



Piscatorial Politics:  
Fishery Regulation and the Economic Future  
of Rhode Island, 1869–1872

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ON 9 February 1871, President Ulysses S. Grant signed the United States Commission of Fish and Fisheries into existence. At its helm he placed the individual who had tirelessly lobbied Congress to create the agency—Spencer Fullerton Baird (1823–87). A prominent naturalist and assistant secretary of the Smithsonian, Baird was responding to fishermen’s concerns that fish stocks had been decreasing dramatically throughout New England’s inland and coastal waters for over a decade. With the commission’s federal funding, Baird intended to conduct a scientific study of the region’s fishery crisis and propose remedies. The matter was urgent, however, and states were already struggling to come to terms with it. Just days after the U.S. Fish Commission was established, Rhode Island’s lieutenant governor, Pardon W. Stevens, cast the deciding vote to defeat a senate bill that would have prohibited the use of commercial fishing nets in Narragansett Bay. The two events—one local and the other national—in time became deeply intertwined. Debates in Rhode Island signaled that fish were not just a valuable foodstuff but the stuff of politics as well—a commodity competing factions within the state bandied about in their ongoing quest for economic prosperity. Baird understood that his recommendations would be effective only insofar as states agreed to abide by them. In this regard, Rhode Island’s flirtation with regulation emphasizes the limits of federal fishery science in the face of interested parties’

countervailing views about the most equitable access to common resources.<sup>1</sup>

## I.

The issues that energized Baird can be traced to disputes that reached back decades. In Rhode Island—one of the earliest states to industrialize—initial apprehensions about the stability of fish populations centered on inland waterways. The interests of manufacturers, who used rivers to power their operations and carry away effluent, ran headlong against those of fishermen, who sought to protect their rights to unobstructed and uncontaminated fisheries.<sup>2</sup> Such controversies intensified during the mid-nineteenth century as the inshore fishing industry expanded along the state's coast, especially in Narragansett Bay, which was home to a number of valuable fish, including scup, menhaden, bass, tautog, bluefish, and flounder. Commercial fishermen relied on many of these species to supply cities like Newport and Providence with food. As transportation improved, fish once intended for local markets were packed in ice and shipped by rail to larger and more distant markets in cities like Philadelphia and New York.<sup>3</sup>

<sup>1</sup>For an overview of the creation of the U.S. Fish Commission and events in Rhode Island, see Dean C. Allard, *Spencer Fullerton Baird and the U.S. Fish Commission* (New York: Arno Press, 1978), pp. 69–87, and United States Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries of the South Coast of New England in 1871 and 1872*, pt. 1 (Washington: Government Printing Office, 1873), pp. vii–xii.

<sup>2</sup>See Theodore Steinberg, *Nature Incorporated: Industrialization and the Waters of New England* (Cambridge: Cambridge University Press, 1991), pp. 166–204; Richard W. Judd, *Common Lands, Common People: The Origins of Conservation in Northern New England* (Cambridge: Harvard University Press, 1997), pp. 123–45; and Gary Kulik, “Dams, Fish, and Farmers: Defense of Public Rights in Eighteenth-Century Rhode Island,” in *The Countryside in the Age of Capitalist Transformation*, ed. Steven Hahn and Jonathan Prude (Chapel Hill: University of North Carolina Press, 1985), pp. 25–50. For a unique take on the impact of early fisheries on resource health, see Daniel Vickers, “Those Dammed Shad: Would the River Fisheries of New England Have Survived in the Absence of Industrialization?” *William and Mary Quarterly* 61.4 (October 2004): 685–712.

<sup>3</sup>Indeed, an 1871 description of the fish market in New York City specifically credited Rhode Island with providing “fall-herring, thimble-eyed mackerel, porgy, and scallop” for hungry New Yorkers. See Samuel Leavitt, “Fresh Fish,” *Appletons' Journal of Literature, Science, and Art*, 22 April 1871, p. 471.

Fish were also filling needs beyond food. With a decline in available whale oil around 1812, the state pioneered a process for extracting oil from fish, and by midcentury, the product had created new markets for Rhode Island's inshore fishermen. The process of refining species like bluefish and menhaden, previously considered too oily or bony for consumption, also rendered a useful, saleable byproduct as well—fertilizer. To serve these bustling local and national markets, fishermen were increasingly plying the state's coastal waters.<sup>4</sup>

To maximize yields, fishermen adopted new technology, including large pound nets, heart-seines, and traps—different configurations of fishing gear that were permanently anchored to the sea floor. Most popular in the state was the Rhode Island trap—a local invention that came into general use around 1845. It consisted of netting, weighted at the bottom, buoyant at the top, which was formed into a square shape with anchor lines. Fish swimming parallel to the shore would run into the leader, a long piece of netting extending perpendicular to the shoreline, and in attempting to evade it, they would swim into the trap. Variations on the design were present across New England, but in Rhode Island square traps predominated, with at least thirty-five in active use by 1871. Fishermen set traps throughout Narragansett Bay, mainly in shallow waters at the mouth of rivers that ran into the bay, where, between April and June, migratory fish would begin their journey upriver to their spawning grounds. Widely thought to be causing the

<sup>4</sup>Frederick W. True, "The Pound-Net Fisheries of the Atlantic States," in *The Fisheries and Fishery Industries of the United States*, ed. George Brown Goode, sec. 5, vol. 1 (Washington: Government Printing Office, 1887), pp. 604–6, and A. Howard Clark, "The Fisheries of Rhode Island," in *The Fisheries and Fishery Industries of Rhode Island*, ed. George Brown Goode, sec. 2 (Washington: Government Printing Office, 1887), pp. 283–85, 294–310. For a detailed overview of the development of New England's inshore fisheries, see Matthew McKenzie, *Clearing the Coastline: The Nineteenth-Century Ecological and Cultural Transformation of Cape Cod* (Hanover, N.H.: University Press of New England, 2011), pp. 7–110. On the fish oil industry, see Maurice E. Stansby, "Development of Fish Oil Industry in the United States," *Journal of the American Oil Chemists' Society* 55 (February 1978): 238. On Rhode Island's place in this industry, see Raymond McFarland, *A History of the New England Fisheries* (New York: D. Appleton and Company, 1911), pp. 195–96. According to McFarland, in 1865 Rhode Island's commercial fishermen caught 154,468 barrels of fish for manure and fish oil, and substantially more—2,462,360 barrels—for food.

perceived downturn in available fish stocks, Rhode Island traps soon became a political symbol around which supporters of fishery regulation rallied.<sup>5</sup>

By the mid-nineteenth century, full nets no longer symbolized widespread prosperity for many Rhode Islanders but actively contributed to growing fears that the state's fisheries were nearing collapse. Traps enabled fishermen to catch alarming numbers of fish within a relatively short time. For instance, in 1867 one prominent Rhode Island trap fisherman was documented to have caught 1,260,000 pounds of fish in his six traps over the course of just nine days—over 23,300 pounds of fish per trap each day.<sup>6</sup> Yet it was not just the astounding size of the catch that made many Rhode Islanders nervous. Because fish were being caught before they had a chance to spawn in inland rivers, a valuable food supply was being choked off at its source. Individuals who used a single hook and line and fished for subsistence, sale to local markets, or sport lamented the loss of food fish like scup, which were often caught in traps before they could make their way to the areas fished by hook-and-line fishermen. The axis of fishery conflicts therefore formed around the type of gear that fishermen used—pounds, heart-seines, and traps, or hook and line.<sup>7</sup>

In Rhode Island, as in much of the Northeast, local communities typically took charge of managing their own fisheries prior to the second half of the nineteenth century, often through

<sup>5</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. xxv–xxvi, 260–62; Clark, “The Fisheries of Rhode Island,” pp. 295–97; True, “The Pound-Net Fisheries of the Atlantic States,” pp. 604–6.

<sup>6</sup>True, “The Pound-Net Fisheries of the Atlantic States,” p. 606.

<sup>7</sup>The dichotomy between trap fishermen and line fishermen was never quite this simple, however. Although most generally used either one type of gear or the other, there are a number of exceptions. Most of the line fishermen who testified before the state's joint special committee claimed to have experience seining for food fish with small shore seines, while several had experience with more substantial forms of fishing gear, including purse seines or gill nets. Of the trap fishermen interviewed by the committee, many had experience with line fishing. See Rhode Island General Assembly, *Report of the Joint Special Committee of the General Assembly of Rhode Island, Appointed to Examine into the Fisheries of Narragansett Bay* (Pawtucket: Nickerson and Sibley, 1870), pp. 49–158.

ordinances or informal codes of conduct.<sup>8</sup> Yet unlike most other states, in Rhode Island rights to fishery access had been granted by its original charter (1663) and reaffirmed in the state's 1843 constitution, which guaranteed that every citizen of Rhode Island could "enjoy and freely exercise all the rights of fishing and privileges of the shore."<sup>9</sup> Appreciating the authority of the clause, Rhode Island's fishermen quickly turned to the legislature for a solution to their perceived crisis by sending petitions underlining their concerns to state politicians. In response to the fishermen's petitions, the General Assembly formed a commission in May 1856 tasked with investigating the effects of trap fishing. After a less than exhaustive study, the committee concluded that there was no evidence to support trap regulation, and the General Assembly let the matter drop for over a decade.<sup>10</sup>

Hook-and-line fishermen charged that the investigation was a whitewash, and they continued to press their case.<sup>11</sup> In 1860 one Rhode Island newspaperman remarked that "the question has never been satisfactorily settled. . . . Whatever the cause may be, there is no doubt about the fact that fish in our waters are becoming more scarce every year, and hook and line fishing nearly destroyed."<sup>12</sup> The reporter's statement cannot

<sup>8</sup>For more on early management of common marine resources through local or informal measures, see Judd, *Common Lands, Common People*, pp. 47–56; McKenzie, *Clearing the Coastline*, pp. 28–53; and Brian J. Payne, *Fishing a Borderless Sea: Environmental Territorialism in the North Atlantic, 1818–1910* (East Lansing: Michigan State University Press, 2010), pp. 29–57.

<sup>9</sup>Rhode Island's Constitution guaranteed the rights to fishery access in article 1, section 3. See Patrick T. Conley and Robert G. Flanders Jr., *The Rhode Island State Constitution: A Reference Guide* (Westport, Conn.: Praeger, 2007), pp. 103–4.

<sup>10</sup>Report of the Commissioners on Fisheries Appointed January 1856, 14 January 1857, and Report on the Committee of Fisheries Appointed January 1856, Notes of the Chairman from a Meeting of the Fish Commission, 25 June 1856, both in the Rhode Island State Archives, Providence.

<sup>11</sup>See, e.g., William J. Suinturne to Sam G. Bailey, 2 February 1865, Rhode Island State Archives.

<sup>12</sup>"Perilous Adventure," *Newport Daily News*, 2 May 1860, p. 2. This sentiment seems to have been widespread, and even Edwin W. Snow, the Superintendent of Rhode Island's 1865 Census commented on the need for regulating fisheries in his 1865 enumeration of the state's fisheries. Snow observed that "the fish which abound in the waters of the State, are taken without restriction, by every means that the

be dismissed as hyperbole, for contemporary analysis of catch statistics suggests that between 1857 and 1871, inshore fishermen near Sakonnet Point, Rhode Island, experienced a 92 percent decrease in their catch.<sup>13</sup> Both trap and line fishermen therefore had cause for concern, but they pointed to different factors to explain the decline.

The mounting fear of a fishery crisis and politicians' inaction spurred a public response, which culminated in the early months of 1870. Between 21 January and 12 February, at least nineteen petitions were presented to the General Assembly on the fishery question. Most urged regulation via legislation. Speaking for his colleagues as well as himself, a hook-and-line fisherman from South Kingston argued that "unless effectually prevented," traps would "exterminate from our waters black fish, bass, herring and other fish valuable as food." The General Assembly should, the petitioners insisted, completely prohibit the use of "traps or other means of wholesale destruction of said fish" in all state waters.<sup>14</sup>

In formulating a rejoinder, Rhode Island's legislators had a well-established precedent on which to rely. Their state's fishermen were not alone in voicing their concerns about declining fisheries, a phenomenon noted throughout New England. Temporary committees had been formed across the region in the 1850s—much like the committee established by Rhode Island's legislature—none of which put fishermen's fears to rest or corrected the causes underlying the scarcity of fish. By the 1860s these worries were exacerbated by rising food costs, and conflicts over industrial dams in New Hampshire, Massachusetts, and Connecticut forced legislatures to act. Beginning with

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invention of man, stimulated by avarice, can devise." He argued that fishermen did not take into account the "season or natural habits of the fish" and would eventually cause the decimation of fish populations. Snow urged the legislature to take action to correct these problems. See Edwin M. Snow, *Report upon the Census of Rhode Island, 1865* (Providence: Providence Press Company, State Printers, 1867), pp. xciv–xcv.

<sup>13</sup>Candace Oviatt et al., "A Century of Fishing and Fish Fluctuations in Narragansett Bay," *Reviews in Fishery Science* 11.3 (2003): 222.

<sup>14</sup>Petition of John L. Brown et al. in South Kingston to the General Assembly of the State of Rhode Island and Providence Plantations, January 1870, Rhode Island State Archives.

New Hampshire in 1865, state governments throughout New England created standing fish commissions to oversee regulation, investigate accusations of fishery decline, restock local waterways with fish, and oversee programs intended to foster the artificial propagation of certain species to increase populations. Between 1865 and 1868, Massachusetts, Vermont, Connecticut, Maine, and New York all established fish commissions, and the states even formed a regional body—the New England Commission of River Fisheries—to coordinate actions among the various commissioners.<sup>15</sup>

Following suit in its January 1870 session, Rhode Island's legislature reacted to the fishermen's petitions by establishing a Commission of Inland Fisheries. The commissioners were charged with handling all pertinent matters, including artificial fish propagation, restocking waterways, and otherwise regulating inland fishing as they saw fit. Using much of the one thousand dollars appropriated, the commissioners restocked ponds throughout the state with black bass, a growing means of restoring fisheries that was less burdensome for fishermen and therefore more popular than regulation.<sup>16</sup> The commissioners also urged the General Assembly to construct fish ways that would allow salmon, shad, alewives, and other fish to navigate past the numerous dams blocking the state's rivers and reach their upstream spawning sites, thus ensuring a steady and "large amount of excellent and cheap food for the people." Although coastal fisheries were not their chief focus, the commissioners implied that the fishery crisis was caused by human interventions upstream, not by the traps set along the state's coast. Thus, their proposed solution was not regulatory

<sup>15</sup>For more on the rise of fish and game commissions in New England, see John T. Cumbler, *Reasonable Use: The People, the Environment, and the State, New England, 1790–1930* (New York: Oxford University Press, 2001), pp. 164–66, and his "The Early Making of an Environmental Consciousness: Fish, Fisheries Commissions, and the Connecticut River," *Environmental History Review* 15.4 (Winter 1991): 80–86, as well as Judd, *Common Lands, Common People*, pp. 149–57.

<sup>16</sup>See Joseph E. Taylor, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis* (Seattle: University of Washington Press, 1999), pp. 68–98. For a brief overview of the development of aquaculture in New England, see Cumbler, *Reasonable Use*, pp. 86–90.

but technological—the use of artificial fish culture to restock the state’s failing fisheries. In neglecting to acknowledge, let alone bridge, the gulf between the two factions of fishermen, the commission succeeded only in widening it.<sup>17</sup>

In addition to establishing the Commission of Inland Fisheries, Rhode Island’s General Assembly appointed, at its January 1870 session, a joint special committee of two senators and three representatives specifically to examine the supposed crisis. With no resources for scientific analysis, the legislators could assess the health of coastal fish populations only by interviewing fishermen on both sides of the debate—hardly the ideal means for understanding complex ocean processes, they conceded. At first, the committee held hearings, but they were “exceedingly slow and tedious.” Thereafter, it distributed detailed questionnaires to fishermen throughout the state soliciting information not only about the marine environment and fish behavior but also about the wider implications of fishery decline. The committee asked about fish migrations and physiology, the size of fish catches, possible factors leading to their depletion, and the price and use of major species.<sup>18</sup> The committee thus framed the matter not simply in scientific but in political terms, that is, as a question fundamentally about the future of Rhode Island’s economy, who would participate in it, and whose vision for its future would ultimately prevail.

## II.

Throughout the summer of 1870, as the legislative committee conducted its investigation, the General Assembly discussed potential courses of action. Discerning the causes of fishery decline was the first order of business, and both venues offered

<sup>17</sup>Rhode Island Commissioners of Inland Fisheries, *Annual Report*, 25 January 1871. See also “About Fish,” *Newport Mercury*, 25 April 1870, p. 2; “The Commissioners Appointed Last March,” *Newport Mercury*, 24 May 1870, p. 2.

<sup>18</sup>Rhode Island General Assembly, *Report of the Joint Special Committee to Examine the Fisheries*, pp. 22–34. McKenzie points out that the committee’s approach built on previous fisheries investigations, most of which had used a similar methodology and regarded fishermen as experts on fisheries health and fish behavior (*Clearing the Coastline*, pp. 113–16).



stages on which the ongoing conflict between the state's hook-and-line fishermen and its inshore commercial fishermen played out.

For line fishermen, the problems with trap fishing were all too obvious. Traps allowed for much larger catches than ever before, which had stressed the region's fisheries and seriously depleted some species. Furthermore, traps caught many fish before they could enter the state's rivers to reproduce and prevented the fish population from sustaining itself. Within a short time, line fishermen anxiously predicted, inshore fisheries would be "utterly exterminated."<sup>19</sup>

Whereas line fishermen could simply cite the thousands of fish caught in traps, inshore commercial fishermen could not make their case so easily. They decided that the best strategy was a strong defense. They claimed that their practices had not materially affected the bay's fish population and pointed to a variety of other factors they believed to be causing the problem. Benjamin Tallman, a lifelong commercial fisherman from Portsmouth and inventor of the Rhode Island trap, issued a pamphlet in 1870 entitled *Scup! Scup!! Scup!!!* in which he blithely dismissed the accusations of line fishermen. "Traps have about the same relative effect upon the quantity of fish that pass by, as the dipping out a few pails of water from the ocean would have upon the next high tide," Tallman asserted. He explained that traps were set far enough offshore that they did not interfere with species' inland migrations. From his years of experience, he concluded that fish like scup were not dying or being caught but rather, given the "poisonous corruptions continually being poured into the bay," abandoning Narragansett Bay as well as the spawning sites of inland waterways and moving further north. "When they [scup] scent this pollution," he editorialized, "they turn their noses away from it, like sensible fish, and should be commended therefor." Shifting responsibility from traps to mills, Tallman devised a powerful explanation for the twin problems of fish removal and

<sup>19</sup>For an overview of the hook-and-line argument, see Rhode Island General Assembly, *Report of the Joint Special Committee to Examine the Fisheries*, pp. 24-29.

reproduction that coincided with a growing public recognition about the costs of water pollution.<sup>20</sup> Still, he and other in-shore fishermen acknowledged that the matter was complex and other factors were at play, including attacks by predatory bluefish, diminishing food sources, and cyclical variations in fish populations.<sup>21</sup>

During discussions in the General Assembly and hearings before the joint special committee, science took a back seat to politics as partisans on both sides of the debate presented radically different views about the future of the state's maritime economy. Advocates of fishery regulation believed that an economy built on line fishing would be in the best interest of most Rhode Islanders. Because it required little capital investment, everyone could engage in it, and they could do so part-time, as a means to supplement their diets and incomes. While speaking on the floor of the General Assembly, Representative Elisha Clarke argued that "there were ten thousand poor people in the State, who, though not making their living altogether by fishing, made a practice of catching enough for their families."<sup>22</sup> Although Clarke could not accurately gauge just how many people fished part-time, line fishing was widespread, especially given that many residents of the Ocean State lived only a short distance from the water.<sup>23</sup> Line fishermen suggested that their pursuit was especially critical for the state's many farmers, who often survived on seafood during bad agricultural years. Hook-and-line fishing, they claimed, must be protected, for it kept countless citizens from poverty and starvation.

<sup>20</sup>See Donald Pisani, "Fish Culture and the Dawn of Concern over Water Pollution in the United States," *Environmental Review* 8 (1984): 117-31.

<sup>21</sup>Benjamin Tallman, *Scup! Scup!! Scup!!!* (Portsmouth, R.I.: n.p., 1870), pp. 1-7.

<sup>22</sup>"House of Representatives," *Providence Evening Bulletin*, 3 March 1870, p. 4.

<sup>23</sup>Although a majority (26) of the thirty-eight respondents to the committee's questionnaire engaged in either hook-and-line or trap fishing full-time, a significant number (12) fished part-time for food or recreation. They included farmers, merchants, artisans, hotel keepers, toll keepers, and even journalists. Hook-and-line fishing was therefore not limited to a particular social class but was broadly practiced. See Rhode Island General Assembly, *Report of the Joint Special Committee to Examine the Fisheries*, pp. 39-158.

Trap fishing, on the other hand, concentrated jobs and earnings among only a few Rhode Islanders. During a debate in the General Assembly, a representative from Providence insisted that it was “unfair, extravagant, and unnatural” that commercial fishermen could fish at will “for the benefit of the few.”<sup>24</sup> J. Talbot Pitman, secretary of the joint special committee, admitted that “the places for setting traps was a monopoly, held by the same parties for 25 years, and that all other persons were, by the arrangements of the trappers amongst themselves, practically excluded from occupying them.”<sup>25</sup> An editorial in an 1870 edition of the *Providence Evening Bulletin* summarized the hook-and-line argument: “the money, in one case, goes into comparatively few hands, while in the other, it is distributed among many. This latter class, also,—the line fishermen,—are those who need it most.”<sup>26</sup>

At the other end of the economic spectrum from subsistence fishermen were clubsmen and sportsmen—elites who were often in the vanguard of attempts to conserve fish and game nationwide. In 1870 the Squantum Club, an exclusive social organization in Rhode Island that held regular clambakes and fish fry dinners, submitted a petition to the General Assembly asking for increased management of trap fishing. Their dinners were described by one newspaperman as “‘no good’ without scup,” and the desire to please their palates made the club’s members some of the staunchest proponents of regulating the state’s fisheries.<sup>27</sup> Although Rhode Island was not well known for its sporting opportunities early in the century, by the 1870s its recreation-based economy was growing. In the 1869 edition of *Fishing in American Waters*, Genio C. Scott recounted the pleasures of fishing for bluefish and tautog in Rhode Island.

<sup>24</sup>“House of Representatives,” *Providence Evening Bulletin*, 2 March 1870, p. 8.

<sup>25</sup>“The Argument on the Fisheries Question,” *Providence Evening Bulletin*, 15 February 1870, p. 4.

<sup>26</sup>“Scup and Other Fish,” *Providence Evening Bulletin*, 10 January 1870, p. 5.

<sup>27</sup>“General Assembly,” *Providence Evening Bulletin*, 12 January 1870, p. 4; “Scup,” *Newport Journal*, 6 January 1870, p. 2. For more on the Squantum Club, see “The Squantum Club,” *New York Times*, 11 June 1889, p. 4; and “Concerning Scup,” *Providence Evening Bulletin*, 21 January 1870, p. 4.

Scott's adventures were frustratingly interrupted by the numerous pounds and traps erected by commercial fishermen at Sakonnet Point. "Recently a salmon was caught in one of these infamous traps," he reported. "If it is seriously contemplated to restore salmon to our deserted rivers," he opined, "the first step should be to take up all nets fastened to stakes in the rivers and along the coast."<sup>28</sup>

Whereas line fishermen argued that all of Rhode Island's citizens had a right to its natural bounty, commercial fishermen insisted that their industry was one of the state's most powerful economic engines and that regulating it would inevitably harm the state as a whole. In an 1870 editorial for the *Providence Evening Bulletin*, Representative John E. Weeden declared that regulation was "unwise," for it would "destroy by law a business that produced to the citizens of the State \$300,000 in a few weeks." He claimed that such legislation had no grander purpose than "reviving a branch of industry which never in its best days produced anything but poverty." The lot of the already impoverished would not be improved, Weeden maintained, and the only effect of the law would be to cast the trap fishermen among them. Weeden likened trap fishing to other industries that were simultaneously undergoing radical technological change and modernization—changes he considered progressive. It would be folly to bring these benefits to an end and subsidize an unproductive enterprise. At stake, therefore, was not simply what was causing fish stocks to decrease but what "branch of industry" helped the most people and should be protected in the future.<sup>29</sup>

According to trap fishermen, their enterprise not only provided the state with much-needed money but stimulated other

<sup>28</sup>Genio C. Scott, *Fishing in American Waters* (New York: Harper and Brothers Publishers, 1869), p. 113. The game laws of Rhode Island are outlined in *Fur, Fin, and Feather: A Compilation of the Game Laws of the Principal States and Provinces of the United States and Canada* (New York: Charles Suydam Publisher, 1870), pp. 80–81. In *American Sportsmen and the Origins of Conservation* (New York: Winchester Press, 1975), John F. Reiger argues that sportsmen were often in the vanguard of the conservation movement.

<sup>29</sup>"Mr. Weeden and the Fishery Question," *Providence Evening Bulletin*, 11 March 1870, p. 2.

commercial activities as well. One politician, who referred to the proposed regulatory legislation as “an act to destroy property, encourage idleness, and promote poverty,” argued that if it were passed, “the business men of Providence would feel the effects of it in their pockets.”<sup>30</sup> Numbering under five hundred in 1865, full-time commercial fishermen struggled to shed characterizations of exclusivity and privilege.<sup>31</sup> They repeatedly refuted allegations that they had become rich with little to no work because fish simply swam into their nets. They instead stressed that hard work and determination, not technology, had produced their success. In support of their position, an 1870 petition to the General Assembly characterized trap fishermen as an “industrious class of men,” and a newspaper editorial similarly described the “many hardships and privations” they faced while simply going about earning a living, not becoming wealthy.<sup>32</sup>

Trap fishermen bolstered their self-characterization as hard-working men by portraying line fishing almost exclusively as a recreational exercise pursued by elite outsiders who were driven by narrow self-interest and had little regard for the state’s broader economy or citizenry. During a discussion in the senate, Lieutenant Governor Pardon Stevens remarked that agitation for fishery regulation generally came from “gentlemen of leisure,” who fished “for sport and pleasure, and who cared very little whether fish were plenty for food and cheap for the poor to buy.”<sup>33</sup> A petitioner concurred, remarking that hook-and-line fishing was useful only “for the purpose of passing an idle day, or for sport.”<sup>34</sup> Although suggesting that all line fishermen did not deserve the disparagement reserved for sport fishermen, an 1870 editorial in the *Providence Evening*

<sup>30</sup>House of Representatives, *Providence Evening Bulletin*, 3 March 1870, p. 4.

<sup>31</sup>Edwin M. Snow, *Report on the Census of Rhode Island*, 1865, p. 50.

<sup>32</sup>Petition of Joshua L. Dickens et al. to the General Assembly of Rhode Island, January 1870, Rhode Island State Archives; “The Fishery Question,” *Providence Evening Bulletin*, 7 March 1870, p. 2.

<sup>33</sup>“Senate,” *Providence Evening Bulletin*, 25 March 1870, p. 4.

<sup>34</sup>Petition of Alfred Lifson et al. to the General Assembly of Rhode Island, January 1870, Rhode Island State Archives.

*Bulletin* nonetheless insisted that those who fished for pleasure were not among the “laboring and producing class of our population.” “A great outcry is made that some fish are wasted as an article of food by this wholesale catch” of trap fishing, the editorial continued, “but no notice is taken of the wasteful habits of many gentlemen hook-and-line fishermen, who leave their fish to waste upon the shore, only perhaps saving some fine specimen to exhibit as a trophy of their skill.”<sup>35</sup> Artfully debunking depictions of hook-and-line fishing as a subsistence activity, trap fishermen suggested that only a commercial enterprise such as theirs would stem the rising cost of seafood for those who relied on it as an affordable source of protein.

The fisheries debate was, at heart, political, and partisans on both sides appealed to the state’s highest authority in making their respective cases. An 1870 petition from Tiverton stated that “the enactment of such a [regulatory] law would interfere with what has ever been regarded as one of the Constitutional rights of the people of the state,” that is, to “freely exercise all the rights of fishing.”<sup>36</sup> In short, the legislature had absolutely no sanction to inhibit access to any comer, even large-scale commercial enterprises. Advocates of fishery regulation, on the other hand, argued that the right to fish was not unlimited and could be infringed by others. One state representative maintained that pending regulatory legislation “does not take away the rights of any persons, but makes those rights equal. . . . The bill seeks to protect these individuals [hook-and-line fishermen] in their rights, and the wholesale slaughter of fish by these engines called traps and seines is a violation of these rights.”<sup>37</sup> Line fishermen asserted, in sum, that regulation would uphold, not curtail, the rights stipulated in the constitution by ensuring that no fisherman whatsoever was deprived of his access to natural resources.

<sup>35</sup>“The Fishery Question,” *Providence Evening Bulletin*, 7 March 1870, p. 2.

<sup>36</sup>Remonstrance of James A. Peckham et al. against the passage of a law in regard to seine fishing, 25 January 1870, Rhode Island State Archives.

<sup>37</sup>“House of Representatives,” *Providence Evening Bulletin*, 23 January 1871, p. 1.

Because debates about the future of the fisheries revolved around questions of political economy and the interpretation of constitutional rights, they played a role in pending statewide elections, which were held annually on the first Wednesday of April. Early that month in 1870, the *Newport Mercury* predicted that “the friends of seine fishing and hook fishing will contest the election with all their strength,” especially “in the several towns in the counties of Newport, Bristol, Kent, and Washington,” areas proximate to Narragansett Bay.<sup>38</sup> Ultimately, the election did not resolve debates over the proper management of the state’s marine resources, and the clamor over the fisheries question only intensified. In that respect, it was a sign of things to come.<sup>39</sup>

In the wake of the spring’s election, the joint special committee issued its final report. After recapping the competing claims of line and trap fishermen, the committee acknowledged that scup “have gradually left these waters, until they are quite abandoned by this species of fish, and partially so by other species.” Members largely accepted the reasoning of line fishermen and therefore submitted that Rhode Island was justified in enacting regulatory legislation so that it might fully protect the constitutional rights of all its citizens to enjoy access to coastal fishing grounds. Unanimously concluding that the state should manage marine resources through legislation, the committee urged that “the use of all traps and heart seines, and other contrivances for catching fish, not including pike nets, shore or purse seines, be prohibited” throughout *most* of Narragansett Bay. The exception was telling: the committee’s proposed legislation excluded the most prosperous trap fishing grounds at Sakonnet Point.<sup>40</sup> The committee, then, had viewed the evidence through a political lens, and it offered a compromise that extended concessions to both line and trap fishermen. Still, its recommendation was

<sup>38</sup>“The Annual Election,” *Newport Mercury*, 2 April 1870, p. 2.

<sup>39</sup>“Local Matters,” *Newport Mercury*, 9 April 1870, p. 2.

<sup>40</sup>Rhode Island General Assembly, *Report of the Joint Special Committee to Examine the Fisheries*, pp. 31–37; “The Fish Report,” *Newport Mercury*, 29 October 1870, p. 2.

more extreme than those being considered by other states in New England. In seeking to conciliate all interests, however, the committee pleased none.<sup>41</sup>

In February 1871, the committee's proposed bill passed the house and was introduced in the senate. After extensive debate, the state's senators were deadlocked, and Pardon W. Stevens was called upon to cast the deciding vote. Stevens, a veteran Republican politician, had been lieutenant governor since 1868. He also had strong ties to the inshore fishing industry and owned a share in at least two heart-seines. No one was surprised when he voted to scuttle the committee's compromise measure. Yet his action did not end the debate but only increased demands for regulation.<sup>42</sup>

### III.

As Rhode Island remained polarized, Spencer Baird assumed his new role as U.S. Commissioner of Fish and Fisheries. Although trained as an ornithologist, Baird had long been interested in the marine world and began collecting specimens as early as 1854. He visited Woods Hole, in Massachusetts, during the summer of 1863, where locals were distressed about declining inshore fish populations, a worry Baird heard repeated by coastal fishermen at Eastport, Maine, in 1869. His own observations persuaded Baird that the fishermen's concerns were well founded, and he determined to locate the cause of the decline.<sup>43</sup>

<sup>41</sup>For a comparison of the findings of Rhode Island's joint special committee and Massachusetts' committee appointed to investigate trap fishing, see McKenzie, *Clearing the Coastline*, pp. 113–22. See also U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. vii–ix.

<sup>42</sup>"House of Representatives," *Providence Evening Bulletin*, 27 January 1871, p. 4; "Senate," *Newport Daily News*, 25 February 1871, p. 2. Stevens's supporters and opponents wrangled over the degree to which he was involved in the fishing industry, but even his allies acknowledged his interest in at least two heart-seines. See "A Fishy Article on the Fish Business," *Providence Evening Bulletin*, 24 January 2871, p. 2.

<sup>43</sup>According to his daughter, Baird "every year . . . more and more realized the importance of a thorough investigation into the causes of the decrease of food fishes along our coast" (quoted in William Healey Dall, *Spencer Fullerton Baird: A Biography* [Philadelphia: J. B. Lippincott, 1915], p. 417). See also Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, pp. 69–86.



Initially funded by the Smithsonian, he began investigating inshore fisheries from Woods Hole during the summer of 1870. Understanding that his resources were limited, he collaborated with public officials to secure further federal support for the project. By December of that year, a congressman from Massachusetts introduced a bill that would provide funding for “investigations into the subject of the food fishes of the Atlantic Coast, with a view of ascertaining what remedy can be applied toward securing the supply against its present rapid diminution.” When passed in late January 1871, this bill gave birth to the United States Commission of Fish and Fisheries.<sup>44</sup>

Controversies over inshore fisheries in states like Maine and Massachusetts are most often cited as capturing Baird’s interest, but he pointed to Rhode Island’s and Massachusetts’ “diametrically opposite conclusions” on the fisheries crisis as the reason why the intervention of “some scientific officer of the general Government presumed to be competent to the inquiry and entirely uninfluenced by local considerations” was required.<sup>45</sup> Like Rhode Island, the legislature of Massachusetts had been deluged with complaints about declining fisheries in 1870. The commonwealth formed a legislative commission to deal with the controversy, which eventually concluded that pound fishing was not to blame for fish scarcities and that no regulation should be enacted. In 1868 Connecticut had passed a law limiting the use of pounds in the Connecticut River, with the ultimate goal of complete prohibition by 1871. Yet the state enforced the law only intermittently. Add to this mix of findings and actions the unanimous endorsement of Rhode Island’s joint special committee for trap regulation, and it is clear why Baird and others throughout the region were seeking a new way of addressing the problem.<sup>46</sup> Among those Baird singled out was Samuel

<sup>44</sup>Quoted in Dall, *Spencer Fullerton Baird*, pp. 419–20. See also U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. vii–xii.

<sup>45</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. ix–x. Dean C. Allard and Matthew McKenzie give events in Rhode Island the most consideration. See Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, pp. 69–87, and McKenzie, *Clearing the Coastline*, pp. 113–17.

<sup>46</sup>Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, p. 70.

Powel, a state senator from Rhode Island, who suggested to him that before trap fishing were completely prohibited, in Rhode Island or elsewhere, “it should first be made the subject of inquiry on the part of scientific men.” His correspondence with Powel went a long way toward persuading Baird to enter the fray, and as he carefully monitored developments in the state, he was influenced by them.<sup>47</sup>

Drawing on his training as a naturalist, Baird widened the scope of his study beyond the testimony of fishermen to include direct observation and specimen collections. Only an understanding of the marine environment in its entirety, he believed, would produce accurate insights into fish behavior and the cause or causes of declines in coastal fish populations. Working from this assumption, Baird and his associates gathered information about the migratory patterns of fish, fish physiology, and the diet of different species. They examined mollusks and other marine organisms as well as environmental factors like water temperature and salinity to gauge the dynamics of the marine environment. Baird and his team conducted field studies throughout New England—including Narragansett Bay—and they visited almost every fish trap in Massachusetts and Rhode Island to document “their location and character.”<sup>48</sup> This approach was radically different from previous studies of the region’s coast, and many believed that it offered a way to inform discussions of the political economy of the fisheries through the application of impartial science.

Despite his emphasis on a scientific methodology, Baird did not neglect the views of fishermen and others involved in the industry. On his travels throughout the region, he solicited the opinion of a variety of people on both sides of the controversy. At Newport in early August 1871, he took testimony from

<sup>47</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. ix–x. For a more detailed overview of the developments leading to the formation of the U.S. Fish Commission, see Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, pp. 69–87; Judd, *Common Lands, Common People*, pp. 229–62; and McKenzie, *Clearing the Coastline*, pp. 127–36.

<sup>48</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, p. xiv; Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, pp. 87–110; McKenzie, *Clearing the Coastline*, pp. 127–36.

inshore fishermen, line fishermen, fish dealers, politicians, and other prominent citizens with some knowledge of the marine environment. Baird remarked that “many of these persons eagerly embraced the opportunity to tell their story of alleged wrongs,” and he asked them to respond to a number of specific questions. The eighty-eight questions Baird and his associates produced, which focused primarily on observations of fish behavior and the impact of fishing, were remarkably similar to the eighty-two Rhode Island’s joint special committee had posed just one year before. However, Baird also included a more extensive section on “Economical Value and Application,” which sought information about how each type of fish was used as well as about markets and prices.<sup>49</sup>

Baird admitted that this approach was not shaped solely by scientific data but by his own political calculations as well.<sup>50</sup> Indeed, Baird’s portrayal of himself as an “impartial” party to the dispute is somewhat disingenuous, for he began his investigation under the assumption that “the use of nets of certain kinds has done a great part, or even the whole, of the mischief complained of.” Thus his research was targeted toward the goal of determining “whether so positive a measure as absolute prohibition was expedient or necessary, and whether by limiting the time during which the use of nets is allowed, the interests of both parties may not be reconciled.”<sup>51</sup> In other words, from the outset Baird agreed with line fishermen that traps were having a negative impact on the region’s fisheries, and he sought the regulatory solution that would be most effective *within the confines of* what fishermen would find acceptable. Baird’s challenge was not simply to present a scientifically based conclusion about the cause or causes of the decline of fish populations—indeed,

<sup>49</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. 1–32, 182–85, 14.

<sup>50</sup>McKenzie argues that “Baird’s recommendations represented a compromise between what his research told him the ecosystem needed, what the fishermen alongshore said they needed, and what would be found acceptable among weir fishermen and state agents” (*Clearing the Coastline*, pp. 133–34).

<sup>51</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, p. xi.

he believed he already knew it—but to accommodate social, economic, and political issues in proposing a remedy that would not alienate either faction of fishermen.<sup>52</sup>

Baird announced his findings, which were based on the information he and his team had gathered from observations, collections, and interviews, in October 1871. The fisheries crisis, he concluded, was being caused by two factors: trap fishing and attacks by schools of predatory bluefish. In a gesture toward trap fishermen, he acknowledged that bluefish were probably more destructive than traps but that only traps could be controlled through legislation. Despite the era's unprecedented expansion of federal power, Baird believed that the region's fisheries crisis was best handled at the state level. Thus he proposed that each New England state authorize its Commissioner of Inland Fisheries to require licenses for traps and seines and to close trap fishing between 20 April and 15 June from six in the morning on Friday to six in the evening on Monday. He thought that his compromise would preserve the socioeconomic benefits of both trap fishing and line fishing and spur the development of other industries.<sup>53</sup>

#### IV.

Even though he had collaborated with several prominent Rhode Islanders, Baird's studies and recommendations had little effect on events in the state. Following regulation's one-vote defeat in the General Assembly in February 1871, further debates about the matter were conducted chiefly through the electoral process. Line fishermen focused their efforts on removing Lieutenant Governor Stevens, the man they held responsible for the regulatory bill's demise. They tapped Francis Brinley, a Republican legislator, to oppose Stevens from within his own party. A native of Massachusetts and a lawyer by training, Brinley had held a variety of political offices in

<sup>52</sup>McKenzie, *Clearing the Coastline*, pp. 131–35.

<sup>53</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, pp. 132–34, xx, and Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, pp. 95–101.

both Massachusetts and Rhode Island. His main connection to the fishery crisis was his chairmanship of the 1870 joint special committee, where he had become an outspoken champion of regulation.<sup>54</sup>

By all accounts, the 1871 campaign was significantly more intense than that of 1870. The day before the election, an article in the *Providence Evening Bulletin* urged people to repudiate the renegade challenger and vote for the incumbent.

We hear that preparations are making in some quarters to bring out to-day a bogus Republican ticket with some other name substituted for that of Lieut. Gov. Stevens. Not a truthful word can be uttered against the political or personal integrity of the Republican nominee for Lieutenant Governor. . . . The shame of deserved defeat awaits those who are endeavoring to strike down honest Pardon W. Stevens.<sup>55</sup>

Of the thirteen thousand votes cast, Brinley received just over eighteen hundred, while Stevens amassed more than six thousand.<sup>56</sup> Even though his candidacy attracted only 14 percent of the electorate, Brinley's showing was nonetheless notable for a candidate running simply on the promise of regulating trap fishing. The third candidate on the ballot, Democrat Charles Cutler, surpassed Stevens's tally. Because no candidate received a majority of the vote, the General Assembly was left to choose between the top two candidates, Cutler and Stevens. Given that Republicans held a three-to-one edge over Democrats in that body, Stevens's victory was assured.<sup>57</sup>

Elsewhere in the electoral process, the fisheries matter had a more dramatic impact. The *Providence Evening Bulletin* noted that "the bolt of hook-and-line fishermen in this city had a demoralizing effect upon the vote for Assemblymen, and a citizens

<sup>54</sup>Oliver Ayer Roberts, *History of the Honorable Company of the Massachusetts Now Called the Ancient and Honorable Artillery Company of Massachusetts, 1637–1888* (Boston: Alfred Mudge and Son, 1898), pp. 58–59.

<sup>55</sup>"Vote the Whole Ticket!" *Providence Evening Bulletin*, 5 April 1871, p. 2.

<sup>56</sup>"Rhode Island Election," *Baltimore Sun*, 6 April 1871, p. 1; "Rhode Island," *Lowell Daily Citizen and News*, 8 April 1871, p. 2.

<sup>57</sup>"The State Election," *Providence Evening Bulletin*, 6 April 1871, p. 4.

ticket found sufficient support to defeat the election of six of the regular Republican candidates for Representatives.”<sup>58</sup> While information about these elections is sketchy, available evidence suggests that debates over the fisheries were shaping politics in the state and that voters, more so than scientists or even fishermen themselves, were seen as the proper arbiters of the industry’s future.

Although divided on the progress and results of the election, Republican newspapers throughout the state agreed that the fisheries controversy had influenced its outcome. The *Providence Evening Bulletin* labeled Brinley’s campaign “an ill-advised and unfortunate bolt from the Republican nomination, on the trap-fishery issue” and claimed that the election had revealed “the strength of the scup ticket.”<sup>59</sup> Yet the *Newport Daily News* assumed otherwise, commenting that “if the republican vote, as divided between Messrs Stevens and Brinley, is a fair expression of the people on the fish question, ‘scup’ stand a poor chance in time to come.”<sup>60</sup> Although Stevens was not defeated, the election signaled that many Rhode Islanders were looking to the electoral process as the most appropriate venue in which debates over fisheries regulation should play out.

Far from ending debate on the fisheries question, Stevens’s victory egged on his critics. But in early 1872, regulatory legislation stalled once more in the General Assembly. The 1871 election had shown that dividing the Republican vote gave the incumbent an advantage against opponents of both parties, and so the following year Stevens’s foes chose to support his Democratic challenger, Charles Cutler, for lieutenant governor. Cutler, familiar to voters from the election of the previous year, owned a large textile and cordage manufacturing firm in Warren, Rhode Island. During the election, opponents charged that products made in Cutler’s factory were later fabricated

<sup>58</sup>“The State Election,” *Providence Evening Bulletin*, 6 April 1871, p. 4; see also, “The Election,” *Newport Daily News*, 6 April 1871, p. 2.

<sup>59</sup>“The State Election,” *Providence Evening Bulletin*, 6 April 1871, p. 4; “The Rhode Island Election,” *Providence Evening Bulletin*, 6 April 1871, p. 4.

<sup>60</sup>“Lieut. Governor,” *Newport Daily News*, 7 April 1871, p. 2.

into the very traps at the root of the conflict.<sup>61</sup> Although the veracity of these accusations is suspect, the fact that Republican supporters of fishery regulation would back a Democratic candidate with even tenuous ties to commercial fishing suggests both their desperation to defeat Stevens as well as the extent of their personal animus against him.

The 1872 campaign was bitter. A Republican newspaper in Bangor, Maine, reported that Stevens was “shamefully maligned and misrepresented, in speeches, newspapers, and handbills.”<sup>62</sup> The vote was again close, and although Cutler won only two of the state’s five counties—Providence and Bristol—he defeated Stevens by a margin of slightly over two hundred votes. Townships with strong trap-fishing interests—such as Newport, Little Compton, and Tiverton—voted overwhelmingly for Stevens. Townships further from productive trap fisheries and experiencing the decline of line fishing most keenly—generally those located in northern Narragansett Bay—voted primarily for Cutler.<sup>63</sup>

Beyond the race for lieutenant governor, Edwin Brown, “an active and extensive fish trapper, of the Democratic persuasion,” was elected to the General Assembly for the town of East Greenwich. Just days after his election, the *Newport Daily News* crowed about his victory over the town’s “high hook and liners.”<sup>64</sup> Thus, the election was mixed. Advocates of regulation had succeeded in ousting Stevens, but they suffered setbacks as well. Still, for many Rhode Islanders, Stevens’s demise was shocking. At the time of the election, Rhode Island was a Republican stronghold. Indeed, this period was characterized by

<sup>61</sup>Rhode Island General Assembly, *Acts and Resolves Passed at the May Session of the General Assembly of the State of Rhode Island and Providence Plantations* (Providence: Providence Press Company, 1868), pp. 52–53; “The General Assembly,” *Newport Daily News*, 29 May 1872, p. 2; Welcome Arnold Greene, *The Providence Plantations for Two Hundred and Fifty Years* (Providence: J. A. and R. A. Reid, 1886), p. 411.

<sup>62</sup>“The Rhode Island Election,” *Bangor Daily Whig and Courier*, 6 April 1872, p. F.

<sup>63</sup>“The General Assembly,” *Newport Daily News*, 29 May 1872, p. 2.

<sup>64</sup>“The Consistency of the Hook-and-Liners,” *Newport Daily News*, 6 April 1872, p. 2.

intense devotion to one's political party, and one political historian argues that parties "had become communities—the sense of loyalty to them, as to a family, a tribe, a religion, or a nation, had overwhelmed all else."<sup>65</sup> Rhode Islanders certainly fit this mold. In the fifteen years since 1857, the state had submitted itself to a Democratic governor for only two months and Republican lieutenant governors for all but three years. The state's citizens had also cast their electoral votes for Republican presidential candidates each year from 1856 into the twentieth century.<sup>66</sup> However, voters broke from their unwavering support of Republicans to support a Democrat based chiefly on the prospect of enacting fishery regulation.

Unlike the aftermath of the 1871 election, in 1872 most newspapers failed to comment on the election's import for the state's fisheries. Instead, the dailies interpreted the results primarily in terms of political partisanship—not surprising, given that most were themselves party organs. The Republican *Newport Daily News* described pro-regulation voters as "treacherous to the Republican interests" but insisted nonetheless that the election represented "no gain to the Democracy for it was only by Republican votes that Cutler succeeded in carrying the state."<sup>67</sup> Taking a different view of the matter, the Democratic *Providence Herald* boasted that "we have taught the Republicans a lesson they will not soon forget, and if we keep our shoulder to the wheel as firmly and as hopefully as we have this year, it is safe to surmise that Rhode Island's affairs, will ere long, pass from the custody of the suffrage-buying party that has so long disgraced her name, to the clean hands of honest,

<sup>65</sup>Joel H. Silbey, *The American Political Nation, 1838–1893* (Stanford: Stanford University Press, 1991), p. 126.

<sup>66</sup>Rhode Island Department of State, *Manual, with Rules and Orders for the Use of the General Assembly of the State of Rhode Island* (Providence: E. L. Freeman Company, 1915), pp. 85–86, 89–90. The state had a Democratic lieutenant governor between 1860 and 1862, and this victory was made possible mostly by an alliance between Democrats and Constitutional Unionists. For a detailed electoral history of the state, see Edward Field, ed., *State of Rhode Island and Providence Plantations at the End of the Century: A History*, vol. 1 (Boston: Mason Publishing Company, 1902), pp. 353–81.

<sup>67</sup>"The Election," *Newport Daily News*, 5 April 1872, p. 2.



law-abiding, unpurchasable Democracy.”<sup>68</sup> Unlike the previous election, neither paper attempted to predict how the electoral results might affect prospects for enacting fishery regulation.

In far off Chicago, however, the capacity of the fisheries problem to break Rhode Island’s Republican stronghold was considered deeply disturbing. An article printed in the *Chicago Tribune* and quoted throughout Rhode Island opened by citing the Democratic Party’s unsuccessful attempts to win elections by capitalizing on such issues as slavery, drinking laws, women’s suffrage, and labor reform. However, “in a State which is always Republican by an overwhelming majority, it was the easiest thing in the world for a Democrat to get elected, provided only he was sound on scup, scuppog, tautog and pollock, and that he would not use any unfair means to capture the finny tribes of Narragansett Bay.” “Old Isaak Walton could have rejoiced in that piscatorial patriotism which could make fish superior to a political platform,” the author continued, and “rise above the paltry considerations of civil rights and political reform, and break the bonds of party, rather than violate its time-honored principles of fishing tackle, and the right to fill the skillet by retail and not by wholesale.”<sup>69</sup> Caught up in the cleverness of his one-sided attack, the author had misunderstood the true import of the election. It was *not* just about fish after all but, more fundamentally, about those very considerations of civil rights and political reform that he felt had been overshadowed in the conflict between the piscatorial opponents.

Both the 1871 and the 1872 state elections therefore revealed the limits of Baird’s influence. Although the first contest took place in the midst of his scientific investigations and the second after he submitted his proposed legislation, his measured findings and recommendations were overshadowed by the turmoil of the electoral process. Although the fisheries question was debated vociferously in the course of that process, once it was concluded different priorities dominated the legislative agenda.

<sup>68</sup>Quoted in “Rhode Island,” *New Hampshire Patriot*, 10 April 1872.

<sup>69</sup>Quoted in “A New Party in Rhode Island,” *Newport Daily News*, 23 April 1872, p. 2.

## V.

Line fishermen pressed on with their campaign following the 1872 election. Insisting that the desires of the majority of Rhode Islanders had been ignored, a writer in the *Providence Press* threatened that opponents of trap fishing would form a party based purely on that opposition and predicted that, if “‘kind words and tufts of grass’ fail to dislodge the trappers, the more solid arguments of a convention and a ballot will bring the thing to an end.”<sup>70</sup> But the state’s political climate and a perceived surge in the fish populations of Narragansett Bay staved off regulation for several years. Indeed, trap fishing was not reined in until 1879, when the General Assembly and Commissioners of Inland Fisheries cooperated to enact a limited ban on trap fishing in much of Narragansett Bay. During the spring season, commercial fishermen were forced to open their traps for forty-eight hours each week to ensure that “fish may have a free, unobstructed passage.”<sup>71</sup> A line fishing party never materialized, and despite regulation, trap fishermen dominated the economy of the region and expanded their industry throughout the rest of the century. Indeed, by 1880 there were twice as many traps in use in Rhode Island as there had been in 1871, and traps had become a permanent fixture on the state’s coastal landscape.<sup>72</sup>

Spencer Baird’s conclusion that trap fishing had diminished the fish populations of Narragansett Bay was questioned as early as 1872, when fish swarmed into state waters in record numbers. According to Dean C. Allard, that fact persuaded Baird henceforth to be more “cautious . . . in making dogmatic judgments on fish stock dynamics.”<sup>73</sup> These events soon prompted Baird to embrace aquaculture as the best means of protecting fisheries, entirely transforming the overall strategy of the

<sup>70</sup>“The Senate’s Trap to Catch Gulls,” *Providence Press*, 17 April 1872, p. 2.

<sup>71</sup>Rhode Island Commissioners of Inland Fisheries, “Notice to the Public,” *Newport Daily News*, 19 April 1879, p. 3.

<sup>72</sup>Rhode Island Commissioners of Inland Fisheries, *Tenth Annual Report* (Providence: E. L. Freeman and Co., 1881), p. 3.

<sup>73</sup>Dean C. Allard, “Spencer Baird and Support for American Marine Science, 1871–1887,” *Earth Sciences History* 19.1 (2000): 48.

United States Fish Commission until well into the twentieth century.<sup>74</sup> Yet Baird's failure to resolve the Rhode Island crisis was not due to fluctuations in fish stocks but to the nature of the controversy itself. The conflict between line and trap fishermen was above all a struggle for the future of Rhode Island. Baird recognized as much when he noted that "in this State it became a political question rather than an economical one, and shared with the regular issues in determining the result of elections."<sup>75</sup>

Scholars have long recognized that debates over fish and other common resources are intensely political.<sup>76</sup> Yet in the infighting among scientists, fishery managers, politicians, and industry representatives over the best ways to manage marine resources, the voices of fishermen themselves are often obscured.<sup>77</sup> For many scholars, the political process is just one

<sup>74</sup>Joseph Taylor argues that because of these events, Baird "unwittingly altered his mission from scientific investigation to promotion of fish culture" (*Making Salmon*, p. 75).

<sup>75</sup>U.S. Commission of Fish and Fisheries, *Report on the Condition of the Sea Fisheries*, p. viii.

<sup>76</sup>The classic work is Arthur F. McEvoy, *The Fisherman's Problem: Ecology and Law in the California Fisheries, 1850-1980* (Cambridge: Cambridge University Press, 1986). McEvoy argues that human relationships to common resources like fish are complicated by "processes" that are "ecological, economic, and cultural," including the political and legal milieu within which attempts to manage the commons take place (pp. 3-14). A number of other scholars have followed up on McEvoy's work in recent years. See Bonnie J. McCay and James M. Acheson, eds., *The Question of the Commons: The Culture and Ecology of Communal Resources* (Tucson: University of Arizona Press, 1987); Tim D. Smith, *Scaling Fisheries: The Science of Measuring the Effects of Fishing, 1855-1955* (Cambridge: Cambridge University Press, 1994); James M. Acheson, *Capturing the Commons: Devising Institutions to Manage the Maine Lobster Industry* (Hanover: University Press of New England, 2003); Taylor, *Making Salmon*; Judd, *Common Lands, Common People*; and McKenzie, *Clearing the Coastline*.

<sup>77</sup>Fishermen's voices are also largely absent from works about the United States Fish Commission, many of which focus on the Fish Commission as an institution or on Baird. For example, see Theodore Whaley Cart, "The Federal Fisheries Service, 1871-1940" (M.A. thesis, University of North Carolina, 1968); Allard, "Spencer Baird and Support for American Marine Science," Allard, *Spencer Fullerton Baird and the U.S. Fish Commission*, pp. 44-57; Dean C. Allard, "Spencer Baird and the Scientific Investigation of the Northwest Atlantic, 1871-1887," *Northern Mariner* 7.2 (April 1997): 31-39; E. F. Rivinus and E. M. Youssef, *Spencer Baird of the Smithsonian* (Washington: Smithsonian Institution Press, 1992), pp. 150-51; and Michael L. Weber, *From Abundance to Scarcity: A History of U.S. Marine Fisheries Policy* (Washington: Island Press, 2002), pp. 3-19.

more factor that prevents fishermen from actively shaping fishery regulation, disconnecting them from decisions about how the resources on which their livelihood depends should be allocated. Indeed, several recent scholars have suggested that debates over inshore fishery regulation in the 1870s offered policy makers a chance to discard the knowledge of line fishermen and other traditional watermen in favor of data gathered by industrial or scientific elites, often to the detriment of local communities.<sup>78</sup> To some extent this holds true for Rhode Island, where for the first time the state's line fishermen were forced to compete with fishery scientists, politicians, and trap fishermen for a say in how the state should supervise coastal fisheries. Yet the case of Rhode Island also serves as a reminder that fishermen did continue to play a major role in political debates over fishery policy. Other states in New England ultimately rejected the testimony of line fishermen as biased and unscientific, but in Rhode Island it was central to the state's flirtation with regulation. Rhode Island's line fishermen perceived the environmental, social, economic, and political facets of the controversy to be deeply interconnected. The political process was thus an opportunity, not a limitation, and Rhode Island's fishermen recognized that their authority was not

<sup>78</sup>For example, see McEvoy's focus on aboriginal methods of regulating fisheries (*The Fisherman's Problem*, pp. 19–62). See also McKenzie, *Clearing the Coastline*, pp. 112–36. Although not concentrating on the fisheries, James C. Scott similarly argues that government involvement in scientific endeavors has led to the adoption of a simplified understanding of the natural world while ignoring “mētis,” which he defines as “the knowledge that can come only with practical experience.” Scott uses this concept to show how distance from the knowledge of local resource users often has dire consequences for the management of those resources in *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), pp. 6–7. Although Judd notes the rise of scientific attempts to manage fisheries, he posits that local communities did influence marine resources management in Massachusetts and Maine and succeeded in getting at least some of their more informal methods of managing fisheries codified into state and federal laws (*Common Lands, Common People*, pp. 229–62). In a slightly different vein, David J. Grettler notes that the introduction of capitalistic fishing through seines, weirs, and pounds in nineteenth-century Delaware made fishermen “more in tune with their river than ever before” rather than rendering their knowledge of the environment more abstract. See David J. Grettler, “The Nature of Capitalism: Environmental Change and Conflict over Commercial Fishing in Nineteenth-Century Delaware,” *Environmental History* 6.3 (July 2001): 464.

confined to making observations about the marine environment to be interpreted by others. Their authority extended to the ballot box.

In Rhode Island, neither trap fishermen nor line fishermen had been willing to compromise because they were, in effect, partisans who viewed their positions in political, even constitutional, terms. They insisted that rights must be defended, not negotiated. In this respect they considered themselves to be not just partisans but, as their detractor had labeled them, piscatorial patriots. Although the fisheries crisis extended throughout New England, only in Rhode Island did it become highly politicized and a factor in electoral results. And only in Rhode Island did state politicians give prolonged consideration to the concerns of line fishermen and come to the very brink of enacting the most radical solution to fisheries depletion, the complete prohibition of certain types of commercial fishing gear. It is in Rhode Island, then, that we see most clearly the ways in which the federal fisheries science that Spencer Fullerton Baird propounded during the formative years of the United States Commission of Fish and Fisheries ran headlong into the inescapable trap of piscatorial politics.

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