

TOPIC 2.5

The Migratory Fishery

How would you have spent your time on a boat travelling from Europe to Newfoundland for the migratory fishery?

Why do you think the fishers only fished for cod and not other species?

Introduction

Two European powers, France and England, dominated the Newfoundland and Labrador migratory cod fisheries at the start of the seventeenth century. Differences between the two nations' fisheries, however, reduced the risk of conflict during this period. Each worked from separate areas of Newfoundland and Labrador, and each processed cod in different ways. Both nations, however, fished from inshore areas as well as from offshore waters on the Grand Banks.

2.50 This copper engraving, done in 1719 by Allain Manesson Mallet, shows the French fishing on the Grand Banks.



la morue sèche

(The French Fishery in Newfoundland)

The French fishery on the Grand Banks lasted most of the year. French ships would set sail for Newfoundland and Labrador as early as January in order to provide a supply of fish for Lent, and then make a second voyage in the summer. Once on the fishing grounds, these banking ships seldom came to shore except to shelter from storms. Fish were caught from platforms on the sides of ships using hooks and lines. The fish were preserved in heavy salt until they could be taken home.

While the French fished mainly on the banks, they also fished inshore. Initially they fished on the south coast, near the French capital at Plaisance (Placentia). Later the French began fishing along the north and west coasts of the island, which became known as the French Treaty Shore. The fish produced from these areas was dry cured and intended for markets in southern France and Spain. The boundaries of the French Treaty Shore changed over time and were the source of much conflict.

Preserving fish this way was sometimes called the "green fishery" because the fish were carried to market without drying. Green fish found a market in northern France.

A "barvel" was the traditional garment worn by early fishers. It was made of sheepskin with the wool facing inside. The outside was coated with tar. It was the predecessor of oil skins.

2.51

THE TREATY OF UTRECHT

Although the French migratory and resident fisheries prospered throughout the seventeenth century, they fell into decline during the early eighteenth century after a series of wars and treaties between France and England dramatically limited the nature and location of French activity on the island of Newfoundland.

The earliest restrictions followed the War of Spanish Succession (1702-1713), in which England and its European allies forced France to withdraw from the Spanish Netherlands and the Spanish possessions it had seized in Italy. The Treaty of Utrecht helped end the war in 1713 and stipulated, among other things, that France surrender some of its North American territories to Great Britain. The treaty granted sovereignty of Newfoundland to England and forbade permanent French settlement of the island. It did, however, allow France to use a portion of the north coast, between Cape Bonavista and Pointe Riche, as a seasonal base for its fishery. French fishers were allowed to catch and dry fish in this area, known as the French or Treaty Shore, but had to leave once the fishing season ended in September.

Although France retained seasonal fishing rights to the coast between Cape Bonavista and Pointe Riche, its involvement in the fishery continued to decline. England, on the other hand, steadily increased the number of vessels it sent to the island each spring and ultimately became the foremost participant in the migratory fishery, as well as in the development of Newfoundland and Labrador's economic, social, and political future.

2.52 The Treaty of Utrecht (1713) recognized English sovereignty over the island of Newfoundland. Under this agreement, the French agreed to leave Plaisance and move their fishing from the south coast to the new French Treaty Shore between Cape Bonavista and Pointe Riche.





2.53 A Newfoundland fishing station, c. 1690, by Gerard Edema

This Dutch artist visited Newfoundland in the 1690s. This painting is one of the earliest surviving illustrations of settlement on the Avalon Peninsula.

The English Inshore Fishery

The early English migratory fishery was mostly called the inshore fishery. Ships carried crews and equipment across the Atlantic. Once arrived, the ships were moored. Fishing was then conducted from small boats on fishing grounds close to the shore.

Although the shore fishery lasted only from June to August, preparations for the voyage began in winter. Ships were refitted while still in England and provisioned with food, fishing tackle, and clothing for the crews and later for any resident fishermen the merchant supplied. Initially crews were paid a share of the season's catch. However, by the eighteenth century, they were usually paid wages.

The ships sailed west by the end of March in order to reach Newfoundland and Labrador before the fishing season began. Too early an arrival might mean that the ice was still on the coast. Too late a departure might mean missing

part of the fishing season, as well as finding the best landing places (or “rooms”) taken, as these were allotted on a first-come basis. Unless the merchant financing the trip had previously left a winter crew to prepare for the season, the first tasks upon arrival were to repair and rebuild stages, flakes, and buildings, and then to acquire bait.

Once the cod struck inshore, following the capelin, there began a hectic fishing season, lasting until the end of August. Fishing was conducted by crews of three to five men using lines with baited hooks. Fish were landed daily to be cured by shore crews. Once landed, the shore crews headed, gutted, split, washed, lightly salted, and, when the weather was suitable, laid the fish to dry on flakes.

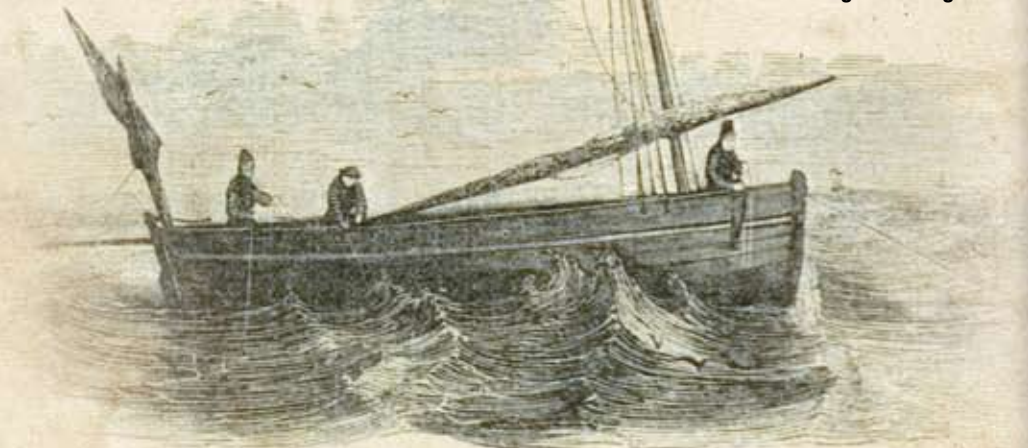
The inshore “dry” cure which used little salt fetched a better price than the more heavily salted cures because it was much preferred among the richer classes. It also better suited the English who, having no natural supply

This occurred in mid-June on the east coast.



of salt at home, had to acquire it from other countries. Most of the fish was carried to markets in southern Europe and Iberia (Spain and Portugal) by cargo ships called “sacks,” which often picked up salt, fruits, and wines for the English markets. The first ships to reach market got the best price. Once the fish was sold, the ships returned to their home ports to be readied for the next year’s fishery.

2.54 Cod fishing on shoal grounds



2.55

The Manner of Catching and makeing drie fishe in Newland.

This document was written in 1676 by John Downing, a prominent planter of Newfoundland. At the time of its writing, he lived in St. John's.

In Each boate goes 3 men with foresayle and maynesayle in both 30 yards of Canvace., 1 Roade of 60 fathom & oares made in the Country.

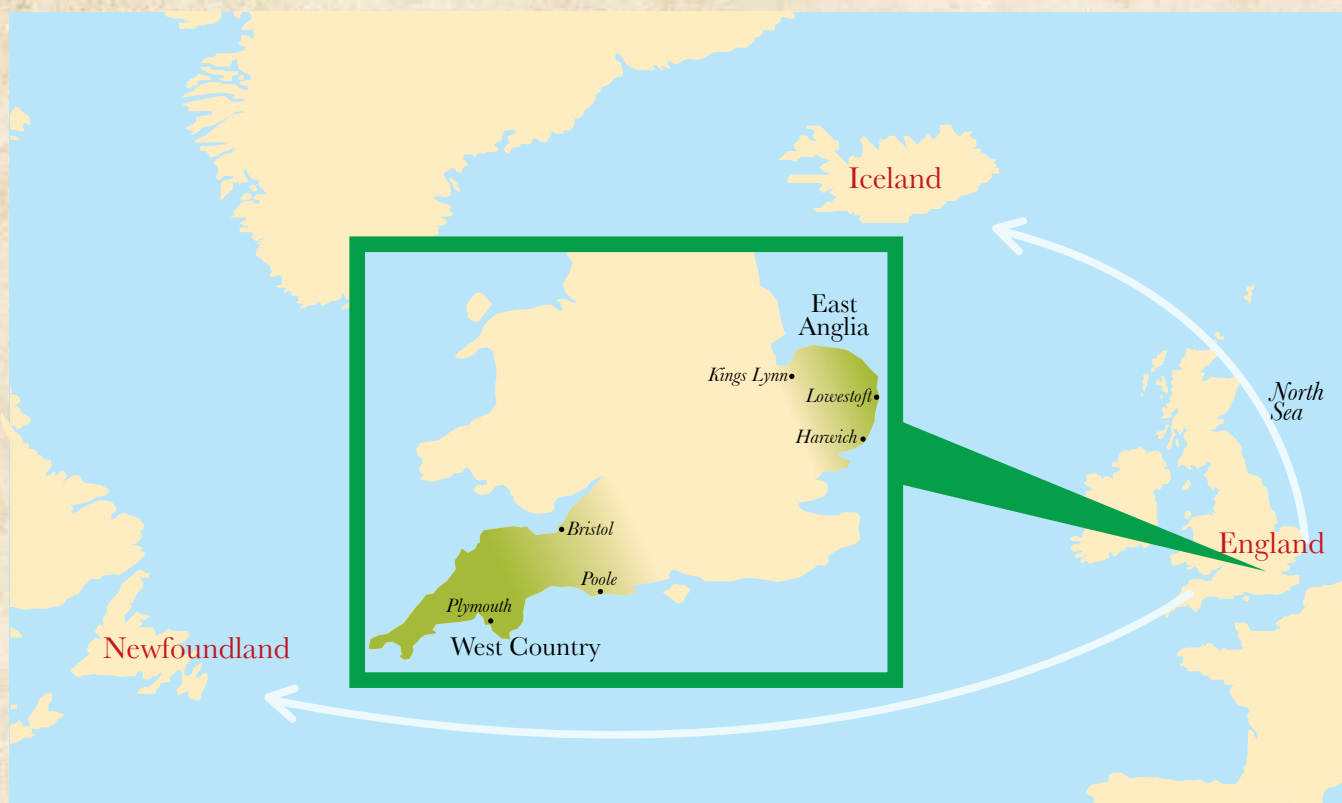
A drift of[f] the shoare the boates goe for to catch herrings with 4 or 5 netts fastened to the boats sterne post[.] there netts must be in the water to doe well before sunn sett and Remaine if herrings Enough be not taken[.] Stormes and Wind not hindering[.] till Sunn rising[.] Some nights by reason of winds and current to prevent driveing on shoare or of[f] to[o] farr from shoare they hall there netts tenn times in a night Rowing to gett againe the shoare or to gett of[f] from it many times herrings being scarce they drive Everie night

Each boates crewe from Sunday night to Saturday night resting onlie in ther beds onlie Saturday night Some rest not it: the dayes Except Sundayes they atend Cod Catching[.] this toils is preformed in St. Johns and severall other harbors if the caplein Taken in saynes[.] ... Each fisher boate most dayes bringing in one thousand fishe per daye[.] ...

English Fisheries: Iceland and Newfoundland

Being on an island, England always looked to the sea as a source of food. To augment the local fishery, fishers from the east coast of England had engaged in a migratory fishery near Iceland since the fifteenth century. When the Newfoundland and Labrador fishery opened up, English merchants wanted to exploit those cod stocks as well.

The pattern of the Icelandic migratory fishery also worked for the fishery of Newfoundland and Labrador. However, the situation of the seaports in southwest England, in the area known as the West Country, better suited the trip across the Atlantic than the seaports along the east coast that engaged in the Icelandic fishery. Consequently, the economy of these western seaports increased.



2.56 English fisheries: Iceland and Newfoundland

When the Newfoundland and Labrador fishery opened up, English merchants wanted to exploit those cod stocks as well.

Part of the Global Economy

Newfoundland fish formed part of a triangle of trade involving England, southern Europe, and the Americas. England traded food and clothing with Spain in exchange for salt. This salt, vital to the fishery, was then shipped to Newfoundland to be used in making fish. Most Newfoundland cod produced by the English was usually transported directly to markets in mainland Europe, in which the third leg was a voyage home with Mediterranean goods (fruit, wine, olive oil).

The West Indies produced mainly sugar and its products, rum and molasses, with slave labour. Poorly

cured saltfish which fetched a low price in Europe was sold to plantation owners in the West Indies for feeding slaves. They paid for this with West Indian products.

New England colonies played a very important role in the Newfoundland fishery and trade from the early seventeenth century (1620s) until the American Revolution in 1775. Traders from such places as Boston, Salem, Providence, and Philadelphia brought West Indian products, food (especially flour), livestock, and lumber, and took the poorer quality saltfish (which came to be known as West Indian cure) to be sold in places such as Jamaica and Barbados.

**Not much saltfish went to England – most went directly to markets in southern Europe and the Mediterranean.*

2.57 Selected trade routes of the North Atlantic, 17th and 18th centuries



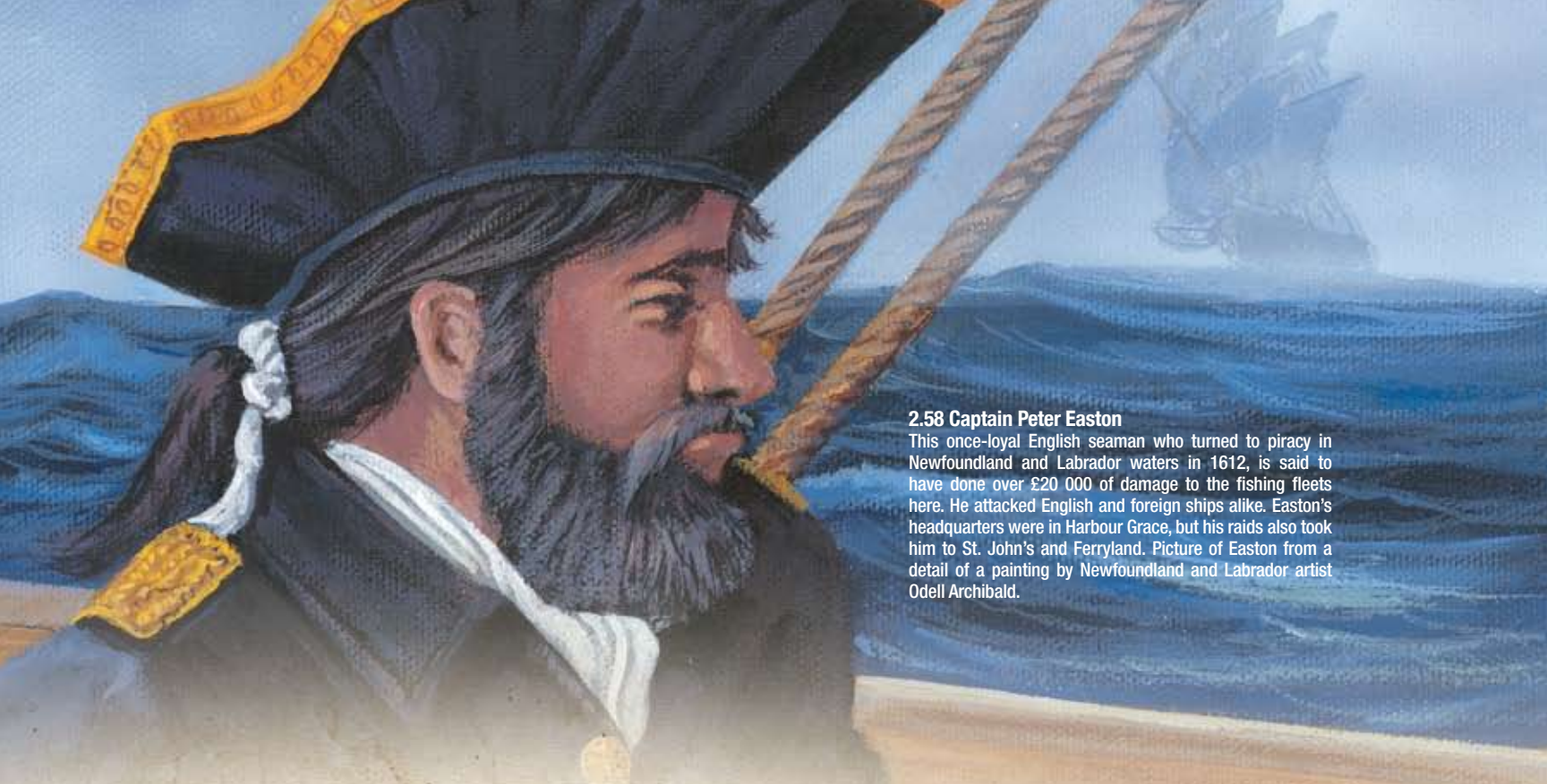
Experiencing The Arts

It is time to construct your story, being mindful of the ideas presented in the storytelling section of this book. To do this, you will need to sift through your information. You may find you have some difficult decisions to make, such as:

- what to do with conflicting or contradictory information
- what to do if you do not have enough information
- how to deal with sensitive or embarrassing information

There are several ways to deal with these issues. One way is to consult an individual whom you feel has good judgment on these types of decisions. Another is to put yourself in the place of the subject of your story. If someone was talking about you, what would you want him or her to say? Although it is usually okay to have some good-natured humour in your story, you should avoid disrespectful or belittling comments.

Once you have finalized your story, share it with close family or friends as part of the private tradition of storytelling.



2.58 Captain Peter Easton

This once-loyal English seaman who turned to piracy in Newfoundland and Labrador waters in 1612, is said to have done over £20 000 of damage to the fishing fleets here. He attacked English and foreign ships alike. Easton's headquarters were in Harbour Grace, but his raids also took him to St. John's and Ferryland. Picture of Easton from a detail of a painting by Newfoundland and Labrador artist Odell Archibald.

The Economics of the Fishery

When it went well, a fishing voyage from Europe to Newfoundland earned great profits for the ship's owner and crew. This prospect was what encouraged merchants to take great risks of sending men and supplies such a long distance year after year.

Sir Richard Whitbourne in 1622 estimated that a ship of 100 tons, with a crew of 40, using eight small boats, each manned by three men, could catch and make 2000 quintals of dry fish and perhaps 100 quintals of green fish. The profits from this would pay for the vessel, the wages of the fishermen, their food and other provisions, and leave the owner with a very large profit.

The most successful merchants became wealthy – some owning 15 to 20 ships and large properties. However, bankruptcies were also frequent because of the risks

involved in the trade. To prepare for the voyage, merchants had to spend large sums of money that they could not recoup until the fish were sold. Delays in selling were frequent and could spell ruin for merchants. Ships might be wrecked, or seized by pirates or enemy ships in wartime. Markets could be closed by war or outbreaks of disease. Fish might be scarce in the summer, or poor weather might make curing difficult.

On top of this, exchange rates could change abruptly. This could turn a potentially profitable voyage into a losing one while the ships were still on the high seas. One historian noted: "The merchants lived from season to season in a state of incessant panic, so their well known air of pessimism was surely not surprising." A contemporary in the 1790s described them as "a very discontented body of men."

2.59 The cod fishery promised rich rewards for investors, but was also a risky business.

It was generally accepted that fishing voyages to Newfoundland and Labrador claimed the life of one man in 50.

Painting of *The Cod Fishery* (1754)
Detail of an oil painting by A. Louis Garneray, 1832



Translation of a shipping company act:

On this day of March 18, 1735,
appearing before the Lieutenant-General
is Nicollas Gallien, Sieur de Baspré, a
merchant residing in this city who is part
owner of Le Marc, a new vessel from
Saint-Malo of about 205 tons

that he is outfitting and sending to
Grande-Baye [the coast of Labrador]
under the command of Sieur de Cerisier
Lepelley. The party appearing today has
named the following people as partners:

Sieur Quinette de Préville for two thirty-seconds	2/32
Sieur de Cerisier Lepeley for one thirty-second	1/32
Sieur Hernopoue two thirty-seconds	2/32
Sieur Étienne Ribart one thirty-second	1/32
Jeanne du Val two thirty-seconds	2/32
Sieur de la Cité Roce one thirty-second	1/32

2.60 Excerpt from the register of acts of new companies and statement of interest in ships.
This illustrates how multiple investors could help share the risks associated with the migratory fishery.

Risk Management

There were some steps that merchants could take to reduce risks. One was to exercise strict supervision – fishing masters had a reputation for being hard drivers. Another was to employ relatives in senior positions, such as captains and overseers, as they could be trusted to look after the merchants' interests. Risks could also be shared with the crew by paying them a share of the value of the fish they caught instead of a set wage.

Eventually it became difficult to find men who were willing to work in the fishery without guaranteed payment. After 1700, most English ships paid wages to their crews.

Another way for merchants to minimize risks emerged during this time period. Merchants began a practice of outfitting the small resident population with supplies on credit and accepted their fish as payment after the season had ended. The advantage to the merchant was that he could acquire a supply of fish without the expense of outfitting his own crews.



Byeboat-keepers

A third class of fisherman which, arose late in the 1600s and became most numerous in the 1700s was called **byeboat-keepers**. They were an independent group of fishermen between those who belonged to the fishing ships and inhabitants, or planters. Byeboat-keepers came as passengers on cargo sack ships and fished on their own account. They left their boats “bye” in the winter when they went home. They were “middle class” adventurers and were sometimes called “yeomen” of the fishery.

Byeboat-keepers generally sold their fish to sack ships that carried fish from the shore fishery back to Europe. The advantages of this system were that the byeboat-keeper avoided the cost of buying a ship, found it easier to get the small crews required, and could produce fish more cheaply.

Frequently, byeboat-keepers hired men to overwinter to protect their gear. Initially, those who did overwinter seldom remained for more than one or two seasons. However, later in the 1700s this practice contributed to the emergence of permanent settlement, when they brought out their wives and children.

2.61 A sketch by Edward Barlow of the sack ship *Real Friendship* in 1668.

Barlow was a mariner aboard this vessel on a voyage from London to Tenerife. The following year, while loading fish in Newfoundland and Labrador, the vessel caught fire and was lost.

From Edward Barlow, *Barlow's Journal of His Life at Sea in King's Ships, East & West Indiamen & Other Merchantmen from 1659 to 1703*.



2.62 A painting of King Charles I (1636)
by Antoon van Dyck. King Charles passed the
first legislation to apply British law to all of
Newfoundland.

Governing the Fishery and the Colony 1600-1815

Before Newfoundland began to be settled in the early 1600s, the migratory fishery was governed only by such customs and rules as the fishermen themselves developed. When John Guy settled Cupids in 1610, he was ordered by King James I not to interfere with the migratory fishermen, but was also given authority to govern Newfoundland under English law. Other colonizers such as Lord Baltimore and Sir David Kirke were also commanded to respect the traditional rights of the fishermen who came every summer, but they also had authority to punish anyone who broke laws or committed crimes.

**“Many men yeerely ...
unlawfully convey away other
man’s fishing boats ... take
away other men’s salt ... rip
and take away time and
rayles (rails) from stages ...”**

— Captain Richard Whitbourne from Exmouth, Devon reporting
on the state of anarchy in the Newfoundland fishery in 1615

Meanwhile, migratory fishers objected to settlement and being governed by rules and regulations of local authorities. They argued that the fishery should be free and open, and that settled government was too expensive and would interfere with their rights.

When the early colonies failed to prosper, the migratory fishermen persuaded King Charles I and the Privy Council (a group who advised the King) to grant them a charter which would protect them. The *Western Charter*, passed in 1634, recorded the traditions and customs which had developed with the fishery. These now became law. This was the first ruling to put all Newfoundland and Labrador under English law. It guaranteed the right of the English to fish in Newfoundland and Labrador waters and formalized the traditional position of fishing admiral as decision maker.

King William’s Act (1699) reaffirmed the *Western Charter*, but expanded it with new clauses. This act formed the basis of Newfoundland and Labrador’s written law until the late eighteenth century. One of the most important clauses was the right for settlers to take land not used by migratory fishermen and to hold it as private property. The act confirmed the power of the fishing admirals, and also authorized the practice whereby commanders of naval warships stationed at Newfoundland and Labrador acted as appeal judges, setting the stage for the entrenchment of naval government in Newfoundland and Labrador.



2.63 In their day, fishing admirals sometimes had the reputation of being corrupt and of being more interested in their own fishing activities than justice.

This image – a back-lashing from a cat-o'-nine-tails and typical of punishment in the 1700s – is one artist's idea of punishment carried out by a fishing admiral. Archival evidence, however, does not support the idea that this type of justice was common practice by fishing admirals.

The legal system that governed Newfoundland and Labrador before 1815 was relatively stable and effective. A customary system of governance that met the needs of those in power was developed. Starting in 1729, the commodore of the naval squadron served as **governor** of the region for the summer and appointed civilian justices to settle criminal matters in the winter after his departure. Newfoundland and Labrador, therefore,

had a form of dual authority – naval and civil. Fishing admirals contested the authority of the governor, but by 1750 they were no longer an independent force. Naval government lasted for almost a century, but as the resident population of Newfoundland and Labrador rose during the 1700s, the need for increased civil government was felt.

Questions:

1. Using a Venn diagram, compare the French, English, and Basque fisheries.
 - a. What were the risks for merchants?
 - b. What were the risks for fishers?
 - c. Given the risks for both merchants and fishers, why did both parties continue this practice?
2. The migratory fishery was a risky venture.
 - a. What were the risks for merchants?

CASE STUDY

Primary Source: : The Western Charter (1634)

2.64

(1634)

Western Charter

Charles by the grace of God Kinge of England Scotland ffrance and Ireland Defendor of the faith.
To all to whome these pntes shall come Greeting Whereas the Region of Country called Newfoundland hath beene acquired to the Dominion of our Progenitors which wee hould and our people have many Yeares resorted to those partes where, and in the Coastes adioyninge, they imployed themselves in fishing whereby a greate number of our people have been set on worke, and the Navigation, and Marriners of our Realme hath ben much increased, AND our Subjects resorting thither on by the other,* [sic] and the Natives of those partes, were orderlie and gentlie intreated* [sic] untill of late some of our Subjectes of the Realme of England plantinge themselves in that Country, and there residinge, and inhabitinge, upon conceipt, that for wronge or Iniuries done there, either on the Shoare, or in the Sea adioyninge, they cannot be here impeached, and the rather for that wee, or our Progenitors have not highervnto given lawes to the Inhabitanes there; and by that example our Subjectes resortinge thither iniure one another, and vse all manner of excesse, to the greate hinderance of the voyage, and comon damage of this Realme ffor preventinge such inconveniencies hereafter, wee doe hereby declare in what manner our people in Newfoundland, and vpon the Sea adioyninge, and the Bayes, Creekes, or freshe Rivers there shalbe guided and governed Doe make and ordeyne the lawes followings in the thinge after specified, comaunding that the same bee obeyed and put in execution.

First if any man on the land there shall kill another, or if any shall secretly or forceable steal the goodes of any other to the value of fforty shillings, hee shalbe forthwith apprehended and arrested, detayned and brought Prisoner into England, and the cryme committed by him, shalbe made knowne to the Earle Marshall of England for the tyme beinge to whom the deliquent shalbe delivered as Prisoner, And the said Earle Marshall shall take Cognizance of the cause, And if hee shall finde by the Testimonie of two witnesses or more that the partie had killed a man not beinge at that tyme first assaulted, by the party slayne, or that the killing were by misadventure, or had stolen such goodes, the deliquent shall suffer paine of death, and all the company shall endeavor to apprhend such malefactors.

Secondly, That noe Ballast, Prestones, or any thinge els hurtfull to the Harbours bee throen out, to the preiudice of the said Harbours, but that it bee carried ashore, and layed where it may not doe annoyance.

Thirdly That noe person whatsoever either ffishermen or Inhabitanes doe destroy, deface, or any way worke any spoyle or detriment to any Stage Cooke-roome, fflakes, Spikes, Nayles or any thinge else, that belongeth to the States whatsoever, either at the ende of the voyage when he hath done and is to departe the Country, or to any such Stages as he shall fall whall at his cominge into the Country, but that hee or they content themselves with such Stage or Stages only as shalbe needefull for them, And that for the repayinge of such Stages as hee or they take, they shall fetch Tymber out of the Woodes, and not to doe it with the ruininge, or tearinge downe of other Stages.

Fowerthly that accordinge to the auncient custom everie Shipp or ffisher that first entreth a Harbour in behalf of the shipp, bee Admirall of the said Harbour wherein for the time beinge hee shall reserve only so much Beach and fflakes or both as is needefull for the number of Boates that he shall vse with an overplus only for one Boate more then hee needeth as a priviledge for his first cominge, And that everie Shipp cominge after, content himselfe with what hee shall have necessarie vse for, without keepinge or deteyninge any more, to the prejudice of others

next cominge, And that any that are possessed of severall places in severall Harbours with intent to keepe them all before they can resolve upon which of them to choose, shalbe bound to resolve, and send advise to such after comers in those places as expect his resolucon, And that within forty eight howers if the weather so serve, that the said after comers may likewise choose their places, and so none receive p'udice by others delays.

Fiftly,* [sic] That noe person cut out, deface, or anyway alter or change the markes of any Boates or Trayne fattes whereby to defraud the right owners, and that noe person convert to his owne use the said Boates or Traynfattes so belonging to others w'out their consentes, nor remove nor take them from the places where they bee left by the Owners, Except in case of necessitie, And then to give notice thereof to the Admirall, and others whereby the right owners may knowe what is become of them.

Sixtly * [sic] That noe person doe diminish, take away, purloine, or steale any of the fishe on Trayne, or Salt which is put in Caskes, Travne fattes or Cooke-rome* [sic] or other house in any of the Harbours of fishing places of the country, or any other provision belonging to the fishing trade, or the Shippes.

Seaventhly That noe person set fire in any of the woodes of the Country or worke any detriment or destruction to the same, by Ryndings of the Trees, either for the seeling of Shippes, houldes, or for Roomes on Shoare, or for any other uses, Except for the coverings of the Roofes for Cookeroomes to dresse their meate in, and those Roomes not to extend above sixteene foote in length at the most.

Eightlie,* [sic] That noe man cast Anchor or ought else hurtfull, wch may breede annoyance, or hinder the halinge of Seanes * [sic] for baite in places accustomed therevnto.

Nynthlie, That noe p'son robb the Nettles of others out of any drifte boate, or drover for baite by night, nor take away any baite out of their fishing boates by their Shippes sides, nor robb or steale any of their Nettles, or anie parte thereof.

Tenthly, That noe person doe set up any Taverne for sellinge of wyne Beere, or stronge waters Cyder or Tobacco, to entertayne the fishermen, because it is found that by such meanes they are debauched, neglectinge thar labors and poore illgoverned men not only spend most part of their shares before they come home, upon wch the life and maintenance of their wife and Children depende but are likewise hurtfull in divers other waies, as by neglectinge and makinge themselves unfit for their labour by purloyninge and stealinge from their owners, and by makinge unlawfull shiftes to supply their disorders and which disorders they frequently followe since those occons have presented themselves.

Lastly That upon the Sondaies the Company assemble in meete places and have devine service to bee said by some of the Masters of the Shippes or some others, which prayers shalbe such as are in the Booke of Comon Prayer. And because that speedie punishment may bee inflicted upon the Offendors against those lawes and Constitucons, Wee doe ordaine, that everie of the Maiors of Southampton Weymouth and Melcombe Regis, Lyme, Plymouth, Dartmouth, Eastlowe, ffoye, and Barnestaple for the tyme beinge may take cognizans of all complayntes, made by any offender against anie of these Ordinances vpon the land, and by oath of witnesses examine the truth thereof, award amendes to the parties greeved, and punishe the delinquentes by fine imprisonment, or either of them, and of their goodes found in the partes of Newfoundland, or in the Sea, cause satisfaction thereof to bee made by warrantee vnder their handes and Seales. And the Viceadmiralles in our Countries of Southampton, Dorsett, Devon and Dornewall vpon complaints made of any of the premisses committed vpon the Sea shall speedily and effectually proceeds against the Offendors.

Also wee will and ordeyne, that these lawes and ordinances shall stand in force, and be put in due execution, untill wee shall other-wise provide and ordaine. And wee doe require the Admirall in everie harbour in this next Season ensuinge callings together, such as shalbee in that Harborough* [sic] publiquellie to proclayme these presentes, And that they also pro-clayme the same on the Shore.

Question:

The migratory fishery was just over 100 years old when the *Western Charter* was introduced. The Charter provided a basic set of laws to help manage fishing

activity. What types of issues did this legislation address?