership. They defined responsible government as party government: the governor choosing his executive from whichever party elected the most members to the House of Assembly. Little and Parsons were quick to pounce on LeMarchant's departure from Harvey's practice of spreading patronage among denominations. The new Anglican Bishop Feild, a tractarian, further revived sectarianism by trying to undercut public funding of Catholic and Wesleyan schools. Believing that any means must be used to achieve responsible government, Parsons and Little again took up the sectarian banner, this time in a Roman Catholic alliance with Methodists against High Anglicanism and patronage.⁸

Parsons played a crucial role in the Liberal reinterpretation of the wage and lien issue. A Presbyterian, he could not wholeheartedly accept Irish Catholic sectarianism as the basis for Newfoundland Liberalism, but preferred a more classical liberal attack on the arbitrariness of authority and, as editor of the St. John's Patriot, led the attack on Chief Justice Boulton. At first unfocussed, this attack narrowed in on the wage and lien issue, supplying Liberals with a cause to replace the agriculture platform lost to Harvey's and LeMarchant's patronage of agriculture to question the fairness of government dominated by the 'mercantocracy.'⁹ Parsons' efforts did not supplant sectarianism in the Liberal movement, but he did constantly maintain the Liberal recasting of the wage and lien impact on planters and

fishermen's history, suggesting that they were cut down by arbitrary conservative authority.

Much planter and merchant sentiment, ironically, grew against the wage and lien system during early investigations of constitutional provisions which might replace the temporary fisheries and judicature acts of 1824. To get recommendations about what new laws should look like for the colony, Cochrane, in 1829, had sent notices to the various parts of Newfoundland that the magistrates were to organize community meetings to deliberate upon the matter. From all over the northeast coast suggestions poured in. In Conception Bay, where local merchants supported Reform demands for self-government, feelings ran against the 1824 Acts. At Western Bay, planters and merchants demanded their repeal in favour of a legislature which would make new laws suitable to a mature resident fishery.¹⁰ At Brigus, people felt that the circuit court was better than the surrogates, but felt that servants should be allowed only 48 hours absence before they could be declared deserters by planters and forfeit their season's wages.¹¹ At Harbour Grace, merchants and planters suggested that Newfoundland be given a legislature to make laws for itself by the British government.¹² Port de Grave's inhabitants agreed with those of Harbour Grace about a legislature, but stated explicitly that the law of current supply should be abolished, although conceding that servants should have a preferential claim on the estates of insolvent

planters for wages.¹³

Outside Conception Bay, in areas still dominated by English merchant houses, planters and merchants tended to be more favourably inclined to the credit part of the wages and lien system. At Heart's Content, the two groups desired that the 1824 Acts simply be made permanent.¹⁴ At Trinity, they liked the Acts, but wanted the circuit court to visit more often, and demanded the end of current supply as something injurious to the fishery.¹⁵ At the outermost limits of the northeast coast, at Bonavista, planters and merchants demanded more accessibility to the courts than the Judicature Act allowed, but also "That all current suppliers should have a prior claim on the voyage."¹⁶ This demand reflected the need to give merchants extra security for the credit extended to producers under frontier conditions. Similarly, at Greenspond the inhabitants demanded that the law of current supply be confirmed because it lessened the risk to merchants for supplying the fishing season; this in turn gave planters' families more security.¹⁷ The desire to protect planters was foremost at the meeting of Twillingate people. Like all the other communications, theirs asked that measures in the Acts limiting penalties for servants' negligence, and those that gave them a preferential lien for their wages, not be resurrected. The law of current supply should be kept to secure merchants' credit, but planters needed freedom from servants' wage liens.¹⁸

Poole merchants, increasingly operating only on the fringe of the northeast coast, defended the law of current supply as the law of an impoverished northeast-coast fishery already firmly based on family production in truck with merchant capital. Planters usually ended up without enough income at the fishing season's end to purchase their families' winter provisions. Their need for credit to get through the winter formed the basis of planters' truck with merchants. Merchants could only advance credit if the lien of current supply guaranteed them some security on their advance. Planters must be obliged to return all their fish and oil to current suppliers.¹⁹

The Poole merchants felt that Newfoundland could not support a free market in supplies and fish. They rejected the St. John's Chamber of Commerce's bid to end the wage and lien system so that local merchants could legally trade for planters' fish formerly secured to current suppliers in northeast-coast outports. Merchants and fishermen had worked out a strategy based on truck and family labour in the fishery under the wage and lien system which, although unequal, accommodated both parties. Poole merchants saw no reason to allow this paternalism to be eroded by the free-market logic of St. John's merchants.²⁰

The relationship between planter and merchant began to fuel more commentary as the British government drew closer to having to make new constitutional provision for Newfoundland.

The judges of the Supreme Court in 1831 (Chief Justice R.A. Tucker, A.W. DesBarres and E.B. Brenton) suggested that Newfoundland's ad hoc transition from a migratory fishery to an almost unacknowledged colony left it with an ill-defined legal system of local usages and customs which preoccupied the courts' attention. The judges felt that the most pressing constitutional problem involved the state of the law governing masters and servants and current supply in the fishery.²¹ The judges noted that current supply was a usage which had been derived by merchants making the transition from a migratory to resident fishery and then later became sanctioned by law. Merchants never accepted the preferential claims of servants for wages, believing that it encouraged servants only to work hard until their own wages were covered by the planters' voyage. In consequence merchants stretched the meaning of current supply far beyond its original meaning. It had come to apply to anything a planter or fisherman took on credit in a year, not merely supplies specifically required during and for the fishing season. This put a lien on all planters' production in the current year, allowing them little leeway in capital accumulation. The Supreme Court judges saw this as a departure from the original custom of the fishery, and noted that, since the time of Chief Justice Forbes, the Supreme Court had always tried to reassert the original usage of current supply.²²

Tucker, DesBarres and Brenton felt that the time had

come to set labour and capital in the market of the Newfoundland fisheries free from the restraints of the wages and lien system. Dismissing the Poole merchants' assertions that the end of current supply would see merchants withdraw their capital from the fishery, the fishery ruined, and fishermen starved, the justices recommended abolishing the laws of wage preference and current supply, feeling that the fishery could only benefit from this change; merchants would only advance credit to planters who paid the debts of previous years. But most of all, the judges felt that the fishery could only benefit by the liberal doctrine of economic individualism. Without the credit security of current supply, planters would have to operate a profitable fishery from year-to-year if they were to secure merchant credit. Servants would have to work to ensure the planter's profit, as no lien would any longer give privileged security for their wages. The justices stated bluntly their view of the mature resident fishery of Newfoundland: the only way in which planters could be assured of successful voyages year after year was to legislate their hiring of servants solely on shares. Only in this way, by having their livelihoods depend on their willingness to risk life and limb in the often hazardous work of fishing, could fishing servants be pushed to exert their full effort. At the same time, only by preventing merchants from extending credit on the strength of current supply to planters who still could not succeed, could the judges be

sure that failing planters be deprived of the capital they no longer deserved.²³

The Supreme Court judges were especially concerned that the laws behind the wages and lien system, by providing merchants with an artificial security for the credit they gave planters in a current year, lessened merchants' willingness to make decisions about giving credit on the past record and integrity of the planter. Merchants could extend credit under current supply as long as planters were buoyed by the high fish prices of the Napoleonic War period, but the steady decline in the fishery since war's end reflected the manner in which the credit of current supply prevented the reorganization of capital in the industry by merchants withdrawing capital from failing planters. Planters without capital could continue to hire servants on wages instead of shares because the wages and lien system held out to servants the hope of looking to merchants for their wages when planters could not pay them. By freeing the labour of servants from the encumbrances of the lien, the justices thought that wage rates would fall, and servants and planters were then more likely contract with each other on shares. Planters without capital would not be able to hire servants, lessening the demand for servants, and thus driving down the price of labour. Successful planters would be able to profit from their fellows' failures "just as Pharaoh's lean kine ate up the fat ones."²⁴

In 1832, Attorney-general James Simms recommended similar changes to the laws governing the fishery of Newfoundland. Simms felt that the fishery was too complex to be governed by any one custom or set of laws, and believed, as had former Chief Justice Forbes before him, that the best law for Newfoundland was the flexibility of English common law. Planters should be able to discipline their servants more severely to ensure greater productivity. The planter-bias of Simms emerged in his recommendation that, in the event of servants deserting their masters, civil and criminal law be merged to make desertion a criminal offence punishable by a prison sentence. Like the 1831 report of the Supreme Court judges, Simms felt that the wages and lien system was not a set of customs either stemming from or suitable to the resident fishery. The preferred status of current suppliers and servants for wages should therefore be removed. Simms felt that the wages and lien system produced the same "evil" outlined in the report of the Supreme Court. Seamen could continue to have the same protection as all those under English maritime law, but planters should have to stand on their own without the prop of current supply, or the ability, to foist responsibility for servants' wages onto the backs of their merchants. The result was that class differentiation based on a more sound capital accumulation would begin among the planters, as those who could not survive except by the artificial means of the wages and lien system disappeared,

and planters fully adjusted to hiring servants on shares.²⁵

The British government relieved themselves of the burden of dealing with the wages and lien issue in 1832 by granting Newfoundland a representative government with full powers to legislate in matters of wage and credit law. Within the House of Assembly, Liberals forced Chief Justice Tucker to resign in their fight over money bills. In 1833, Lord Stanley, the British Colonial Secretary, appointed Henry John Boulton, who had been dismissed as Upper Canada's Attorney-General shortly before for his role in the Upper Canadian Tories' fight against the Reformer William Lyon Mackenzie.²⁶

Boulton, as the Attorney-general for Upper Canada, opposed Reformers who gained much popular support from those who felt that a Tory-dominated bench did not administer an equitable justice. Those who opposed the Upper Canadian Executive seized on a number of court cases, usually termed "outrages", in which Crown officers could be seen as denying the due process of law. To most Upper Canadians, it was not so much that authority perverted the law politically to repress people that was troublesome, but that a supposed clique of merchants and government officials, "those whose aim in life was to make a fortune," used the law to exploit a society of agricultural petty producers, "those whose main aim was to make a living". Boulton became embroiled in a number of scandals which served as examples to many Upper Canadians of how the rich used the courts to benefit themsel-

ves. Upper Canadian Reformers increasingly concentrated attacks on Boulton's misuse of his office. Boulton responded by fighting a pitched battle with Reformers in the legislature until his expulsion.²⁷

In his new appointment Boulton felt compelled to try and bring both Newfoundland criminal and civil law in line with what he understood to be common practice within the British Empire.²⁸ As president of the Executive Council, he continued as the Tory he had been in Upper Canada, resisting Newfoundland Liberal demands for government reform just as he had that of the Upper Canadian Reformers. When Newfoundland Liberals began to attack Boulton as part of their assault against executive power, he used his position as Chief Justice to persecute them, earning charges of arbitrariness.²⁹ Under the leadership of Morris and Carson, Liberals were not long in seizing the advantage of using the Chief Justice as a new grievance with which to complain to the Colonial Office about government in the colony. In 1835, they engineered the writing of a petition which accused Boulton of anti-Roman Catholic "bigotry, illiberality and intolerance." Liberals also focussed on a particular type of partial justice³⁰ as administered by the Chief Justice, accusing Boulton of allegedly being for merchants over fishing servants, arbitrarily striking down the wage lien protecting servants, and thus departing from previous wisdom that the wage and lien system actually hurt the resident

fishery. The Reformers accused Boulton of being hostile to Newfoundland's poor, noting that in his capacity as President of the Council, the Chief Justice had thrown out a Reform-sponsored bill which would have positively declared the wages and lien system (dead with the expiration of the 1824 acts) once more in effect.³¹

To gain support, Liberals cultivated the support of the northeast-coast's lower orders, particularly fishing servants. The message was simple: Chief Justice Boulton was an Upper Canadian Tory who was out to deny fishermen their ancient custom of having a lien on the supplying merchants for their wages, thus causing their families' starvation. In yet another petition in 1837, they claimed that Boulton was abrogating the law in that the Chief Justice was not exercising fair or impartial judgement, but stood as a transgressor against "the rights and privileges of the people." He had violated the rule of law as a stranger to Newfoundland, ignorant of its fishing customs, and dismissive of opinion more familiar with the colony's laws.³²

Liberals in Newfoundland, like Reformers in Upper Canada, used legal 'outrage' as a rallying cry in their struggle against executive authority. Yet in this case Boulton committed no outrage in the wage law issue that personally benefitted him. Instead, the Chief Justice stood squarely behind the principle that the law should no longer inhibit free exchange between labour and capital in the

market. The wages and lien system did not benefit planters, but Reformers could create an image of a partial Justice undercutting producers' 'rights' through manipulation of the laws in favour of merchants. Reality did not matter so much in this political struggle as did the image.

In Upper Canada, the Tory factions to which Boulton belonged could use the issue of loyalty to cultivate support among members of the producing classes. But when Boulton came to Newfoundland he found no society of Irish Protestant, British Protestant and Catholic farmers and mechanics all willing to show their support for the crown. Instead he found many who were willing to show their dissent. Neither did Boulton find the equivalent of Upper Canada's Scottish Catholic Bishop willing to stand with the Executive Council in the hope of gaining official patronage for his church.³³ The early Liberal movement of which Boulton ran afoul was predominantly Irish Roman Catholic -- except for Carson and Parsons -- with their own ethnically and religiously coloured grievances, and Boulton did not understand the new political ground on which he had to fight.³⁴

The bulk of immigrants to Newfoundland after the Napoleonic Wars were Irish Catholic servants. While the first Roman Catholic bishops tended to support the governor and his advisors, Bishop Fleming from 1830 swung behind the Liberals in an effort to gain more patronage for the Catholics, and state support for separate Roman Catholic schools.

As part of his fight against the Newfoundland government, Fleming joined the Liberals in condemning Boulton's attempts finally to end the wages and lien system, a supposed fight for servants' 'rights' against the merchants. Fleming built on a strong Newfoundland tradition of itinerant plebeian priests like Patrick Power (of lower-class origins and often acting without the sanction of hierarchical authority), who led their largely servant flock, of the same Irish background, in faction fights to keep wage rates up by fighting off competitors from other Irish groups for jobs in the fishery.³⁵ Yet Fleming brought with him from Ireland a strong O'Connellite tradition of priests fighting for the rights of an indigenous Catholic bourgeoisie against the Protestant Ascendancy by deflecting the discontent of their fellow Roman Catholic labourers and tenants against Protestantism, rather than the exploitation of capital accumulation in general. Irish producing-classes discontent about their own condition became a nationalist rather than class movement, and nationalism paralleled religious lines. In Newfoundland, the rising St. John's shopkeeper bourgeoisie and its outport allies (many of whom like Morris and John Kent were Catholic), pursued a similar means of cracking what they saw as an oligarchy of English bureaucrats and merchants governing the colony.³⁶

The Irish servants who supported the Liberals simply did not do the latter's bidding. Servants allied with them to

strike at what they saw as a very real exploitation of their labour by merchants' truck. As Linda Little has shown, the power of fishing servants' riots on behalf of Liberals during the elections of the 1830s was a stern reminder to the latter that they must be courted; servants did not give blind support. When servants supported the Reformers, they did not fight simply for Catholic rights, but for protection of their own interests, something the Reformers' took great pains to identify with the issue of the wage lien.³⁷

Boulton defended himself against his critics at length, by responding to Bishop Fleming's 1835 defence of "fishermen's rights" against the Chief Justice's court rulings.³⁸ Boulton outlined three court decisions in which he decided on wage law. The first involved a Ferryland servant, Thomas Reilley, who sued his master, planter Richard Sullivan, and his master's supplying merchant, Codner and Jennings. The second was between a fishing servant, Silvey, his master, Morgan, and their supplying merchant, Bennett. The third was the most controversial, Colbert vs. Howley. In all these cases Boulton would not support servants' wage liens on fish in supplying merchants' hands because he could find no formal contract between merchants and servants for employment in the market. Servants could hold their masters, the planters, liable for wages, but not merchants.³⁹

Boulton charged the jury which heard the last case that Colbert had contracted as a servant with planters Grant and

Hamilton who returned only £43.15.4 in fish and oil against £160.2.7 in credit advanced by their supplying merchant, Howley. There was no evidence to suggest that Howley took any responsibility for Colbert's wages. It was not enough that Howley received fish and oil from the planters. The Chief Justice argued that no custom of wage lien could be proved to have been generated out of the resident fishery. Such lien had been enshrined in the now defunct acts of 1824, and had been included there as a custom extending out of Palliser's Act and the migratory fishery. Boulton could find no consistent statement of present usages in the fishery, but that all witnesses were consonant in that "no one pretended that the merchant was liable in the first instance, and without reference to the master or planter, as he must be to be subject to an action at Law." Boulton agreed with all previous criticisms of Palliser's Act's influence in the creation of the wage and lien system, that it was an injustice to the capitalists in the fishery that could only hurt the trade. The system held merchants liable for wages which planters usually could not hope to cover from their voyages without allowing masters effective disciplinary measures to coerce more effort from servants.⁴⁰

Boulton argued that the 1824 Fishery Act justly gave fishermen and seamen a lien for the payment of their wages or shares against the employer, the planter. Such lien was quite in line with English law. But to extend that lien to

the people the employer had dealings with went too far. Boulton felt privileged that he had come to Newfoundland in time to restore the law to its proper place. The Chief Justice, like Tucker, Brenton and DesBarres before him, felt that the wage lien, "under pretence of custom", encouraged servants to "fraud, improvidence, extravagance and idleness". The court's duty was to resist any further pressure to shape proper law to fit this supposed custom. Boulton, in his capacity as President of the Council, stated that the Executive furthermore would not consent to any new fishery bill because the House of Assembly could not agree as to what were the customs of the resident fishery; he therefore could not base judgments on unconfirmed customs.⁴¹

Boulton thought that the justification for his decision lay in the very testimony offered by both the plaintiff's and defendant's witnesses in the case of Colbert vs. Howley, including prominent Liberals like Morris and William Thomas, but his opponents turned the case into something of a show trial as part of their efforts to discredit the Chief Justice. Thomas, a St. John's merchant, stated that Pal-liser's Act created the wages and lien system whereby "the Merchant received the fish & oil subject to the payment of the Servants wages out of the proceeds of the fish & oil." Thomas unintentionally put his finger on the problem when he stated that the Judiciary Act extended the lien in cases of insolvency against all the planters' property. The heart of

the matter lay in the fact that planters were not thriving under the wages and lien system. Thomas explained that merchants would pay wages if servants produced their shipping paper, but would not pay wages if the planter ordered them unpaid for reasons of neglect; he himself supplied outport planters, and never inquired about the number of servants they employed unless he felt unsure about a planter's solvency. This statement was confusing. On the one hand he affirmed planters' independence from any need to consult merchants before hiring servants, but on the other, he stated that he exercised this privilege of consultation when he felt it necessary. It seems that Thomas wanted to support the Reformers' position on the wages and lien issue, without subjecting himself to its liabilities.⁴²

All that Boulton could garner from Thomas' testimony, which Morris repeated, was that supplying merchants would pay wages to the extent of the fish and oil received, and the assertion, without proof, that the wage and lien system was a long-standing custom of the resident fishery. Furthermore, supplying merchants usually were privy to the number of servants the planter hired before they issued supplies. Thus, despite his attempt to reinforce the Liberals' support of Colbert, Boulton only learned from Thomas' testimony that merchants were never held liable for the full payment of servants' wages, and that merchants only paid wages when they were privy to the contract between planter and servant.

Boulton heard the testimony of others, including supplier John Brown, supplier James Fergus, servant John Cuddahee, and Francis Tree, who all asserted that the wage lien had always existed as a custom of the fishery.⁴³

The Chief Justice's refusal, based on such contradictory and suspect evidence, to accept that servants had a lien against supplying merchants provided the basis for a Liberal declaration that arbitrary justice had committed an outrage against fishing servants. After Boulton announced his decision, William Carson, Patrick Morris, John Kent and J.V. Nugent led an open air protest at St. John's. This demonstration resulted in a memorial against the Chief Justice outlining the Liberal's grievances which accused Boulton of perverting the Newfoundland justice system by ignoring its long-held customs. The justice system had been altered by a person "who came to this country with the character of being rancorously opposed to the liberties of the people...." They accused him of being immersed in anti-Catholic party politics and favouring fish merchants over servants by striking down the wage lien. Finally, as President of the Council, Boulton had led their fight against Patrick Morris' attempt to introduce a new bill to effect such a lien. This, charged the Liberals, demonstrated that Boulton bore a "rancorous hostility to the interests of the poor...."⁴⁴

The image of Boulton as the oppressor of the poor emerged even more strongly in the editorials of Parsons' The

Patriot. The Royal Gazette defended Boulton as a protector of property, the Patriot responded with an aggressive, melodramatic assassination of Boulton's character and his jurisprudence. Parsons claimed that Boulton's legal decisions enslaved servants and took food from the mouths of babes: "Thus has Boulton's law made us a pauper population - a penniless people - and put the just dues of the Fisherman and the Shoreman into the pockets of the Merchant!"⁴⁵ The Liberals worked to create two popular images. The first was of Boulton as a foreign, despotic magistrate who capriciously overturned previous Newfoundland justices' rulings in the courts. Second, Liberals alluded to the Chief Justice as the fish merchants' man, ruling over Newfoundland's poor without care or feeling. Throughout, the paper's message linked Boulton to a general problem of Newfoundland not being able to govern itself, and being subject to a justice system imposed on the colony from London.⁴⁶

The Patriot cited two previous chief justices, Forbes and Tucker, as being near-heroic defendants of the fishermen's rights. Forbes was the judge who, in 1816, waved "the magic wand of the Enchanter" to make Newfoundland's justice system subservient to the interests of fishermen. The paper suggested that "the benevolent Tucker, the Poor Man's Judge," confirmed fishermen's constitutional rights in the wages and lien system, and Forbes general regulations for the legal system. This legal idyll continued "until the ex-Attorney

General of the Canadas" overturned their decisions: "the Charters of the country were set at nought, and the laws outraged."⁴⁷

Newfoundlanders, declared the Patriot, must stand behind the Liberals' petitions against Boulton, and for "the restoration of Tribunals that, by the Constitution of England, are intended to be the Protectors of the lives, the liberties, and the properties of her subjects."⁴⁸ Correspondents agreed with the paper, contributing to the myth of Boulton's rulings as being an abrupt break with the former chief justices' decisions. One "L" suggested that Boulton's ruling, in the case of Colbert vs. Howley, had taught fishermen, "seventeen-twentieths of the people of Newfoundland, that at least for this year, and until the Hon. Judge Boulton is flung from the Bench, the merchant may riot in the spoils of the poor - the servant must starve in silence and content."⁴⁹

Parsons reproduced his version of the minutes of Colbert vs. Howley, punctuating them with compliments for Thomas and Morris, and portraying Boulton as the epitome of arrogance. The essence of these minutes did not materially differ from the Chief Justice's own, except for the paper's editorializing. Again, the Patriot took great pains to identify Boulton with all opposition to constitutional reform, particularly responsible government, and with the commitment of an arbitrary act against justice. In reporting that Boulton

instructed the jury to find for Howley by saying that "' AND IF MY HEAD WERE TO BE CUT OFF, I COULD NEVER BE MADE TO GIVE ANY OTHER DECISION,'" the editor claimed that the Chief Justice had unfairly predetermined the jury's verdict in a perversion of justice:

and thus was a premium, a bounty given for the commission of crime, for the perpetration of outrage, by those whose duty it was to throw the shield of the laws round the oppressed - to protect the poor from the rapacity of the rich....⁵⁰

A correspondent of the conservative Public Ledger could not let the Liberal attack on Boulton go unchallenged, noting that they were on shaky ground in claiming that the wage lien against supplying merchants was an "ancient custom" of the fishery. William Blackstone's definition of such customs demanded that they have been in use so long that no contrary memory of other practices existed, that the use have been continuous, that it was reasonable and peaceably accepted by society, that the custom be certain, that its observance be compulsory, and that it was consistent with other customs. The correspondent, "One of the Natives," cited a 1703 letter by George Larkin to the British government observing that merchants habitually carried off planters' fish without paying servants' wages. No lien existed in custom at that time. The British government legislated the wage lien in to existence to confirm governors' declaratory efforts to stem planters' connivance with merchants to pay their accounts

before wages.⁵¹

"One of the Natives" pointed out that the court usage based on this law was not to impose a lien on supplying merchants as such, but only to attempt to follow the effects of insolvent planters as far as they could in securing the wages of such planters' servants. Servants had a lien only on their masters' fish, not a more general one against supplying merchants. Merchants had to pay wages out of the proceeds of the sale of such fish and oil as the planter gave them, and no more. Palliser's Act confirmed that servants did not have to retain the actual fish and oil to enforce their lien to this extent on merchants, so that merchants would be able to freely receive produce for marketing throughout the season. Again, legislation, not custom underwrote the wage lien, and British officials had no intention of allowing the wage lien to govern the resident fishery at Newfoundland. The demise of Palliser's Act and the 1824 Fisheries Act, suggested "One of the Natives", finally ended the legislative basis for any wage lien against merchants.⁵²

In 1836, Liberals again sent a petition to London complaining about Boulton, further entrenching in the public mind that they led the fight for servants' wage "rights", and demanding that the Colonial Office investigate the Chief Justice.⁵³ To rally fishing servants to their cause, the Reformers held public meetings at Harbour Grace, Brigus and

Carbonear. Citizens' Committees called together the servants and circulated petitions among them to sign condemning Boulton. 54

Through 1836, the Liberals continued to suggest that Boulton stood for tyranny and the denial of every British subject's constitutional right to a responsible government. The Patriot was open in identifying the Newfoundlanders with Upper Canadian Reformers and demanded some form of united front.⁵⁵ Correspondents demanded that Boulton, the oppressor of "the poor Irishmen" and "the lower classes", be opposed by all planters and fishermen.⁵⁶ When merchants petitioned on behalf of Boulton, The Patriot argued that their petition could only be secured as "servants have been threatened, and labourers seduced, and young boys bought, and the Sealers offered to be bribed, and the foreign crews of merchant vessels humbugged to append their names...."⁵⁷ Morris and Parsons constantly referred to Boulton as a tyrant, a likely follower of Upper Canada's reactionary governor Sir Francis Bond Head, "the redoubted Tory of Toronto".⁵⁸ Liberals, on the other hand, were "the friends of the King and Constitution, of Chartered Rights, of Liberty, of Civilization, of Equal Laws and Justice. In fact, The People."⁵⁹ When Sir Francis Bond Head used extra-constitutional means like Orange Order riots to win the Upper Canadian general election of 1836, and a subsequent legislative investigation whitewashed the affair, The Patriot claimed that the government's refusal

to get rid of Boulton amounted to the same thing; "Has not this Colony of Newfoundland experienced a similar outrage, again and again repeated as that which has just been perpetrated upon the Province of Upper Canada."⁶⁰

Asked by the local Colonial Secretary to state exactly how he would see constitutional reform proceed on the issue of wage law, Boulton waved a red flag in Reformers' eyes. He argued that the Liberals became the advocates of a servants' lien against merchants, and not their employers, because they simply wanted to stir up the lower orders to support their quest for responsible government. Noting recent election riots in favour of reform candidates in Conception Bay, Boulton suggested that Newfoundland society was too susceptible to the Liberals' tactics. Without an agriculture capable of supporting a proper gentry, Boulton felt that the dichotomy of Newfoundland society, between merchants and fishermen, created a volatile political climate that could be quickly ignited by Liberals "who chiefly attain notoriety by keeping the lower orders in a state of constant excitement...."⁶¹ He furthermore did not blunt his verbal reprisal against Reformers' attacks on him and his legal decisions. During the summer of 1837, Boulton wrote the governor condemning Liberals as allies of an insubordinate Roman Catholic Church who were willing to use violent intimidation to attain their goals. Boulton actually proudly cited their petitions against himself in his own defence because they

showed that the Chief Justice had "an unceasing and uncompromising opposition to the encroachments of unauthorized power upon the legitimate rights of others...." The Reformers, claimed Boulton, gave him an undue importance as the sole opponent of the wages and lien system, unfairly singling him out when all the conservative Legislative Council opposed it. Boulton was right in identifying the Reformers' tactic as making him a symbol of tyranny over the wage issue in the minds of fishing people. But the Chief Justice's language made him an easy target, especially as Boulton made no secret of his dislike of the Newfoundland Roman Catholic establishment.⁶²

Boulton's further legal reforms provided the Liberals with a new series of 'outrages' to use in their complaints to the Colonial Office. In 1837, the Reform-dominated House of Assembly struck a committee to investigate Boulton, and sent its report to London. Besides altering the jury system, Boulton, in 1833, had changed the writ of attachment issued in civil cases. The altered writs allowed creditors greater ease in securing their debts from defaulting accounts by removing an exemption which protected all property essential to the fishing season from attachment. This change in the writ was in keeping with Boulton's belief that the law of current supply harmed the fishery. The report noted that people of capital no longer actually directly involved themselves in the production of salt cod, but rather did so

by advancing those without "money or property" boats, nets, lines, provisions and clothing to make a voyage. The old writ of attachment meant that a current supplier did not hesitate to issue such supplies because he did not have to worry about previous season's creditors' suits against planters or fishermen. Liberals claimed that current supply was a "custom of the country" from "time immemorial", now struck down by Boulton.⁶³ Besides current supply, the Reformers included another protest against Boulton's attempt to declare that a preferential lien no longer existed for fishing servants' wages. The Reformers claimed that they had "the best and most authentic documentary evidence before them to prove" that the wage and lien system was a custom of the fishery, but could only produce late-18th century governors' proclamations securing fishermen their wages.⁶⁴ At the same time as they complained about Boulton, Liberals sent other messages to London calling for more local legislative control over the executive to avoid such arbitrary use of power in the colony's government.⁶⁵

In 1838, Patrick Morris charged that the Chief Justice had done nothing less than sweep away "en masse the whole of the laws, usages, and customs, which for centuries regulated the trade, fisheries and industries of the Island of Newfoundland."⁶⁶ Boulton, according to Morris, had ignored the precedents set by former chief justices in sanctioning the wages and lien system, and was ignoring the maritime law of

Britain in which it was rooted: the law of Bottomry which gave the last supplier of necessities for a ship, a preferable claim over all former suppliers. Not only did maritime law protect current suppliers, but also the preferential claim of fishermen to their wages.⁶⁷

Boulton had not disputed that fishermen had a lien against their masters - the planters. In the case of seamen, as Attorney-General James Simms later explained, they too had a lien against their employer, the owners of a vessel and their representative, the ship's master as manager of the owner's capital and hired labour.⁶⁸ In 1837, the governor gave his assent to a bill, giving Newfoundland seamen a lien for their wages against shipowners: 1 Victoria Cap. 9.⁶⁹ But in the case of fishermen, merchants did not hire their masters -- the planters -- nor own the planters' capital, thus fishermen could not proceed with a lien similar to that of seamen.

Morris was willing to falsify the past to attack Boulton. Eighteen years earlier the naval surrogates had been reviled by Carson and Morris when surrogate judges had ordered the whipping of fishermen Butler and Landergan. The Reformers used the surrogates then as "An image of official tyranny over poor, helpless, outharbour fishermen ... to galvanize the public into recognition of the need for judicial and constitutional change."⁷⁰ Now it was convenient for Morris to portray them as part of an old lineage of

judges who had protected the fishermen's rights which Boulton now sought to undermine:

It was the invariable policy of England to watch with the greatest attention over the fisheries of Newfoundland, it was called a nursery for seamen, and the parent government watched with more than the care of a nurse, the interests of this invaluable class. By a reference to the history of the government of Newfoundland, it would appear that the sole object of Government, governors, Surrogates, Courts, and Judges, and all, was to protect the fishermen and seamen from the oppression and injustice of the merchants. An uninterrupted, interminable war has raged between the government on the one hand, and the merchants on the other on this very point.⁷¹

In yet another misrepresentation, Morris claimed that the custom of current supply stemmed from the custom of merchants to extending winter supplies on credit against the next year's voyage, which explained how the custom was extended to cover an entire year rather than for just the fishing season. Morris did not acknowledge that merchants had been unwilling to grant winter supply on a customary basis since at least the decisive shift to a resident fishery after the provisions crisis of 1816-17.⁷²

Besides revising the history of surrogates and winter credit, Morris did not accurately reflect the views of the past chief justices when he declared that they supported the wages and lien system. Besides the clear dissent of the 1831 Supreme Court report, Chief Justice Tucker and his predecessor Forbes, both felt that the system was ill-suited to the Newfoundland fishery. Forbes had felt that the courts wrongly extended wage and current supply liens to cover the

year-round needs of the resident fishery, and gave a detailed description of how injurious the system was to capital accumulation, while stating that he would accept the perversion of current supply because it would not be politic to do else. Palliser's Act had become bound up in the general rule of law and could only be corrected by legislative, not judicial decision.⁷³ As all creditors waited until planters could satisfy wage claims, this effectively extended the definition of current supply beyond its original meaning. Chief Justice Tucker had agreed with Forbes' ruling about the inappropriateness of the wage and lien system as it operated in the Newfoundland fishery. In an 1823 case, Tucker declared that merchants used the lien of current supply to support planters whose unprofitable activity would otherwise end their enterprise. The lien halted the process of capital accumulation in a free market among planters.⁷⁴ Tucker felt that Newfoundland law had not since sufficiently protected the resident fishery from the incursions of the wages and lien system; his dissatisfaction found itself in his 1831 recommendation to see the system entirely abolished.

Boulton travelled to London in 1838 to defend his legal decisions. He maintained that he bore no ill will towards fishermen, but reiterated that he could not support the Newfoundland wage and lien system, and cited the 1831 report of Justices Tucker, Brenton and DesBarres, and the 1832 report of Simms, in his defence. Boulton denied ever

addressing the current supply issue directly in court -- he had done so only indirectly by altering the writs of attachment -- but claimed that previous creditors could not have the security of their investments superseded by current suppliers extending even further credit to planters of dubious backgrounds, yet propped up by the law of current supply.⁷⁵

Boulton's defence convinced the Colonial Office that his legal decisions were sound, and it saw no reason to overturn them. But Lord Glenelg, the Undersecretary of State for Colonial Affairs, decided that Boulton had made himself too unpopular with Newfoundlanders. The Chief Justice, unlike the Reformers, did not understand that political leaders maintained much of their authority through the cultivation of producing-classes support. In the summer of 1838 the Colonial Office appointed a new Chief Justice, John G.H. Bourne.⁷⁶ Boulton returned to private practice in Upper Canada.⁷⁷

Boulton's dismissal resulted not so much from his position on the wage law issue, but from his inability to recognize on what grounds his legal reforms were fought by Reformers. In his role as president of the Executive Council, he had fought the alliance of Reformers and the Catholic Bishop Fleming as the latter pressed his demands for patronage for the Catholic Church and responsible government. When Fleming and the Liberals attacked the Chief Justice,

they cultivated the support of many fishermen by accusing Boulton of being an anti-catholic bigot who sought to leave fishermen helpless before a crowd of protestant merchants.⁷⁸ James Simms noted that Boulton's public battles with Fleming and prominent Catholic Liberals, combined with his patrician disdain and arrogant tone in dealing with any issue, made him unpopular in general, but particularly with the great mass of Catholic fishermen in Conception Bay.⁷⁹ Boulton, according to Simms, was a great curse visited on Newfoundland because of his inability to adopt a conciliatory tone in his actions; most people would be happy to see him leave the island.⁸⁰

Throughout the 1840s Liberals either introduced or supported various bills which attempted to declare the existence of some form of wage and lien system. All of these bills fell prey either to internal Assembly disagreements or opposition from the Executive Council.⁸¹ Boulton's successor, Chief Justice Bourne, saw it as his duty to continue resisting any attempt by reformers to see a lien realized against supplying merchants for servants' wages. Bourne ruled that, in Nowlan vs. McGrath, servants could not interfere with planters delivering fish to their merchants by stopping fish and oil, if the servants anticipated planters would have trouble paying wages. Such actions by servants constituted a form of insubordination during the tenure of their service, and could not be tolerated by the courts. Following what The Patriot claimed was simply the "dark"

precedent of Boulton's rulings,⁸² Bourne ruled that if servants agreed to season-long contracts, they could not interfere with their masters' business until the contract expired. The sanctity of the marketplace must be observed for the orderly conduct of business. Servants' only redress was to negotiate the payment of monthly wages -- an impossibility in an industry in which planters only realized their gain (if any) at the end of the fish marketing season.⁸³

In 1841, in an attempt to lay to rest the controversy over the wages and lien system, the judges of the Supreme Court issued a report on the issue. Two, Bourne and Lilly, accepted that no lien existed, while Assistant Judge DesBarres, who had run afoul of Boulton in the operation of the courts, abandoned his previous agreement with this, sided with the Reformers, and argued that the wage lien did exist. DesBarres tried to avoid giving any opinion on the law by claiming that the statute law on the manner had expired and could only be restored through new legislation; therefore judges should not be making recommendations. Having said this, DesBarres claimed that the wage lien did exist. The editor of the Public Ledger wondered on what basis DesBarres could base this opinion, as he conceded that there was never such a lien based on custom, and its existence in statute had expired.⁸⁴

In 1841, the Newfoundland governor sought the advice of his law officers on the state of the law as it applied to the

wages and lien system to clear any remaining uncertainty. Attorney-General Simms stated unequivocally that Palliser's Act had entrenched a migratory fishing law as a perpetual act, and British officials had continued its rule over the resident fishery by the temporary acts of 1824 until such time as the Newfoundland government could make a law more suitable to the resident fishery. The 1824 Fisheries Act had repealed Palliser's Act, so that the former's expiry in 1832 had made the preferential lien for fishermen's wages a dead letter. Solicitor-General H.A. Emerson agreed with Simms.⁸⁵ Throughout the late 1830s and 1840s, then, servants had a lien against fish and oil only in the hands of their direct employers, not fish merchants. Servants could take no action to secure wages if they interfered with their masters' marketing of fish and oil. Merchants no longer had a lien on planters' fish or effects as current suppliers. Old debts took precedence over current ones in the settlement of insolvent estates.

As a result of Simm's and Emerson's 1841 decision, the Liberal-dominated Assembly again tried to introduce a fisheries bill which would restore the wage lien against supplying merchants. The bill demanded that the government declare that this lien was a custom of the fishery which allowed fishing servants to follow the fish and oil they caught into the hands of merchants, although Liberals proposed that penalties for servants negligence or absence be

vastly increased to twenty days' wage forfeiture for every one of neglect. Government refused to allow the bill to pass into law because it first demanded the declaration of a custom which did not exist and second actually submitted fishing servants to greater oppression by their masters because of the greatly expanded penalties for negligence, which did not specify exemptions if absence was caused by something like illness.⁸⁶

Robert Parsons, who briefly flirted with a merchant-Protestant liberal alliance from 1840 to 1842⁸⁷, demonstrated his own lack of a sincere commitment to the wage lien by opposing any attempt to legislate a new one. Boulton and his successor had done the dirty work in securing market freedom in labour and capital, and now The Patriot was willing to let the issue rest on fishermen's backs. Parsons declared that any new wage law was unlikely, and advised "the fisherman to make use of the remedy in his own hands, and that is, to ship to no man who is not in responsible circumstances, without getting the supplying merchant's endorsement as security for his wages."⁸⁸ Fishermen, according to this stalwart Liberal organ, now should shoulder the responsibility for themselves as free players in the marketplace.⁸⁹ The split in Liberal ranks led to Morris' failure, in 1843, to introduce another fisheries act in the Assembly.⁹⁰

When Governor Harvey committed the government to a road and agriculture development plan to alleviate the relief

problem in 1843, his action deprived his Liberal antagonists of one of the main levers they had been using to pry responsible government out of the British government. As far as the Colonial Office was concerned, Harvey was attempting to relieve the financial burden of relief without responsible government contrary to the Liberals' suggestions.⁹¹ The Patriot, using the occasion of the second reading of Morris' proposed Fishery Act, jumped back on the bandwagon of the wages and lien issue as an alternate grievance with which to justify demands for responsible government.⁹² Unhappy that Harvey would not support responsible government, and with the manner in which he was winning over many Liberal leaders to support the government,⁹³ The Patriot, formerly a strong supporter of the Carson-Morris demand for agricultural diversification, now condemned the governor for doing just that:

See to it, then, ye who patronize Agricultural Societies and sound the trumpet of Agriculture far and wide! Your first attention should be directed to the skiff and not to the plough - for be assured your Agriculture has an unproductive and unsafe substratum if it be not based upon the produce of our teeming coasts. When shall we see the Governor of Newfoundland presiding as the Patron of a Newfoundland Fishermen's Society and a Bill introduced by the Executive to protect the rights and privileges of Fishermen? Not until we shall have introduced among us the boon of Responsible Government.⁹⁴

In 1845, the Justices of the Supreme Court (of which James Simms was now a member along with a new chief justice, Thomas Norton, and George Lilly) again confirmed that the

wage and lien system no longer formed part of statute or common law.⁹⁵ Condemning Norton, the Patriot associated him with the outrage of Boulton, and again demanded responsible government.⁹⁶ When "A Fisherman" from Carbonear wrote to say that he and his fellows were no longer willing to accept the tyranny of having no wage lien against supply merchants, and would hold public rallies to support Morris' fishery bill, the Patriot recommended this course of action.⁹⁷ It enthusiastically greeted a subsequent rally on 8 January 1845 at Harbour Grace.⁹⁸ When Morris' latest fishery bill met defeat in 1846, the Patriot again indicated that its first commitment was to responsible government. Any other issue, whether it be agricultural diversification or the wage lien, was simply a ploy to use in its attainment:

.... for we have proof enough that under no other system than that of responsible Government, could the fisherman hope for justice. Under the present Executive a new impetus had been given to a novel object - to agriculture - which compared with the substantial interests of the Fisheries, was but a glittering shadow. The governor of the colony from the Throne, had even recommended Bounties and Premiums to be liberally bestowed upon the ploughman, but the Fisherman on whom every other class in the country depended, was disregarded and uncared for. Did not this lamentable state of things show that responsibility was sadly needed in the Councils of the Colony?⁹⁹

Throughout the late 1840s and into the 1850s the debate over the wages and lien system continued. Sectarian struggle, sparked by debates on issues of school funding, increased representation in the Assembly, and reciprocity with

the Americans, finally led to responsible government in 1855.¹⁰⁰

Reformers quickly moved to throw a bone to the fishermen whose support they had cultivated on the wage law issue. The new Liberal government, in the fall of 1855, passed an act declaring that fishing servants did have a preferential lien for their wages on fish received from planters by merchants. But as Robert Lewis has recently pointed out, the working of the wages and lien system seems to have had little material effect on the history of planters' development on the northeast coast. Yet Lewis does not point out that the passing of this new wage act was symptomatic of the long-term structural problems faced by the planters he so determinedly sought to prove to have survived in Brigus, Conception Bay. Just as the earlier 1824 act defined the wage lien in terms of planter insolvency, so too did the 1855 act.¹⁰¹ The new wage law reflected the strong links which had persisted between the employment of wage labour and planter failure in the northeast coast fishery. Planters and merchants continued to get around the problems of hiring servants on fixed wages by continuing to use family labour, or labour on shares.

Planters had, by 1855, found their own solutions to the problem of employing wage labour in the northeast-coast fishery by relying on family labour and the share system. When Chief Justice Boulton arrived in the colony in 1833 few

people believed that the wage and lien system actually encouraged capital accumulation or widespread employment opportunities for servants in the fishery. Previous chief justices and government officials had indeed recommended its abolition in an attempt to encourage planter prosperity. Boulton, by not recognizing the existence of the liens for wages and current supply, simply followed the line of his predecessors.

There is no evidence to suggest that the wage and lien system underwrote planter or servant prosperity, just as little evidence exists to prove that merchants undercut it. But the history of the wage and lien system, like that of merchants' relationship to agriculture, was rewritten by Liberal campaigns for constitutional reform. Liberal leaders, particularly Robert Parsons of the Patriot, invented an historical tradition which suggested that the liens for wages and current supply were custom of the resident fishery. Boulton's decisions served as a convenient "outrage" in Liberal mythology: the Chief Justice was a foreign Tory, an arbitrary dupe of the colony's outport fish merchants out to stop any challenge to monopoly in the fish trade. While this issue may have had only a small place in larger Liberal struggles, it did require the rewriting of planters' experiences. Not understanding that the political terrain of Newfoundland demanded that he see the Roman Catholic and servant interest as the same, Boulton lost the paternal

tactical edge which his fellow Upper Canadian Tories used so well in their general election of 1836. In Newfoundland, the Liberals used the wage law issue to accommodate the producing classes, but in so doing convinced many that before Boulton took office planters prospered through the employment of servants in the fisheries, only to be undercut by his collusion with greedy merchants.

NOTES

1. John P. Greene, "The Influence of Religion in the Politics of Newfoundland," MA thesis, Memorial University of Newfoundland, 1970, p. 5.

2. Leslie Harris, "The First Nine Years of Representative Government," MA thesis, Memorial University of Newfoundland, 1959, pp. 46-50.

3. Elizabeth A. Wells, "The Struggle for Responsible Government in Newfoundland, 1846-1855," MA thesis, Memorial University of Newfoundland, 1966, pp. 3-5.

4. Gertrude E. Gunn, The Political History of Newfoundland, 1832-1864 (Toronto: University of Toronto Press, 1966), pp. 14-107. The amalgamated legislature lasted until 1847, when the imperial government restored the bicameral legislature to get Newfoundland to assume its own relief expenditure.

On Harvey see Phillip Buckner, "Harvey, Sir John," Dictionary of Canadian Biography, VIII, 1851-1860 (Toronto: University of Toronto Press, 1985), pp. 374-384.

5. Phillip McCann, "Culture, State Formation and the Invention of Tradition: Newfoundland, 1832-1855," Journal of Canadian Studies, 23 (Spring-Summer 1988), pp. 86-103.

6. Wells, "Struggle for Responsible Government," pp. 12-55.

7. Gunn, Newfoundland, pp. 105-115.

8. See Greene, "Influence of Religion," pp. 1-42; Frederick Jones, "Bishop Feild, A Study in Politics and Religion in Nineteenth Century Newfoundland," PhD thesis, University of Cambridge, 1971, pp. 18-64, 334-35; Wells, "Struggle for Responsible Government," pp. 45-55.

Phillip Francis Little's career is followed in J.K. Hiller, "Little, Phillip Francis," in Dictionary of Canadian Biography, XII, 1891-1900 (Toronto: University of Toronto Press, 1990), pp. 563-66; Parsons' in Leslie Harris, "Parsons, Robert John," in Dictionary of Canadian Biography, XI, 1881-1890 (Toronto: University of Toronto Press, 1982), pp. 673-74.

9. Gunn, Political History, pp. 25-45. This chapter focusses on Parson's pursuit of the wage and lien issue in the Patriot, as well as the conservative response in the Public Ledger. Other Liberal issues pursued in St. John's newspapers are explored in William Kearns, "The Newfoundlander and Daniel O'Connell's Great Repeal Year, A Response from 'Britain's Oldest Colony,'" paper presented to the

Annual Meeting of the New England Conference of the American Committee for Irish Studies, Chiopee, MA, October, 1986.

10. PANL, GN2\2, Newfoundland, Incoming Correspondence of the Colonial Secretary's Office (Hereafter cited as PANL, GN2\2 COL. SEC. CORR.), Box 1830, vol. II, F. 71-81; George Vandenhoff and Jn. Canning to Colonial Secretary Ayre, Western Bay, 5 October 1830.

11. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 89-97; Charles Cozens to Colonial Secretary Ayre, Brigus, 7 October 1830.

12. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 43-45; Thomas Danson, Oliver St. John, James Cawley, and William Stirling, JPs, to Colonial Secretary Ayre, Harbour Grace, 9 October 1830.

13. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 66-70; Robert J. Pinsent to Colonial Secretary Ayre, Port de Grave, 12 October 1830.

14. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 53-54; R. Otterhead to Sir Thomas Cochrane, Heart's Content, 2 October 1830.

15. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 107-112; William Kelson to the Magistrates at Trinity, Trinity, 2 October 1830.

16. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. LL, F. 99-103; Samson Mifflin to Colonial Secretary Ayre, Bonavista, 11 October 1830.

17. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 142-47; George Frampton to Colonial Secretary Ayre, Greenspond, 20 October 1830.

18. PANL, GN2\2, COL. SEC. CORR., Box 1830, vol. II, F. 241-48; Joseph Simms to Colonial Secretary Ayre, Twillingate, 23 October 1830.

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22. CO 194, B-534, v. 84, 1832, F. 78-82.

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27. Paul Romney, Mr Attorney: The Attorney General for Ontario in Court, Cabinet, and Legislature 1791-1899 (Toronto: University of Toronto Press, 1986), pp. 63-82. The reference to 1794 is about the British government's grant of a constitution for the colony of Upper Canada.

28. CO 194, B-539, v. 93, 1835, F. 24-26; Chief Justice H.J. Boulton to R.W. Hay, St. John's, 7 January 1835.

29. Gunn, Newfoundland, pp. 22-52.

30. The Newfoundland Liberals' overtures for fishing-servant support resembled the Wilkite liberals earlier struggles in England against merchant-aristocratic domination of political power, and the abuse of power by the British magistracy. In their appeal for popular support, the Wilkites made much of the lower order's rights as British subjects to have the rule of English common law fairly applied to them. True Englishmen did not have to subject themselves to the arbitrary exercise of authority on the part of the judiciary.

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31. CO 194, B-538, v. 90, 1835, F. 319-36; Memorial of the Inhabitants of St. John's.

32. CO 194, B-534, v. 98, 1837, F. 213-14; petition of the House of Assembly to Queen Victoria, 18 October 1837, William Carson - Speaker.

33. On the nature of Irish immigration to Upper Canada see D.H. Akenson, The Irish in Ontario: A Study in Rural History (Montreal and Kingston: McGill-Queen's University Press, 1984), pp. 3-47; for Irish support of the Tories, albeit for their own purposes, see pp. 139-201. On Roman Catholic hierarchical support of the Tories see W.B. Kerr, "When Orange and Green United, 1832-9; the alliance of Macdonell and Gowan," Ontario History 34 (1942), pp. 34-42.

34. Hereward and Elinor Senior, "Boulton, Henry John," Dictionary of Canadian Biography, IX, 1861-1870, (Toronto and Quebec: University of Toronto Press and Laval University, 1976), p. 70.

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36. My interpretation of the O'Connellite courting of fishing servants by Fleming and the Liberals comes from Raymond Lahey, "Fleming, Michael Anthony," Dictionary of Canadian Biography, VII, 1836-1850, (1988), pp. 292-99. Phillip McCann, "Bishop Fleming and the Politicization of the Irish Roman Catholics in Newfoundland, 1830-1850," in Terrence Murphy and Cyril J. Byrne, eds., Religion and Identity (St. John's: Jespersen Press, 1987), pp. 81-98. Keith Matthews, "The Class of '32: The Newfoundland Reformers on the Eve of Representative Government," in P.A. Buckner and David Frank, eds., The Acadiensis Reader: Volume One, Atlantic Canada Before Confederation (Fredericton: Acadiensis Press, 1985), pp. 212-26. My perspective is informed by David Wilson's "The Irish in North America: New Perspectives," Acadiensis, XVIII (Autumn 1988), pp. 127-32.

37. The politics of Conception Bay servants is explored in Linda Little, "Plebeian Collective Action in Harbour Grace and Carbonear, Newfoundland, 1830-1840," MA thesis, Memorial University of Newfoundland, 1984, pp. 122-185. Her work is more readily accessible in summarized form in "Collective Action in Outport Newfoundland: A Case Study from the

- 1830s," Labour/Le Travail, 26 (Fall 1990), pp. 7-35.
38. Howley, Ecclesiastical History, pp. 329-30.
39. CO 194, B-544, v. 99, 1837, F. 146-52; Chief Justice H.J. Boulton to Governor Prescott, St. John's, 27 September 1837.
40. CO 194, v. 99, 1837; Boulton to Prescott, F. 153-54.
41. CO 194, v. 99, 1837; Boulton to Prescott, F. 154-66.
42. CO 194, v. 99, 1837; Boulton to Prescott, F. 171-185.
43. CO 194, v. 99, 1837, Boulton to Prescott, F. 184-185.
44. The Patriot, St. John's, 30 June 1835.
45. Ibid., 13 October 1835.
46. Ibid., 3 November 1835.
47. Ibid., 3 November 1835.
48. Ibid., 3 November 1835.
49. Ibid., 24 November 1835.
50. Ibid., St. John's, 1 December 1835.
51. The Public Ledger, St. John's, 5 February 1836.
52. Ibid., 5 February 1836.
53. CO 194, B-541, v. 95, 1836, F. 50-55; petition of the Inhabitants of Newfoundland to the King in Council, 1836.
54. CO 194, B-541, v. 95, 1836, F. 62-64; J.V. Nugent to Joseph Templeman, acting Colonial secretary, St. John's, 12 July 1836.
55. The Patriot, St. John's, 19 January 1835.
56. Ibid., 9 February 1836.
57. Ibid., 16 February 1836.
58. Ibid., 21 May 1836.
59. Ibid., 3 December 1836.

60. The Patriot, St. John's, 11 February 1837. Parson's commitment to his version of responsible government appears to have stemmed from, or at least to have been reinforced by, his examination of Upper Canadian affairs in The Patriot. While this may partially be a result of Boulton's origins, Newfoundland interest in Upper Canada rather than the maritimes was of much deeper roots. Certain officials, like Governor Harvey, may have been assigned to the island by the Colonial Office, or John Kent might have spoken with Joseph Howe about responsible government (misunderstanding the latter in the process, see Wells, "Struggle for responsible Government," pp. 15-17) but there is little reason to believe that this was because of any special inter-regional links in the politics or society of what has become known as Atlantic Canada. The previous chapter shows that planters who left Newfoundland searched out better lives in the American midwest, still very much the settlement frontier of North America.

Philip Henry Gosse, a merchant's agent in Carbonear, related that, in the 1830s, Conception Bay people of his social circle (well-off planters and small merchants) avidly read the work of Catharine Parr Traill on settlement in Upper Canada. Gosse abandoned Newfoundland, with friends, for settlement on lake Huron. See Edmund Gosse, The Life of Philip Henry Gosse (London: Kegan, Paul, 1890), pp. 85-86.

The idea of responsible government as party government began to gain public prominence throughout British North America at this time, becoming visible with Upper Canada's very public battle between Bond Head and radical Reformers during the 1836 general election, when Boulton was under heavy attack from the Liberals. See Phillip A. Buckner, The Transition to Responsible Government: British Policy in British North America, 1815-1850 (Westport, Cn.: Greenwood Press, 1985) for a description of the general phenomenon. The events in Upper Canada are examined in Sean T. Cadigan, "Paternalism in Politics: Sir Francis Bond Head, the Orange Order and the General Election of 1836," Canadian Historical Review (1991), forthcoming.

61. PANL, GN2\2, COL. SEC. CORR., Box 1837, v. 1, (January-April) 1837, F. 96-105; Chief Justice H.J. Boulton to Governor Prescott, St. John's, 25 January 1837.

62. PANL, GN2\2, COL. SEC. CORR., Box 1837, vol. 2, F. 45-50; Boulton to Prescott, St. John's, 28 July 1837.

63. CO 194, B-545, v. 103, "Complaints against Chief Justice Boulton...."; Report of Committee of the whole House of Assembly on the present state of Justice in Newfoundland," J.V. Nugent, chair, 10 October 1837.

64. CO 194, B-545, v. 103, 1838, "Report of Committee of the whole...", Nugent, 10 October 1837, F. 45.
65. CO 194, B-545, v. 102, 1838, F. 407; "Copy of Addresses received at the Colonial Office from the ... Assembly of Newfoundland", William Carson, speaker, 25 October 1838.
66. Provincial Archives of Newfoundland and Labrador, Colonial Office Papers # 194 (Hereafter cited as PANL, CO 194), Reel A50 (A-3-1), v. 103, 1838, F. 263; Petition of Patrick Morris to Lord Glenelg, St. John's, 26 April 1838.
67. PANL, CO 194, A50 (A-3-1), v. 103, 1838, F. 266; Morris Petition, 1838.
68. Provincial Archives of Newfoundland and Labrador, GN5\3\B\19, Harbour Grace Court Records, Box 37, File 8, 1845: James Simms to R.J. Pinsent, JP, St. John's, 17 January 1845.
69. Provincial Archives of Newfoundland and Labrador, GN5\3\B\19, Harbour Grace Court Records, Box 76, File 5, "An Act regulating the service of Merchant seamen engaged in Nfld 1837."
70. Patrick O'Flaherty, "Lundrigan (Landergan, Landrigan, Lanergan), James," Dictionary of Canadian Biography, VI, 1821-1835 (Toronto: University of Toronto Press, 1987), p. 410.
71. PANL, CO 194, A50 (A-3-1), v. 102, F. 266; Morris petition, 1838. Morris' statement unwittingly showed that the wages and lien system was a custom of the migratory fishery.
72. Newfoundland, Journal of the House of Assembly, 2, II & III, 1838, Appendix (II), "Memorial of Patrick Morris to the Right Honourable Lord Glenelg," 26 April 1838, pp. 98-104. This is an unedited version of Morris' memorial.
73. Provincial Archives of Newfoundland and Labrador, GN5\2\A\1, Supreme Court of Newfoundland, Box 2, minutes 1817-18, July-december 1817, Francis Forbes, Chief Justice, F. 183-189, Appeal of Trustees of Crawford & Co. vs. Cunningham & Bell. Box 2, 1811-15/1817-18, minutes, July-December 1817, Francis Forbes, Chief Justice, F. 261-63; Keefe vs, Trustees of Shannon & Co., 8 December 1817.
74. Provincial Archives of Newfoundland and Labrador, GN5\2\A\1, Supreme Court of Newfoundland, Box 5, Minutes 1823-24, R.A. Tucker, Chief Justice; Brehaut & Sheppard vs. Trustees of LesMessuriers estate for debt £2887.2.4, 10 November 1823.

75. CO 194, B-546, vol. 103, 1838, F. 325-346; "In the Privy Council. In the Matter of the Complaint of the House of Assembly of Newfoundland against the Honourable H.J. Boulton, Chief Justice of Newfoundland. Case of the Chief Justice."
76. CO 194, vol. 104, 1836-38 drafts, F. 260-68; Lord Glenelg to Governor Prescott, London, 28 July 1838.
77. Gunn, Political History of Newfoundland, p. 45.
78. Gunn, Political History of Newfoundland, pp. 22-45.
79. PANL, Cochrane Papers, Reel 971.8C4, MSS. 2350, Box 4, # 149-54; James Simms to Sir Thomas Cochrane, St. John's, 6 June 1835.
80. PANL, Cochrane Papers, Reel 971.8C4, box 4, MSS. 2350, # 184-87; Simms to Cochrane, St. John's, 21 January 1837.
81. The Public Ledger, St. John's, 3 March 1840; 26 January 1841.
82. The Patriot, St. John's, 21, 28 November 1840.
83. Ibid., 19 December 1840.
84. The Public Ledger, St. John's, 12 March 1841.
85. Newfoundland, Journal of the House of Assembly, 2, VI, 1841, Appendix, pp. 82-82; James Simms to Colonial Secretary Crowdy, St. John's, 7 March 1841; H.A. Emerson to Crowdy, St. John's, 7 3 March 1841.
86. The Public Ledger, St. John's, 2 April 1841.
87. Liberal leadership had fractured in 1840 over a by-election contest in St. John's. James Douglas, a Liberal Presbyterian merchant, first declared his candidacy, supported by Carson and Parsons, only to be challenged by Irish Catholic merchant Laurence O'Brien, supported by John Kent, J.V. Nugent, and Bishop Fleming. O'Brien won the campaign, but alienated protestant Liberals like Parsons. Shortly after, Douglas began to assert that his followers were true Newfoundland natives, not Irish-born foreigners. The Newfoundland Natives' Society emerged from public sentiment similar to Douglas', supported by Parsons. The Patriot editor hoped to build an alliance of merchants and anti-clerical liberals to gain constitutional change. The Irish Catholic faction of the Liberals, which dominated the Assembly, cut off Parson's patronage as the Assembly printer. This punishment, and Native Society ambiguity on the issue of

constitutional reform led Parsons back to the Liberal fold. See Geoff Budden, "The Role of the Newfoundland Natives Society in the Political Crisis of 1840-1842," Honours Dissertation, Memorial University of Newfoundland, 1983, pp. 11-52.

88. The Patriot, 13 February 1841.
89. Ibid., St. John's, 10 March 1841.
90. The Public Ledger, St. John's, 3 March 1843.
91. The Patriot, St. John's, 18 January 1843.
92. Ibid., St. John's, 20 March 1844.
93. Phillip Buckner, "Harvey, Sir John," pp. 375-84.
94. The Patriot, St. John's, 6 November 1844.
95. Newfoundland, Journal of the House of Assembly, 3, III, Appendix, Fisheries, p. 202; Thomas Norton, George Lilly and James Simms to the Governor, St. John's, 26 March 1845. See also The Weekly Herald, Harbour Grace, 23 April 1845.
96. The Patriot, St. John's, 30 April 1845.
97. Ibid., 20 November 1844.
98. The Patriot, St. John's, 15 January 1845. The rally's proceedings are summarized in The Weekly Herald, Harbour Grace, 8 January 1845; 29 January 1845. Few details exist of these rallies to allow a full analysis of their composition and effect.
99. The Patriot, St. John's, 4 February 1846.
100. Gunn, Newfoundland, 128-40.
101. Robert M. Lewis, "The Survival of the Planters' Fishery in Nineteenth and Twentieth Century Newfoundland," in Rosemary E. Ommer, ed., Merchant Credit and Labour Strategies in Historical Perspective (Fredericton: Acadiensis Press, 1990), pp. 110-11.

CHAPTER TEN:

Conclusion

The Reformers', and later Liberals', struggles for constitutional change led to a reinterpretation of the history of Newfoundland's fishery, including that of the northeast coast. The Reform-Liberal wisdom held that fish merchants, particularly outport merchants with West Country roots, purposefully and consistently opposed colonial agricultural development to maintain their control over Newfoundland's economy and government. These merchants, furthermore, undercut the wage and lien system to preserve their hegemony in the fish trade against planters' use of servants. The northeast coast, along with the rest of nineteenth-century Newfoundland, remained dominated by fishing families' impoverishment by truck with merchants who refused to allow residents to develop alternate forms of production, or ways of organizing labour in the fishery, which would lessen dependence on merchant credit. While a well-established Newfoundland historiography suggests that it is no longer acceptable to see fish merchants as such villains responsible for Newfoundland's underdevelopment¹, this view has still found a home in some recent writing, particularly that of Steven Antler and Gerald Sider.²

Sider's interpretation rests on the notion that merchants were inherently conservative, acting against any social or economic challenge to their hegemony in New-

foundland society. The proof of this interpretation presupposes that some new group or nascent industrial producers found ways that would have lessened their dependence on credit had merchants not otherwise opposed them. Neither Sider nor Antler, however, have marshalled any evidence to support their view that the early nineteenth century witnessed the growth of a local capitalist market in either supplies or labour which could have lessened fish producers', particularly planters', reliance on merchants' imports and access to international fish markets.

This thesis has found that merchants did not oppose northeast-coast agricultural development or use the courts to halt the increased employment of wage labour by planters in the fishery. It has shown that the fiction of merchant hostility to agriculture and capitalist productive relations in the fishery was, in fact, a creation of the Liberals in their campaigns against the government in Newfoundland between 1815 and 1855. Liberals needed bogeymen against whom to mobilize popular opinion to support their cause, and found them in a supposed cabal of fish merchants and official sympathizers. Indeed, little evidence exists to suggest that many northeast-coast fishermen conducted their enterprise through the use of much hired labour in any form; the fishery of the northeast coast of Newfoundland in the first half of the nineteenth century continued to rest primarily on the labour of families within households, supplemented by

servants at those times when the family could not supply enough. The offspring of these households sought work as servants in the seal fishery and on the Labrador as a buttress to their families, and perhaps as a transitional stage on the way to the establishment of their own households. Servants hired on the northeast coast were usually paid by shares. The labour of the family proved to be the crucial underpinning of an economy based on household production.

A nascent capitalist fishery did not emerge on the basis of the wages and lien system embedded in Palliser's Act. There is much evidence to support the interpretation that such a fishery struggled to the fore during the boom times of the late Napoleonic Wars despite the actual constraints imposed on planters by the wages and lien system. The end of war saw the end of this nascent capitalist development and the reassertion of household production in the northeast coast fishery, except in the Labrador fishery. There planters continued to use labour hired on shares to supplement family-supplied labour. Even in this case, however, planters often behaved more as merchants, using truck to minimize wage payments to servants, and supplying freight and supply services to families which made the annual migration to fish on the Labrador coast.

This thesis cannot support the contention that merchants actively opposed local class differentiation and market

diversification in the northeast-coast fishery. It suggests rather that the coast's severe resource constraints limited the paths producers could find to escape their near-complete reliance on fish merchants. Truck represented a paternal accommodation between fish merchants and fishing families in an industry dominated by cyclical depression in prices and catches. However, fishing families were not passive victims in this accommodation, unable to shape the course of their history by either determinant geography or merchant conservatism. By cultivating the soil, northeast-coast families took the lead over government policy and merchant credit restriction in trying to find ways to deal with the problems of the fishing industry, doing so to lessen dependence on the cost of merchant credit. Fishing families' search for year-round subsistence from local resources was the dynamic which led merchants and government to accept and accommodate settlement and colonial government. Planters and fishermen, furthermore, did not accept merchants' and masters' use of truck without challenge, often resorting to court action or direct violent confrontation to limit their exploitation by price manipulations on their accounts.

This is not to say that truck was somehow 'good' for Newfoundland, or that it was not exploitative. Merchant trade with the household producers of the northeast coast was not a trade that saw fishing families see all of the fruits of their labour returned to them. Merchants wanted to profit

from their trade with fishing families, and were quick to withdraw credit from the fishery at times when they felt that they were not earning enough from it. Such tightening of credit forced fishing servants to use the power of the mob in 1816-17 and 1832-33 to force open merchant stores to avoid famine. While direct evidence of merchant pricing policies is scarce, there is anecdotal evidence which suggests that merchants treated their clients' accounts much as did the Robins in the Gaspé, using high markups on goods to minimize the returns to fishing families from their produce.³ James Hiller has found that truck did contribute to the impoverishment of fishing families because "... the merchants' control over the price mechanisms caught the fishermen in a system in which they had little or no bargaining power. They came to accept whatever prices the merchants imposed, and to live with debt and uncertainty."⁴

Merchant capital did not help Newfoundland's domestic capitalist development but it did not prevent it either. The experience of social formation in Newfoundland's northeast-coast fishery suggests the usefulness of an alternative staple perspective on Newfoundland's underdevelopment which emphasizes the influence of the region's resource endowment in productive relations in explaining divergent paths of capitalist development. The staple model and class analysis need not be mutually exclusive: in the exploitation of British North American resources, after all, merchants were

everywhere. How can any supposedly inherent attributes of merchants themselves explain why development occurred in some areas and not in others? Adherents of the staple model such as R.E. Baldwin emphasize that it is the productive relationships implicit in the production of staples for export which are crucial to understanding internal transitions in colonies away from reliance on the primitive accumulation of the export sector to the growth of a mature, internal market structure.⁵ Thus in colonies which had the resources to support petty production in agriculture, farming households could produce a wide range of goods to meet their own subsistence requirements in the struggle to avoid the obligations of merchant credit.⁶ Instead of being tied to expensive imports, family farms could shelter under initial independent family subsistence, using marginal surpluses to provide earnings to meet consumption needs the farm itself could not produce. The cumulative effect of such market activity in the farm's surplus was the household's specialization in producing particular commodities for the market, curtailing subsistence production in favour of the purchase of consumer and capital goods, much of which could be produced from raw materials yielded from the very same agricultural activities. In effect such changes underwrote the development of domestic market stimuli for capitalist development, differentiation between town and country, and the establishment of market relations between capital and

labour as commodities.⁷

As Rosemary Ommer has already pointed out, regions dominated by marine resources which require no hinterland development, tend not to be conducive to the evolution of a space economy: producing salt cod on the littoral provides no incentive for diversification. Moreover, merchant capitalists manipulated the cod fishery of Gaspé for their own benefit, using truck as a means of controlling the producing class and preventing them from developing into competitors through local capital accumulation and consequent domestic market expansion.⁸ In other words household producers in the cod fishery could not find local means by which to escape the hegemony of merchant capital. People cannot live by cod alone, although it seemed at times that they might have to in Newfoundland. The development of the social relations of production on the northeast coast of Newfoundland in the nineteenth century must be understood in terms of the interaction of people and resources. Newfoundland's resources narrowed the channels in which class development might move. From 1784 to 1855 Newfoundland society and economy remained dominated by the cod fishery. More particularly, the fishing folk of Newfoundland remained tied to fish merchants by the exploitative bonds of truck. The lasting quality of this relationship in part reflected merchants' unwillingness to risk much of their capital in provisioning production -- that is, they tried to extend as

little credit as possible to fish producers, particularly in the case of supplying winter provisions. Merchants had to supply some capital equipment, like nets and hooks, if fishermen were to provide the staple commodities of their trade, but they could cut back on the amount of food they were willing to give fisher families. British authorities in the island cooperated with merchants by allowing families to cultivate what land they needed to provide for their winter subsistence.

Merchants in the Newfoundland fishery, whether from the West Country or St. John's, accepted the agricultural activities of fishing families because they knew such activity could not support families' escape from reliance on the merchants' capital. Fish producers relied even more on family labour to minimize the amount of credit they needed from merchants to pay wages. Before 1832, the Newfoundland governors opposed only the grandiose agricultural schemes of the Newfoundland reformers. After 1832, the governors began to cooperate with the agriculture development schemes of the Liberal-dominated House of Assembly because they could not accept the alternative: that government would have to pay for the northeast coast's poor agricultural resources through the continual provision of relief. From 1832 to 1855, despite the emphasis given to such projects, government saw little alleviation of its relief obligations. Even in the better-endowed region surrounding St. John's, where some

commercial agriculture did develop, Newfoundland's soil and climate restricted farming. Farms remained small family affairs supplying garden vegetables and dairy products to St. John's through the intensive cultivation of land, without being able to approach meeting the needs of that town, let alone those of the rest of the colony.⁹

In Newfoundland, as in the other British North American colonies of the time, a combination of both market and nonmarket activities by families supported the production of the staple commodities so important to British commerce. But unlike these other colonies, Newfoundland had only the fish trade, and the production of cod required very little processing. While the fishery did have some potential for linkage development, and hence could have created some opportunities for economic diversification, Newfoundland's resources were not rich enough to provide an alternative development path which could have challenged fish merchants' economic hegemony. Merchants and the state could encourage subsistence agriculture in Newfoundland because they knew it could not support local market diversification, productive specialization, or a gentry. In consequence, domestic commodity, and not capitalist, production defined the internal social relations of Newfoundland in this period.

The labour requirements of the fishing household ensured that even female labour would be closely integrated into staple production for the market. Women had little time for

the nonmarket production which provided the basis for so much of the early domestic industry of places like Ontario. Even the crucial reproductive work that fishing women did engage in, an underpinning of the staple trade as much as of their families, remained constrained by the northeast coast's poor agricultural resources, and families' dependence on merchants' imports.

If historians are to accept that merchant capital is inherently conservative, doing little on its own either to inhibit or encourage socio-economic transformation, then they will have to stop looking to merchants for explanations of Newfoundland underdevelopment in the first half of the nineteenth century. Throughout North America colonial societies were marked by the importance of merchants in the early stages of social and economic development. Such merchants were committed to their own profit, not necessarily to the development of those regions which supplied the staples of their trades. Merchants could, when their trade demanded it, become quite innovative in the development of local economic infrastructure. But ultimately, industrial development came from the differences between town and country emerging on the back of petty production in agriculture and related manufacturing in regions where local resource endowment permitted such to occur. Merchant capital fastened on to the new opportunities for such development in regions where such was possible. Newfoundland was not one of

these regions: the fishery could not support such local diversification, and Newfoundland's resource environment allowed the production of almost nothing else to support producer's escape from dependence on truck. Merchants faced no challenge from the growth of a local nascent capitalist class because such a class did not exist in the fishery.

Notes

1. Keith Matthews, "History of the West of England-Newfoundland Fishery," unpublished PhD thesis, Oxford University, 1968; C. Grant Head, Eighteenth Century Newfoundland (Toronto: McClelland and Stewart, 1976); W. Gordon Handcock's Soe longe as there comes noe women: Origins of English Settlement in Newfoundland (St. John's: Breakwater, 1989), see especially pp. 73-144. This should be read alongside Handcock's "English Migration to Newfoundland," as well as Michael Staveley's "Population Dynamics in Newfoundland: The Regional Patterns," Alan G. Macpherson's "A Modal Sequence in the Peopling of Central Bonavista Bay, 1676-1857," and Patricia Thornton's "The Demographic and Mercantile Bases of initial permanent Settlement in the Strait of Belle Isle," in John J. Mannion, ed., The Peopling of Newfoundland: Essays in Historical Geography (St. John's: Institute for Social and Economic Research, 1977); Patricia Thornton, "The Transition from the Migratory to the Resident Fishery in the Strait of Belle Isle," in Rosemary E. Ommer, ed., Merchant Credit and Labour Strategies in Historical Perspective (Fredericton: Acadiensis Press, 1990), pp. 137-66.
2. Steven Antler, "Colonial Exploitation and Economic Stagnation in Nineteenth Century Newfoundland," PhD. thesis, University of Connecticut, 1975; Gerald Sider, Culture and Class in Anthropology and History: A Newfoundland Illustration (Cambridge: Cambridge University Press, 1986).
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4. James K. Hiller, "The Newfoundland Credit System: An Interpretation," in Ommer, ed., Merchant Credit, p. 95.
5. R.E. Baldwin, "Patterns of Development in Newly-Settled Regions," Manchester School of Economics and Social Studies, 24 (1956), 165-75.
6. Douglas McCalla, "Rural Credit and Rural Development in Upper Canada, 1790-1850," in Ommer, Merchant Credit, pp. 255-272.
7. James M. Gilmour, Spatial Evolution of Manufacturing in Southern Ontario 1851-1891 (Toronto: University of Toronto Press, 1972), pp. 3-29; Leo Johnson, History of the County of Ontario 1615-1875 (Whitby, Ont.: The Corporation of the County of Ontario, 197?), pp. 143-57; Bryan D. Palmer, "Social Formation and Class Formation in North America, 1800-1900," in David Levine, ed., Proletarianization and Family

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8. Rosemary E. Ommer, " From Outpost to Outport: A Structural Analysis of the Jersey-Gaspé, 1767-1886 (Montreal and Kingston: McGill-Queen's University Press, 1991), pp. 190-199.

9. Robert A. MacKinnon, "The Growth of Commercial Agriculture Around St. John's, 1800-1935: A Study of Local Trade in Response to Urban Demand," Unpublished MA thesis, Memorial University of Newfoundland, 1981, pp. 2-9, 79-89.

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Appendix A

Selection of Court Record Evidence

The bulk of the evidence used in this thesis is drawn from the records of the various courts which sat at Harbour Grace from 1785 to 1855 and are now partially preserved at the Provincial Archives of Newfoundland and Labrador. Two courts dominated Conception Bay's civil suits: the Surrogates Court (GN5\1\B\1) from 1785 to 1825, and the Northern Circuit Court from 1826 to 1855. All of the surviving minutes of the Surrogates Court were read for this thesis. Cases drawn from this court are cited by Box number, minute book date, then date of case. Folio numbers have not been used because damage to the minute books edges have not made them consistently available. Researchers can find cases cited here in two ways. First, one can simply scan all the cases cited on a particular day until the plaintiff's and defendant's names are found. Second, if folio numbers exist, often an index of cases may be found at the back of a minute book which may be used to direct the researcher to the folio numbers of the case under examination.

The voluminous official minutes of cases heard by the Northern District Court (GN5\2\B\1), and its inferior body the Court of Sessions (GN5\4\B\1), contain little more than the names of adversaries, the title of their dispute, and a brief notation of sentence. No court transcripts are provided. Research for this thesis, in consequence, was

directed towards another set of records for both courts: the Harbour Grace Court Records Collection (GN5\3\B\19). This collection contains two basic types of files: writs issued by the Courts of Session and the Northern District Courts by the latter's authority, and miscellaneous documents, trial transcripts, evidence, and judicial correspondence for the years 1825-1855. Besides the Surrogates Records, all of the files for the period 1826-1855 were examined for this thesis. The Harbour Grace Court Records provide a much fuller array of material on life and labour on the northeast coast than do the district courts' official minutes.

The large size of the Harbour Grace Court Records demanded that some basic sampling be used. The collection consists of 75 large archive boxes, each containing approximately 10 to 11 files. All files containing miscellaneous documents were read. Writs files alone were sampled. No random selection process was employed. The Provincial Archives of Newfoundland and Labrador collected this material from the old court house of Harbour Grace. Staff picked up material from the floor and stuffed it into file folders without any further organization, ensuring a certain amount of randomness. No finding aids or computerized access to this collection exists. Every fourth writ was read for this thesis. Sampled writs can be identified in endnotes by the presence of a writ number at the end of the citation. The following index to writs selected is provided for further

reference:

Box 18	File 1 (1829)	6	writs	File 2 (1829)	9	writs
	File 3 (1829)	7	"	File 4 (1833)	7	"
	File 5 (1833)	6	"	File 6 (1833)	10	"
	File 7 (1834)	9	"	File 8 (1834)	6	"
	File 9 (1836)	8	"	File 10 (1837)	7	"
	File 11 (1837)	3	"	File 12 (1837)	2	"
Box 19	File 2 (1829)	10	"	File 6 (1829)	13	"
Box 20	File 1 (1833)	5	"	File 6 (1853)	5	"
	File 9 (1832)	9	"	File 10 (1832)	13	"
Box 21	File 3 (1838)	4	"	File 4 (1838)	5	"
	File 5 (1848)	3	"	File 6 (1848)	3	"
Box 22	File 6 (1832)	8	"	File 7 (1832)	8	"
	File 8 (1832)	8	"			
Box 26	File 1 (1848)	4	"	File 2 (1848)	1	"
	File 3 (1855)	4	"	File 4 (1855)	5	"
	File 10 (1827)	6	"	File 14 (1845)	2	"
Box 27	File 4 (1840)	4	"	File 5 (1840)	4	"
Box 28	File 3 (1837)	9	"	File 5 (1837)	8	"
	File 10 (1837)	3	"	File 11 (1837)	6	"
Box 30	File 1 (1826)	12	"	File 2 (1826)	12	"
	File 3 (1826)	12	"	File 4 (1827)	1	"
	File 5 (1827)	8	"	File 6 (1827)	11	"
	File 7 (1830)	7	"	File 8 (1830)	5	"
Box 34	File 1 (1840)	8	"			
Box 38	File 1 (1852)	3	"	File 2 (1852)	1	"
	File 4 (1830)	10	"	File 5 (1830)	8	"
	File 6 (1830)	5	"	File 9 (1844)	3	"
	File 11 (1844)	4	"			
Box 41	File 2 (1826)	9	"	File 3 (1826)	13	"
	File 4 (1834)	13	"	File 5 (1839)	6	"
Box 42	File 1 (1840)	5	"	File 2 (1840)	6	"
Box 47	File 2 (1846)	2	"	File 3 (1839)	8	"
Box 49	File 3 (1840)	3	"	File 4 (1840)	5	"
	File 5 (1845)	3	"	File 6 (1845)	7	"
Box 50	File 1 (1835)	7	"			

Box 54	File 4 (1831)	8	"	File 5 (1831)	9	"
	File 6 (1839)	6	"	File 8 (1843)	1	"
	File 12 (1839)	6	"			

Box 55 File 2 (1830-5) 2 writs

Box 56	File 2 (1830)	7	"
	File 3 (1830-5)	7	"
	File 4 (1830-5)	5	"
	File 5 (1846-7)	2	"

Box 74	File 1 (1842)	6	"
	File 2 (1842)	5	"
	File 3 (1842)	2	"
	File 4 (1843)	5	"
	File 5 (1841)	5	"
	File 6 (1842)	6	"
	File 7 (1841-2)	4	"
	File 8 (1849)	1	"
	File 9 (1843)	2	"

Box 75	File 4 (1841)	6	"
	File 5 (1841)	2	"
	File 6 (1841)	2	"
	File 7 (1835)	5	"
	File 8 (1842)	4	"

TOTAL WRITS SAMPLED: 542 (no count of the total number of writs in this collection exists, but there are well-over 2,000).

The sampled writs do not always indicate who won or lost a case. They do provide a wealth of material, incidental to the case, about social and productive relationships in the Conception Bay fisheries. Evidence drawn from the sampled writs, as well as from other documents in the Harbour Grace collection, and from those few cases from the Surrogate minutes where trial transcripts were actually transcribed and preserved have been used in this thesis to supplement government correspondence, newspapers, and missionary correspondence to illustrate interpretations offered about

the development of northeast coast society. Evidence was drawn from a further collection, the pre-1826 Court of Sessions (GN5\4\B\1), to supplement Surrogate evidence. The Court of Sessions heard criminal and petty civil cases when the Surrogate Court was not in session.

The sample of writs were broken down into basic categories for descriptive purposes [see following table]. Sixty-eight per cent of the writs involved simple debt disputes covering everything from payment defaults on promissory notes, merchants' suits for account payments, to a variety of petty debt disputes between residents of Conception Bay. This thesis focuses on wage and insolvency disputes because historiography identifies these as having a particular importance in capital accumulation on the northeast coast. Research for this thesis is part of a larger study of all the civil cases of surviving court records for the northeast coast which will examine debt disputes for evidence of St. John's merchants' relationship with Conception Bay.

Table 17

Sample of Writs from the Northern Circuit Court, 1826-1855

Year	Wages	Debt	Insolvency	Land\	Other	Total
		Lab.	Inshore	Lease		
1826	6	46	0	0	1	58
1827	3	16	0	1	3	26
1828	-	-	-	-	-	-
1829	7	29	0	0	1	44
1830	3	36	0	0	9	54
1831	2	12	0	0	1	17
1832	7	37	0	0	2	53
1833	7	12	1	0	4	30
1834	2	21	1	0	2	28
1835	2	9	0	0	0	12
1836	0	7	1	1	0	9
1837	5	22	2	1	5	38
1838	0	7	0	0	0	9
1839	0	21	0	0	1	26
1840	6	24	0	1	0	35
1841	1	15	0	0	2	19
1842	5	14	0	0	3	25
1843	0	5	1	0	0	6
1844	4	1	0	0	0	7
1845	1	10	1	0	0	12
1846	2	1	0	0	0	3
1847	0	0	0	0	0	0
1848	1	9	0	1	0	12
1849	0	1	0	0	0	1
1850	-	-	-	-	-	-
1851	-	-	-	-	-	-
1852	0	3	0	0	0	4
1853	2	3	0	0	0	5
1854	-	-	-	-	-	-
1855	2	5	0	1	1	9
TOTAL	68	366	7	6	35	542

Appendix B

The following are the accounts of three planters in the preserved Harbour Grace Court Records. It is uncertain as to whether these are the only accounts the planters kept with their merchants, or are confined to their Labrador fishery. Note that the three planters used credit to pay for everything they needed for their voyages, including the shares and wages of their servants. All of the planters' accounts exhibit similar patterns indicating that the planters laid in supplies for their trip to Labrador in the first two weeks of June, and attempted to settle accounts with their merchants in late autumn. The amount of children's and women's clothing purchased on all the accounts suggests that the planters took many of their own family members to the coast's fishery. Only one female servant appears, in the account of John Keilly & Sons. Finally, the large amounts of supplies, and specific references to servants' articles of clothing and footwear, may suggest that planters either supplied these goods as part of the servants' remuneration, tried to deal with their servants in truck as well, simply allowed servants to use their credit to purchase from merchants, or some combination of all three.

Account of Daniel Meaney with Pack, Gosse and Fryer, 1840Debit

1 Jan. Balance due	£226.08.00	17 June 6 firkins	03.18.00
60 qtls. mble. deleted	34.10.00	1 Hf. hhd.	00.11.00
7 tons salt at Lab.	17.10.00	1 role hhd. hoops	00.02.06
4 Oct. (1838) salt	36.05.00	1 role hf hoops	00.01.06
4 June 2 pr. boys shoes	00.13.00	10 cwt. bread	15.00.00
1 ? tea	00.05.00	2 cwt. fine bread	03.04.00
5 June 1 pr. mens shoes	00.09.06	4 bl. fine flour	10.10.00
3 yd. serge	00.06.09	4 bl. Hamburg pork	22.00.00
4 1/2 yd. canvas	00.09.00	250 bl. Hg. butter	14.11.00
12 yd. pilot cloth	01.02.00	0.3.4 cordage	03.06.00
thread	00.02.06	12 grapnels	01.10.06
12 gal. molasses	00.07.06	19 1/2 bar lead	00.13.00
6 ? butter	00.07.00	30 asst. nails	00.15.00
7 June herring twine	00.02.00	10 oakum	00.04.02
caplin twine	00.03.06	56 cork	01.08.00
8 June goods per ?	01.05.06	16 candles	00.06.00
10 June herring twine	00.02.06	12 soap	00.01.04
3 1/2 yd. swanskin	00.12.03	5 1/2 pun yarn	00.04.02
12 June 10 oars	01.05.00	1 pr. mens shoes	00.09.06
1 cwt. bread	01.10.00	1 canvas frock	00.06.00
13 June 5 ton salt	12.10.00	2 pr. yarn hose	00.07.00
2 1/2 yd. cloth	01.08.09	1 cotton shirt	00.04.06
1 pr. mens shoes	00.09.06	4 yds. swanskin	00.14.00
thread	00.01.00	1 hat	00.04.06
12 buttons	00.00.08	1 blanket	00.09.00
1 yd. canvas	00.02.00	1 thread	00.01.00
14 June 36 gal molasses	06.15.00	1 tea	00.04.06
6 ga butter	00.07.00	18 long lines	01.16.00
15 June 8 ga tea	01.04.00	100 hooks	00.08.06
4 ga tea	00.18.00	44 hooks	00.09.00
1 pepper	00.02.00	36 hake hooks	00.09.00
6 knives and forks	00.09.00	2 rands twine	00.06.00
4 canvas shirts	00.18.00	16 doz. hooks	00.06.00
3 pr. yarn hose	00.02.00	4 gimblets	00.03.04
7 oz. yarn	00.02.00		
18 June 1 hat			
per 1/2 oz thread	00.02.03	Hawton	00.04.06
1 hat	00.04.06	2 pr. yarn hose	00.08.06
3 yd. swanskin	00.10.06	1 yd swanskin	00.03.06
6 pr. y. gloves	00.08.00	1 pr. mens boots per	
4 1/2 yd. flannel	00.09.00	E. Wall	00.07.06
?ware	00.08.00	1 doz. buttons	00.00.08
6 3/4 leather	01.03.08	1 doz. buttons	00.00.06
1/4 cwt. brn. sugar	00.14.00	1 pr. mens shoes	00.09.06
12 cwt. brn sugar	00.14.00	3 yds. swanskin	00.10.06
30 cwt. soap	00.17.06	1 rand salmon twine	00.06.06

1 bl. pork	05.10.00	goods per Oats	00.04.06
1 bl. flour	02.12.06	11 cwt. bread	01.10.00
1 bl. fine flour per		<u>21 Nov</u> Jn. Kehoe	20.00.00
Meaney	01.00.00	cash per girl	03.10.00
1 cwt bread	01.10.00	cash per Hawton	00.10.00
25 cwt pork	00.15.00	<u>23 Nov</u> goods per	
34 cwt butter	01.19.08	Ellen Wall	02.16.06
1/4 cwt oatmeal	00.07.06	<u>29 Nov</u> James Ball	20.00.00
5 gals molasses	00.18.09	<u>30 Nov</u> 1 bl flour	02.10.00
2 cwt tobacco	00.03.00	16 soap	00.03.06
<u>19 June</u> 5 yds		<u>16 Dec</u> Nich. Hawton	10.19.00
cloth per Meaney	00.08.09	<u>24 Dec</u> Wm. Cornell	09.00.00
1 pr men's shoes	00.04.00	<u>31 Dec</u> Maurice	
5 yds canvas	00.10.00	Farrell	16.16.00
6 yd. calico	00.07.00	Wm. Taylor for hire	
1 sy. tea	00.04.06	schr. <u>George Lewis</u>	50.00.00
7 1/2 yd serge per			
Meaney	00.16.10	TOTAL DEBT	714.14.07
<u>29 June</u> 1 pr shoes	00.05.06		
<u>5 July</u> 6 ? butter	00.07.00	Credit	
8 ? brown sugar	00.04.08	<u>16 Feb</u> 33 1/4 qtls	
<u>6 July</u> 1 ? tea	00.04.06	tal qual fish	18.05.09
<u>29 July</u> 1 ? tea	00.04.06	<u>19 Oct</u> 289 1/2 mble.	
12 ? butter	00.14.00	fish at Lab.	173.14.00
12 ? brn sugar	00.07.00	<u>14 Nov</u> 78 qtls	
<u>30 July</u> 1 cwt bread		mble. fish	46.16.00
per Meaney	01.10.00	<u>21 1/4</u> cullage fish	10.01.10
<u>17 Aug</u> 1 ? tea	00.04.06	<u>18 Nov</u> 14 1/2	
<u>19 Aug</u> 1 3/4 cwt		mble. fish	08.14.00
leather	00.06.02	<u>14.0.14</u> cullage fish	01.19.02
<u>14 Sept</u> 1 gas tea	00.04.00	<u>27 Nov</u> 224 gals.	
1 pr shoes	00.06.00	cod oil	24.10.00
thread	00.00.09	<u>31 Dec</u> James Ryan	
<u>20 Sept</u> 1/2 cwt bread	00.14.00	freight	22.10.00
<u>17 Oct</u> 1 hat	01.00.00	James Neary	04.07.06
<u>19 Oct</u> 1 hat per		Cod seine returned	30.00.00
Hawton	00.03.06		
1 hhd. tobacco	00.03.06	TOTAL CREDITS	340.18.03
1 silk handkf	00.06.06		
1 hat	00.14.00	<u>31 Dec</u>	
6 lb. assorted nails	00.03.00	BALANCE due	373.16.04
<u>24 Oct</u> Long & Meaney			
for cod seine	40.00.00		
6 lb. assorted nails	00.03.00		
<u>26 Oct</u> 22 lb fsh. beef	00.11.00		
<u>28 Oct</u> J. Cahill a/c			
Hawton	01.00.00		
<u>29 Oct</u> 1 hhd coals	00.09.06		
59 ? butter	02.19.00		
<u>1 Nov</u> Edward Guynay	03.13.00		
<u>6 Nov</u> Schr <u>Run Dear</u>	14.00.00		
<u>13 Nov</u> Martin Walsh	19.10.00		

Jn. Walsh	22.10.00	
Cash Court Charges	02.00.10	
<u>20 Nov</u> 1 cwt navy bread	01.10.00	

Account of Timothy Morea with Pack, Goose and Erver, 1844

<u>Debit</u>		
1 Jan Balance due	24.08.03	27 May 8 yd flannel 30.16.00
25 Jan 1 hhd coal		10 1/2 yd calico 00.08.09
5 1/2 lb tobacco	00.12.09	9 yds merino 01.00.03
24 Feb 1 cwt bread	01.05.00	goods to Ann Morea 01.10.00
2 March 1 pr boots	01.08.00	28 May 8 yds cotton 00.08.00
1 lb green tea	00.05.06	3 prs boys hose 00.04.06
1 lb tobacco & 1 hdkf	00.02.06	linen & thread 00.04.06
2 yd swanskin	00.07.00	tobacco 00.02.00
4 March 10 yd serge	00.06.08	1 pr women's boots 00.08.00
1 pea jacket	01.04.00	goods to Mrs. Kennally 01.10.00
thread and cot. shirt	00.05.00	
1 pr. men's hose	00.03.06	30 lb soap 00.15.00
27 March 1 pr women's shoes	00.06.00	3 June cash 00.15.00
6 lb soap	00.03.06	4 June grapnel 00.12.00
12 lb butter	00.09.00	14 tons salt 31.10.00
1 kettle	00.12.00	8 June 4 firkins 02.12.00
4 April 1 1/2 yd cloth	00.01.03	1 bdle. pun. hoops 00.03.06
1 cap	00.01.03	2 molasses puncheons 00.12.00
18 April 12 lb brn. sugar	00.08.00	12 long lines 01.04.00
19 April 1 1/2 gal. molasses	00.04.06	twine & hooks 00.07.00
22 April 6 lb nails	00.02.06	2 splitters & stones 00.03.09
2 1/2 lb leather	00.07.06	1 cutter 00.01.06
1 lb tobacco	00.01.06	1 pr mens drawers 00.06.00
sparbills and shoe thread	00.02.00	1 boys cap 00.04.00
27 April goods per wife	00.04.06	24 hake hooks 00.06.00
1 May cash	02.00.00	1 pr shoes & Eaware. 01.01.10
1 spelling book	00.02.06	2 jackets 02.10.00
6 May 1 lb tea	00.05.00	2 pr men's hose 00.08.00
6 lb nails	00.03.06	1 3/4 yd shirt cotton 00.02.00
10 May 1 bl spf flour	01.12.06	3 yd swanskin 00.10.06
3 gal molasses	00.08.03	5 lb. tea 00.15.00
11 May 4 yd ribbon	00.03.04	2 lb. tea 00.11.00
15 May 1/2 lb tea	00.03.00	6 lb. coffee 00.09.00
3 yd calico	00.02.03	2 combs 00.01.05
12 lb. brn sugar	00.08.00	1 iron kettle 00.13.00
Earthenware	00.01.00	1 pr. women's shoes 00.10.06
18 May goods to Mrs. Kavanagh	00.06.00	4 yd. cotton 00.04.00
22 May 1/2 bl pork	02.00.00	2 1/2 yd. shalton 00.05.06
1 cwt bread	01.05.00	1 yd plaid & worsted 00.03.03
		3 yd. serge 00.06.00
		1 cotton shirt 00.10.00
		1 1/2 yd pilot cloth 01.01.00
		2 yd. satin stripe 00.02.04
		28 lb brn sugar 00.18.00
		7 cwt bread 08.15.00

3 bl. superfine flour	06.00.00	Credits	
2 cwt bread	02.14.00	20 April	
3 lb pork	12.00.00	By schooner	
38 lb Am. butter	01.18.70	Morning Star	23.00.03
58 lb Ham. butter	01.18.60	14 Oct.	
28 gal. molasses	04.04.00	mbles. Lab. fish	112.15.02
cordage	04.00.07		- 0.02.00
31 lb. nails	00.15.06		
10 lb pitch	00.03.04		112.13.02
1 bl. blk. paint	00.01.00		
11 June 600 rinds	02.08.00		
hire of a punt	00.15.00		
12 June 5 lb lead	00.10.00	BALANCE due	51.03.10
12 pipes	00.01.00		
1 pr. gloves	00.01.06		
21 yd. canvas	02.02.00		
2 lb. tobacco	00.03.00		
1 hammer	00.03.06		
goods for boat	03.15.00		
6 July cash per			
Mrs. Kavanagh	00.10.00		
1 boys cap	00.04.00		
goods for caplin	00.05.00		
Wm. Marshall's share	08.08.00		
Micl. Hannifor's share	07.02.00		
John Norman's share	07.00.06		
Schr. Ann freight 214 3/4			
qtls. fish from Lab.	10.14.09		
TOTAL	187.01.03		

John Keilly & Sons in account with Ridley & Sons, 1853
Debit

1852		12 doz. hake hooks	00.05.00
1 Jan	Balance due	1 7 qt. tea kettle	00.12.00
3 Dec	2 yd blanketing	28 May 20 lb. sugar	00.11.08
6 yd.	moleskin	1 ran. twine	00.02.03
thread		1 ran. Hg. twine	00.02.00
6 Dec	2 1/2 lb leather	6 lb. coffee	00.07.06
15 Dec	5 gal molasses	1 lamp	00.03.06
20 Dec	1 pr men's boots	2 splitters/1 cutter	00.05.09
22 Dec	cash	2 prs. mens shoes	01.00.00
23 Dec	100 lb pork	1.1.20 cordage	05.00.00
1 bag #2 bread		3 grapnels	02.14.08
2 lb. tea		12 salt mats	00.12.00
20 lb. sugar		6 skiff oars	00.15.00
1853		30 May 3 yd blanketing	00.09.00
7 Jan	7 yd flannel	1 1/2 yd. serge	00.03.09
9 yd.	conbery	2 yd. calico	00.02.00
3 yd.	calico	1 yd. flannel	00.02.06
11 Jan	1 lb. tea	1 borvil	00.04.00
2 yds.	canvas	31 May 1 pr men's boots	01.06.00
1 lb	sparbills &	1 lb. sparbills &	
2 lb.	leather	2 balls hemp	00.02.00
14 Jan	1 hatchet	1 June 2 bls. pork	11.00.00
1 cap		1 bl. butter	03.18.02
26 Feb	1 bl fine flour	40 gals. molasses	06.00.00
30 April	1 pr. boys	9 lb. sheet lead	00.04.06
bluchers		8 lb. oat meal	00.02.08
2 May	6 gal molasses	6 bl. fine flour	12.00.00
1 bag bread		2 molasses puncheons	01.00.00
1/2 firkin butter		2 oil hnds.	01.17.00
17 May	1 lb tea	1 bdle. pun. hoops	00.04.00
1 pr.	girl's boots	1 bdle. bl. hoops	00.01.03
20 May	cash per Micl.	1 bdle. hhd. hoops	00.02.06
23 May	4 yd blanketing	12 lb. pitch	00.04.00
6 yd	Regatta	3 lb. oakum	00.01.06
6 yd	calico	1 new 4-handed punt	04.10.00
1/2 lb thread		150 ft. board	00.18.09
1 lb yarn		4 punts oars	00.04.00
1 pr	blankets	3 gimblets	00.01.06
1 hkf. & 1 yd	gingham	1 herring net	05.10.00
25 May	3 3/4 lb leather	20 lb. soap	00.11.08
1 bl	fine flour	25 yd. canvas	02.10.00
50 lb	pork	4 yd. flat canvas	00.07.00
6 gal	molasses	2 June 1 rough stone	00.01.00
27 lb.	nails	1 hand saw	00.07.06
27 May	5 bowls/tin pan	1 comforter	00.02.06
3 pr.	yarn hose	15 lb. tobacco	00.08.09
1 1/2 yd.	flannel	1 doz. pipes	00.01.00
1 yd.	cotton peck	16 June 2 firk. butter	05.16.00

12 lb tea	02.02.00	11 bags bread	15.19.00
1 1/2 doz. hake hooks	00.12.00	16 tons salt	44.00.00
1 shawl	00.08.00	<u>Credits</u>	
6 lb. sugar	00.03.06	<u>26 Aug</u>	
<u>20 June</u> paid Lynch		215.0.0 mble.	
for rinds	00.18.02	Lab. fish	118.05.00
<u>13 July</u> 1 pr boy's shoes	00.06.06	<u>2 Nov</u>	
1 lb. tea	00.03.06	1 four-handed punt	
1 1/2 cold lining	00.01.03	returned	3.10.00
Bal. sealing a/c per		<u>3 Nov</u>	
Michael	05.19.00	19.2.0 mble. lab.	
<u>30 July</u> 10 lb. butter	00.12.06	fish	10.14.06
<u>2 Aug</u> 50 lb pork	01.10.00	1.2.0 cullage fish	0.12.09
<u>9 Aug</u> 2 oil hhds.	01.15.03	<u>5 Nov</u>	
1 bl. pork	05.10.00	2 casks cod oil	20.02.01
<u>30 Aug</u> 1 lb. tea	00.03.06	<u>12 Nov</u>	
1 1/2 lb. leather	00.04.06	Michael Wallace for	
4 yd. shirling	00.04.00	freight	1.02.11
1 pr. women's shoes	00.08.00		
<u>29 Sept</u> 4 gal. molasses	00.12.00	TOTAL	154.07.03
1 bl. fine flour	02.00.00		
6 yd moleskin	00.15.00		
1 lb. tea	00.03.06	BALANCE due	157.19.01
3 yd. calico	00.03.00		
<u>6 Oct</u> George Pike	02.09.10		
<u>11 Oct</u> Denis McCarthy's			
son for bait	02.00.00		
<u>2 Nov</u> Ellen Moxley for			
wages	07.00.00		
<u>3 Nov</u> 1 pr men's shoes	00.10.00		
<u>5 Nov</u> 1 pr men's shoes	00.10.00		
<u>12 Nov</u> Michael Wallace			
for fish	16.04.00		
<u>19 Nov</u> 7 1/2 yd flannel	00.18.09		
<u>26 Nov</u> 2 yd. blanketing	00.06.00		
1 pr. men's shoes	00.10.00		
<u>5 Dec</u> Edw. J Pike for			
freight	09.14.05		
TOTAL	312.06.04		

