

A Black Ship on Red Shores: Commodore Matthew Perry, Prince Edward Island, and the Fishery Question of 1852-1853

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Résumé de l'article

En 1852 le droit des pêcheurs américains de pratiquer leur métier au large des colonies de l'Amérique du Nord britannique fit l'objet d'un différend entre la Grande-Bretagne et les États-Unis, qui nécessita l'envoi d'un navire de guerre américain sous le commandement du commodore Matthew Calbraith Perry pour procéder au levé des zones de pêche et négocier avec les autorités locales. Cet incident fournit l'occasion d'explorer comment les relations diplomatiques entre Britanniques et Américains contribuèrent à prévenir la résurgence d'un conflit après la fin de la guerre de 1812, et comment elles eurent une incidence sur l'expédition subséquente de Perry au Japon en 1853-1854, ce qui démontre l'importance contemporaine des colonies en tant que ligne de démarcation géopolitique entre la Grande-Bretagne et les États-Unis.

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MICHAEL B. PASS

En 1852 le droit des pêcheurs américains de pratiquer leur métier au large des colonies de l'Amérique du Nord britannique fit l'objet d'un différend entre la Grande-Bretagne et les États-Unis, qui nécessita l'envoi d'un navire de guerre américain sous le commandement du commodore Matthew Calbraith Perry pour procéder au levé des zones de pêche et négocier avec les autorités locales. Cet incident fournit l'occasion d'explorer comment les relations diplomatiques entre Britanniques et Américains contribuèrent à prévenir la résurgence d'un conflit après la fin de la guerre de 1812, et comment elles eurent une incidence sur l'expédition subséquente de Perry au Japon en 1853-1854, ce qui démontre l'importance contemporaine des colonies en tant que ligne de démarcation géopolitique entre la Grande-Bretagne et les États-Unis.

In 1852 controversy arose between Great Britain and the United States over the right of American fishermen to ply their trade off the British North American colonies, necessitating the dispatch of an American warship under Commodore Matthew Calbraith Perry to survey the fishing grounds and negotiate with the local authorities. This incident provides an opportunity to explore how Anglo-American diplomacy both helped prevent a resurgence of conflict after the end of the War of 1812 as well as how it influenced Perry's later Japan expedition of 1853-1854, demonstrating the contemporary importance of the colonies as an Anglo-American geopolitical fault line.

ON THE MORNING OF 20 AUGUST 1852, the British warship HMS *Telegraph* entered Charlottetown harbour in company with the American fishing schooner *Golden Rule*. The schooner and its 11-men crew under the command of Captain Israel Bartlett had been seized two days previously near Cape Kildare on the Island's north shore by the *Telegraph's* captain, W.N. Chetwynd, for fishing within three miles of the shores of a British possession, a violation of treaty between Great Britain and the United States. According to the letter of the law, the 70-ton *Golden Rule*, her catch, and all her equipment would be

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impounded, taken into the nearest British port, and then auctioned off in the Court of Vice-Admiralty. This was terrible news for Captain Bartlett as his ship – barely 15 months old and only on her second voyage to the fishing grounds – had already suffered trouble off Prince Edward Island in 1851. That October the *Golden Rule* had run aground during the massive storm later dubbed the “Yankee Gale,” and while Bartlett and his crew had escaped unharmed the cost of re-floating and refitting their ship had put them \$1,500 in the red. If the *Golden Rule* had to be repurchased at auction, Bartlett (as part owner) and his fellow crewmen might go bankrupt. Hat in hand, Bartlett went ashore to engage the services of Charlottetown lawyer John Longworth to draw up a petition to the authorities. Admitting to breaching the convention, Bartlett pleaded that the ship was his only real property and that he would be ruined without her. Luckily for the Americans, British Vice-Admiral Sir George Seymour arrived three days later and the schooner was released without charge. The Island press voiced bipartisan approval and, as Prince Edward Island Lieutenant-Governor Sir Alexander Bannerman put it, this was “an act of clemency to the master, a poor man” who had expressed “great regret at the infraction.”¹

Table 1 – Fishing Vessels Interned at Charlottetown, 1852

Name of Vessel	Port of Registry	Date of Seizure/Ship	Outcome
<i>Union</i>	Brooklyn	20 July/HMS Telegraph	Condemned/24 Sept.
<i>Florida</i>	Gloucester	3 Aug./HMS Telegraph	Condemned/7 Sept.
<i>Golden Rule</i>	Gloucester	18 Aug./HMS Telegraph	Released/23 Aug.
<i>Caroline Knight</i>	Newburyport	11 Sept./HMS Devastation	Condemned/18 Oct.

Source: Adapted from CBNAF, 217.

The *Golden Rule* was lucky; the authorities would catch three other American fishing vessels trespassing in Island waters during 1852 and they would not escape so lightly. “Several small fishing vessels seized & brought in,” the Charlottetown diarist David Ross noted that August – “like[ly] to be a rumpus with the Yankees.”² Ross was correct. In what contemporaries

- 1 “The Revenue Cutter *Telegraph* . . .,” *Royal Gazette* (Charlottetown), 23 August 1852; “The Gale at Prince Edward Island,” *Boston Daily Atlas*, 15 October 1851; “The American Schooner *Golden Rule* . . .,” *Haszard’s Gazette* (Charlottetown), 31 August 1852; *Correspondence Respecting the British North American Fisheries, and the Commercial Convention with the United States* (CBNAF) (London: British Foreign Office, 1854); Petition of Israel Bartlett, 23 August 1852; Chetwynd to Seymour, 20 August 1852; Bannerman to John Pakington, 31 August 1852, pp. 155–6, 156, 196.
- 2 Diary of David Ross, 1836–1882, Entry – 26 August 1852, acc. 3466/H.F.83-74-1, Public Archives and Records Office of Prince Edward Island (PAROEI), Charlottetown. See also Table 1.

would refer to as the “fishery question” of 1852-1853, British warships would take numerous American vessels into ports across the British North American (BNA) colonies – an act that provoked violent criticism by many Americans, not the least by the fishermen themselves. This was an issue that had been simmering for many years. In 1851, Bannerman had observed that American fishermen “daily infringe the Treaty by fishing close to the shore.” British warships, he hoped, would be sent to help as it was clear that “the United States Government cannot be expected to send one of their cruisers to enforce it and otherwise to keep the peace among them.”³ In this prediction, however, Bannerman was to be proved wrong, for at the same time the *Golden Rule* was released the USS *Mississippi* under the command of Commodore Matthew Perry had already entered the Gulf of St. Lawrence bound for Prince Edward Island and the fishing grounds.

Today, the 1852-1853 fishery question provides an excellent opportunity for a diplomatic and political history of Anglo-American relations during the 19th century and how the BNA colonies were a major geopolitical fault line between both powers. From the Anglo-colonial perspective, it allows for an exploration of why Britain and the United States did not come to blows again after the end of the War of 1812, a trend which eventually culminated in today’s long, undefended border between the United States and Canada where war is now seen as unlikely if not inconceivable. This is noteworthy given that the 1852-1853 fishery question has not received the same scrutiny when compared to other incidents of this era, such as the Oregon Dispute of the 1840s or the Trent Affair during the American Civil War. From the American standpoint, it allows for a focus on Commodore Perry and how his journey to the fishing grounds provides a hitherto unexplored perspective on his later Japan expedition of 1853-1854. By comparing the actions Perry took in the BNA colonies with those he took in Japan, it allows us to better understand why he took an uncompromising stance with the Japanese authorities to open the country to foreigners. It also allows for an exploration of American self-perceptions at a time of national growth and rising self-confidence as the nation expanded westward – self-perceptions that occurred within ongoing debates over its civilizational progress, which dominated discussions over its place in the world.

3 Bannerman to Earl Grey, 15 November 1851, in *Papers Relative to the Fisheries of British North America* (Part I) (PRFBNA I; similarly, there is also PRFBNA II) (London: George Edward Eyre and William Spottiswoode, 1852), 150-1.

In keeping with the increasingly global study of Atlantic Canadian history, this article places the events of 1852-1853 in a multinational context – a logical progression given the growing body of work on the broader Anglo-American “fishery question” and its historical legacies.⁴ This is also timely given that many prior studies, written either solely from the American or Anglo-colonial perspective, have often given misleading or incorrect accounts by relying on a mono-national list of sources.⁵ Using accounts from both sides – with the Prince Edward Island experience anchoring a single, coherent narrative across the diverse experiences of all the BNA colonies – this article examines the political decision-making process behind the fishery question and the voyage of the *Mississippi* before concluding with an analysis of its significance to both 19th century Anglo-American relations and to Commodore Perry’s Japan expedition. In doing so, it tries to recreate the complex global world occupied by the BNA colonies during the mid-19th century when British orders from London could impact American missions to Japan.

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- 4 There have been several recent studies of Anglo-American fishery concerns. Brian Payne describes the 1852-1853 British crackdown, but only in passing, in *Fishing a Borderless Sea: Environmental Territorialism in the North Atlantic, 1818-1910* (East Lansing, MI: Michigan State University Press, 2010), 26-7. A notable revision to Anglo-American diplomatic history is Phillip E. Myers’s *Dissolving Tensions: Rapprochement and Resolution in British-American-Canadian Relations in the Treaty of Washington Era, 1865-1914* (Kent, OH: Kent State University Press, 2015), in which Myers argues a rapprochement developed not during the 1890s, but rather over the whole 19th century (though Myers’s own focus is post-1865). While several diplomatic histories have explored Anglo-American relations during the 1850s, only Wilbur Devereux Jones’s *The American Problem in British Diplomacy, 1841-1861* (Athens, GA: University of Georgia Press, 1974) directly discusses the 1850s fishery question, and only then from the perspective of the British government. Recent American works have emphasized domestic factors in understanding the fishery question, such as Thomas Earle’s “For Cod and Country: Cod Fishermen and the Atlantic Dimensions of Sectionalism in Antebellum America,” *Journal of the Early Republic* 36, no. 3 (Fall 2016): 493-519. However, works on Commodore Perry have mostly reduced the fishery question to a minor footnote in his Japan expedition. Even his most recent biographer questionably argues that while he had negotiated with tribal African leaders and Mexican officials during wartime, Perry had “never negotiated a peacetime agreement with another nation on relatively equal terms”; see John H. Schroeder, *Matthew Calbraith Perry: Antebellum Sailor and Diplomat* (Annapolis, MD: Naval Institute Press, 2001), 179-80, 227.
 - 5 For example, one history of the PEI fishery – citing the above quote by Bannerman about the impossibility of the Americans sending a warship northward – wrongly treats the comment as a statement of fact. Meanwhile, one American account looking at Perry’s mission confuses his visit to Saint John, New Brunswick, with St. John’s, Newfoundland. See Kennedy Wells, *The Fishery of Prince Edward Island* (Charlottetown: Ragweed Press, 1986), 119 and Peter Booth Wiley, *Yankees in the Land of the Gods: Commodore Perry and the Opening of Japan* (New York: Penguin, 1990), 116.

A Yankee rumpus

The convention at the root of the 1852-1853 dispute had been established a generation earlier in 1818. After the War of 1812, the British and Americans had signed an agreement allowing the Americans to fish in the Bay of Fundy and the Gulf of St. Lawrence provided they kept three miles offshore and followed local laws when they went ashore for provisions, repairs, or to shelter from bad weather.⁶ The 1818 Convention, however, quickly became a sticking point between both sides. The Americans had taken to fishing off the British colonies in the 1830s due partially to the migration of the mackerel, their most prized catch, but also because of the undeveloped state of the region's own fishery. In Prince Edward Island, the lack of money for such an industry was the key concern; one enterprising Islander suggested in 1832 that such money might be found through the creation of a sort of joint stock company. After all, he argued, "this source of wealth" should not be left to "the numerous sail of American fishing crafts that constantly visit our fishing ground."⁷ Still, by the 1850s, little progress had been made. In 1851 Bannerman could still lament that "it must be a long time ere the colonists can find a proper class of men, numerous enough to prosecute the fishery on the same system of sharing as the Americans carry on with great success."⁸ Through the 1840s, as both cod and mackerel became scarce off New England, the Americans began to follow the mackerel migration routes into the Bay of Fundy and Chaleur Bay in growing numbers, salting some 225,000 barrels of fish a year on average for the next half century.⁹ This movement of fishermen did not go unnoticed by the colonials. For Prince Edward Islanders, the American proliferation is best remembered for the ships lost in the previously discussed Yankee Gale, when around 120 American vessels were initially reported missing and numerous ships – the *Golden Rule* included – were shipwrecked on the Island. A later American

6 For the text of the 1818 Convention, see "Imperial Act, 9 Geo. III. chap. 38, passed on the 14th June, 1819," in *Imperial and Provincial Acts &c. For the Protection of the Fisheries of British North America* (Halifax: John S. Thompson, 1852), 3-6.

7 J.E.C., "To the Editors of the British American," *British American*, 8 Dec. 1832.

8 Bannerman to Earl Grey, 15 November 1851, PRFBNA, I:150.

9 Edward MacDonald and Boyde Beck, "Lines in the Water: Time and Place in a Fishery," in *Time and a Place: An Environmental History of Prince Edward Island*, ed. Edward MacDonald, Irené Novaczek, and Joshua MacFadyen (Montreal and Kingston: McGill-Queen's University Press, 2016), 224-5. For a contemporary summary of the American fisheries in the BNA colonies, see *The Report of Israel D. Andrews, Consul of the United States for Canada and New Brunswick, On the Trade and Commerce of the British North American Colonies . . . (Andrews Report)* (Washington, DC: Robert Armstrong, 1853), 39-42, 629-59. For a ground-level account of mackerel fishing off the BNA colonies, see "How Mackerel Are Caught," *Harper's Weekly* 9, no. 53 (October 1854): 674-80.

report would officially tally the disaster at 49 vessels with a loss of life of 219 sailors.¹⁰

By 1852, this move northward had brought the Americans into conflict with the colonials and reports of wrongdoing by truculent or drunken Yankees soon began to filter back to the British authorities. One of the earliest incidents for Prince Edward Island occurred in June 1838 when a barque, the *Sir Archibald Campbell*, was grounded off North Cape and promptly looted by a passing American fishing vessel. This "act of piracy," as then Lieutenant-Governor Charles FitzRoy fumed to London, was part of a long series of complaints by authorities in all the BNA colonies against American fisherman.¹¹ By July 1852, Bannerman had received word from the harbour master at Malpeque of several American vessels that refused to pay anchorage dues and how the harbour master "had not force enough to take so many vessels, each of them comprising a crew of from twelve to fifteen, and I could say well equipped for defence."¹² Still, the inclinations of most public officials and opinion makers on the Island appear to have been for restraint. As Henry Wolsey Bayfield, a Royal Navy surveyor stationed at Charlottetown, observed in his diary after conversing with Bannerman, Chetwynd, and other officers, controlling the Americans "should be done mildly and discreetly, although firmly; and in such a way as to give as little offence as possible" and that this task "should be a duty entrusted to responsible Naval officers only, and not to the irresponsible commanders of Colonial Vessels."¹³ The pro-government press of the Island agreed. One editorial published that August in the *Royal Gazette* (the mouthpiece of Premier George Coles's ruling Liberal party) condemned those Americans who fished within three miles while going on to denounce the failure of the fishermen at Malpeque to pay their dues and praising Bannerman for requesting British naval assistance in contrast to the calls from Nova Scotia to man their own ships to protect the fishery. But the paper also hoped that a deal with the Americans would still be "amicably and speedily adjusted."¹⁴

10 Edward MacDonald, "The Yankee Gale," *Island Magazine* 38, no. 2 (Fall/Winter 1995): 23-4; Andrews Report, 659.

11 FitzRoy to Earl of Durham, 7 July 1838, PRFBNA, I:138-9.

12 William H. McKay to J. Warburton, 2 July 1852, PRFBNA, I:157.

13 Henry Wolsey Bayfield, *The St. Lawrence Survey Journals of Captain Henry Wolsey Bayfield*, vol. 2, ed. Ruth McKenzie (Toronto: Champlain Society, 1986), 428-9. British Prime Minister Lord Derby also agreed that the Royal Navy, not the colonials, should enforce the convention; see Jones, *American Problem*, 109.

14 "The Fisheries," *Royal Gazette*, 9 August 1852.

Overall, the American encroachment did indeed worry Islanders. Yet, while much was made of American wrongdoing, given that hundreds of American vessels were visiting Prince Edward Island and the other BNA colonies every year, such events seem limited in retrospect. In 1851, for example, Bannerman had noted a case where “about 1,500” fishermen landed at Princetown to attend an agricultural show. He conceded that they “behaved as well and peaceably as so many sailors congregated together could be expected to do,” yet warned that “this will not always be the case where brandy and rum are to be had cheap.”¹⁵ Barring the occasional incident of drunkenness, however, most fishermen seem to have had a profitable relationship with locals. Many bartered with Islanders for local produce, and in one instance an American crew even left behind a companion “of unsound mind” in the care of a local doctor for treatment.¹⁶ As one journal later reported after speaking with older Islanders about the fishermen, “To their credit be it said, that on the whole, they were a manly, respectable lot, and only rarely, and that when intoxicated, did they seek a quarrel.”¹⁷ Indeed, American misconduct was as likely to be the victim of satire as of genuine anger. In 1860 the self-styled “Island Minstrel” John LePage published his mock-epic poem, “The Great Battle of Georgetown,” comparing an 1855 brawl with the then-ongoing Crimean War. By the end of the “battle” many involved “had broken bones/And one was nearly slain,” while one fisherman (“Whose grandsire serv’d at Bunkerhill”) had successfully spiked the town’s only small swivel gun.¹⁸ Despite such strife to rival “bloody Inkerman,” in 1852 the Island’s legislature was prepared to resolve the dispute by repealing the 1818 Convention in return for reciprocal free trade.¹⁹ As Bannerman summarized the situation for London the following year, “In Prince Edward Island the people and Government are desirous that their

15 Bannerman to Earl Grey, 15 November 1851, PRFBNA, I:150.

16 Payne, *Borderless Sea*, 21. The crewman in question, interestingly, was not an American at all but rather a Nova Scotian, demonstrating the porous national boundaries in the Atlantic fisheries. See *Journal of the Legislative Council of Prince Edward Island* (1852): 34 as well as *Journal of the House of Assembly of Prince Edward Island* (1852): 44, 84.

17 “Early Days of Alberton (Continued),” *Prince Edward Island Magazine* 4, no. 10 (December 1902): 347. Compare this situation to the complex interactions of Newfoundlanders and foreign fishermen during the 1870s in Kurt Korieski’s *Conflicted Colony: Critical Episodes in Nineteenth-Century Newfoundland and Labrador* (Montreal and Kingston: McGill-Queen’s University Press, 2016), 15–46.

18 John LePage, *The Island Minstrel: A Collection of Poetical Writings* (Charlottetown: George T. Haszard, 1860), 87–92.

19 *Journal of the Legislative Council* (1852): 20, 24–5; *Journal of the House of Assembly* (1852): 7.

neighbours [the Americans], in common with Her Majesty's subjects, should participate in the fisheries, provided equivalent advantages be conceded by the Government of the United States."²⁰ While fishermen excesses clearly annoyed Islanders, most still hoped a positive deal would eventually be reached.

The fish wars

Nevertheless, not all colonials were as cynical or magnanimous. "Every day I am asked why our poor fishermen go to Labrador to carry on their fisheries," a resident from the Magdalen Islands complained in 1852, "while hundreds of American and other vessels come here to catch fish of every kind which abounds at our very doors." He went on to note an incident – "no longer ago than last year" – when "some half-intoxicated Americans were on the point of depriving a poor inhabitant of his life, without any provocation, while no one attempted to protect him."²¹ One Nova Scotian commission had offered a "remedy" to the American fishermen in 1852 through their "immediate confiscation or punishment for the least infringement of the treaty of 1818."²² In regions like the Magdalen Island or Nova Scotia – where a more viable fishing industry already existed unlike in Prince Edward Island – sentiments were more vocally anti-American, though even here quiet cooperation between "White-Washed Yankees" and Nova Scotian "Bluenosers" could still sometimes be seen.²³ A picture thus emerges of American fishermen routinely breaking the three-mile limit, punctuated by occasional incidents of wrongdoing ashore.²⁴ Complicating matters was the ambivalent British attitude towards

20 Bannerman to Duke of Newcastle, 13 September 1853, in *The Past and Present State of Her Majesty's Colonial Possessions. Transmitted with the Blue Books for the Year 1852* (London: George Edward Eyre and William Spottiswoode, 1853), 28-9. See also the responses to Bannerman's 1853 report to the legislature in *Journal of the House of Assembly* (1853): 8-9, 11-12.

21 Charles N. Boudreault to Special Committee, 12 October 1852, in *Report of the Special Committee on the Magdalen Island and the Western Part of This Province Above Lake Huron* (Quebec: John Lovell, 1853), 6-8.

22 *Appendix to the Journal and Proceedings of the House of Assembly of the Province of Nova Scotia* (1852): 85-8.

23 For the broader colonial picture, see Payne, *Borderless Sea*, 1-28.

24 One account later given to Commodore Perry and widely repeated in the American literature involved the 1850 testimony of one Mr. Henderson, an agent for the Hudson's Bay Company in Labrador. "For God's sake, send a man-of-war here," he pleaded, "for the Americans are masters of the place; 100 sail are now lying in this harbour. They have stolen all my firewood and burnt it on the beach; fired the woods about the house, and if any change of wind takes place, the establishment will be in ashes before morning"; see Seymour to Secretary of Admiralty, 15 September 1852, CBNAF, 189-90 and Memorandum of Allegations, Enclosure 4 in No. 68, CBNAF, 192. For later citations, see William Elliot

reciprocity. Having repeatedly ignored appeals from all the BNA colonies on this issue for years, in 1852 the new prime minister, Lord Derby, believed that proper enforcement of the 1818 Convention could act as leverage in any negotiations with the Americans and chose to press the point. The colonial secretary, Sir John Pakington, thus sent a circular to all BNA governors explaining his government's intention to finally take a harder line on the fishermen.²⁵

As a result, the Admiralty began to reinforce its North America and West Indies Station. By June 1852, two warships had been dispatched from Britain while two further vessels, the *Telegraph* and the *Arrow*, had been hired and put under Royal Navy officers (see Table 2). All fell under the jurisdiction of Vice-Admiral Sir George Francis Seymour, who had his flag in HMS *Cumberland* based at Halifax. Seymour quickly reorganized his command. In May, instructions went out to Commander Colin Yorke Campbell of the paddle steamer HMS *Devastation* to depart Halifax and patrol the Gulf of St. Lawrence. Campbell's orders were to catch any fishermen breaching the three-mile limit, but Seymour allowed discretion for "more lenient measures" so long as the Americans got the message.²⁶ In tandem with the *Telegraph*, these two warships captured all four of the American fishing vessels taken off Prince Edward Island in 1852. Little of this circumspection, however, informed American reactions.

When news reached the United States that American fishing vessels were being taken by British warships it evoked images of British arrogance at sea prior to the War of 1812, where the impressment of American seamen had served as the *casus belli*.²⁷ To negotiate the issue, the Earl of Malmesbury, the foreign secretary, had been privately corresponding with British ambassador John Crampton to try to promote a calm discussion of matters with the American Secretary of State Daniel Webster.²⁸ Yet news could not long be

Griffis, *Matthew Calbraith Perry: A Typical American Naval Officer* (Boston: Cupples and Hurd, 1887), 299 as well as Wiley, *Yankees*, 115.

25 Jones, *American Problem*, 109-10.

26 Seymour to Campbell, 5 May 1852, CBNAF, 95-8; "It has been announced . . .," *Haszard's Gazette*, 18 May 1852. For Campbell's initial cruise of the Gulf, see Campbell to Seymour, 15 August 1852 and 15 August 1852, CBNAF, 171-3, 173-4.

27 Wiley, *Yankees*, 115-16.

28 Crampton to Malmesbury, 20 July and 26 July 1852, CBNAF, 14-16, 23-4; Webster to Fillmore, 21 July and 24 July 1852, in *The Private Correspondence of Daniel Webster*, ed. Fletcher Webster (Boston: Little, Brown and Co., 1875), 541-2, 543.

Table 2 – Royal Navy Vessels in Colonial Waters, 1852

Warship	Guns	Patrol Area	Notes
HMS <i>Cumberland</i>	70	At Halifax	Flagship
HMS <i>Basilisk</i>	6	At Halifax (Later Gulf of St. Lawrence)	Deployed 1852
HMS <i>Sappho</i>	12	Newfoundland and Strait of Belle Isle	
HMS <i>Buzzard</i>	6	Newfoundland and Strait of Belle Isle	Deployed 1852
HMS <i>Bermuda</i>	3	Newfoundland and Strait of Belle Isle	
HMS <i>Netley</i>	2	Bay of Fundy	
HMS <i>Devastation</i>	6	Gulf of St. Lawrence	
HMS <i>Telegraph</i>	1	Gulf of St. Lawrence	Hired Vessel
HMS <i>Arrow</i>	1	Gulf of St. Lawrence	Hired Vessel

Source: Adapted From CBNAF, 40 and 191.

contained. Soon, reports in New England newspapers followed letters from concerned individuals in making their way into the hands of Washington politicians. One such report of a fishing vessel boarded by the *Devastation* that later made its way into the New York press claimed the conduct of the boarding officer had been “insulting,” that other vessels had been similarly mistreated, and that one vessel had even been fired upon.²⁹ On 23 July, Virginian Democratic Senator James M. Mason raised a congressional motion for the Whig President Millard Fillmore to make public his negotiations with the British and report on whether any American naval vessels had been sent to protect their fishermen:

Sir, the British Government know well that very large and important interests are embarked by citizens of the United States in these fisheries . . . yet, suddenly, without notice of any kind, we are informed from the public journals, and semi-officially by a sort of proclamation from the Secretary of State [Webster], that a very large British naval force has been ordered into those seas for the purpose of enforcing, at the mouth of the cannon, the construction which Great Britain has now recently determined to place on that Convention. Now, sir, I had supposed, in this civilized age, and between two such countries as those of Great Britain and the United States, that were it the purpose of England to revise her construction of this Convention, and require that it should be enforced, comity, ordinary

29 “The Fishery Question,” *New York Observer and Chronicle*, 19 August 1852.

comity, national courtesy, would have required that notice should have given of that determination on the part of Great Britain.

Mason admitted his doubt that this would lead to war. Nevertheless, he fumed “I feel deeply the indignity that has been put upon the American people, in ordering this British squadron into those seas without notice.”³⁰ These views were echoed by other Democratic senators, most of whom correctly saw that events hinged on the issue of reciprocity. But Mason himself was scrounging for political points; 1852 was an election year and discrediting the government of the incumbent Fillmore could only help presidential hopeful Franklin Pierce and the Democrats.³¹ As Fillmore pondered a response, it was left to newspapers like the pro-Whig Washington *Weekly National Intelligencer* to counter Mason’s attack. Reprinting the press release prepared by Webster on his negotiations with Crampton, it argued – much as had the pro-government press in Prince Edward Island – that while there were clearly differences in interpreting the 1818 Convention both sides were willing to reconcile and had “amicable dispositions” about the matter. “They will certainly not *fight* about it,” the paper assured its readers.³²

Yet, despite the calm views that prevailed among many Americans, there was also genuine anger.³³ “A great excitement prevails here on the fishery question, and your conduct in the Senate excites the warmest approbation along the coast,” one New England letter writer enthused to Mason after his speech.³⁴ One contemporary American political cartoon had an arrogant and unreasonable John Bull covered in fish being lectured to by Brother Johnathan

30 For the full debate see *Congressional Globe, Senate, 32nd Congress, 1st Session*, 23 July 1852, 1890–1897. See also James Mason, *The Public Life and Diplomatic Correspondence of James M. Mason*, ed. Virginia Mason (New York: Neale Publishing Co., 1906), 90–2.

31 Only after the move was made to enforce the 1818 Convention did the British realize their mistake in making an issue of the fisheries during an American election year; see Jones, *American Problem*, 112. Mason’s opportunism and troubles for Canada were not yet over. Today, he is best remembered as one of the two Confederate agents (Mason having joined his state in secession) removed from the RMS *Trent* in 1861 while attempting to elicit British support for the South. For this incident and the resulting war-scare, see J. MacKay Hitsman, *Safeguarding Canada, 1763–1871* (Toronto: University of Toronto Press, 1968), 165–89.

32 “Official: The American Fisheries” and “The Northeastern Fisheries,” *Weekly National Intelligencer*, 24 July 1852 (emphasis in original).

33 For the domestic American debate over the fisheries, see Earle, “Cod and Country,” 504–13.

34 Mason, *Public Life*, 92–3. The date on this letter is February 1852 and seems to have been mistranscribed.

while an American fisherman laments his vessel being taken by “that damned Britisher.”³⁵ Another had a boat of fishermen led by Daniel Webster playing tug-of-war with a boatload of British sailors over a line of fish. Webster ponders whether they should fight or negotiate. “Why fight first & negotiate later, to be sure,” a fisherman recommends (see Figure 1). In reality a sickly Daniel Webster – he was, in fact, dying – lamented that he was being misused by the press but saw there was little he could do in his state, half-heartedly suggesting that perhaps he could travel north to discuss matters personally with the colonials.³⁶ President Fillmore was equally concerned. With Mason’s speech, his administration could no longer debate the issue privately with the British; they would need to send a ship to the fishing grounds to make a show of government resolve and control rowdy Americans if needed. Luckily, the president had just the ship, and the man, for the job.

Old Bruin and the fishermen’s pranks

Commodore Matthew Calbraith Perry was not a happy man during the summer of 1852. A career naval officer whose gruff voice and stern personality had led many to dub him “Old Bruin,” Perry was also a widely travelled and scientifically minded sailor. In his long career he had promoted the steamship as the way of the future for the United States Navy, had sailed in numerous voyages around the globe, and had also played a major role in the 1846-1848 Mexican-American War.³⁷ As of January 1852, Perry had been preparing for what he hoped would be the crowning achievement of his career: the forcible opening of Japan and their signing of a treaty with the United States. Since the 17th century Japan had refused to establish diplomatic relations with foreign countries despite periodic visits by Western “Black Ships,” which had tried to open negotiations.³⁸ As American trade with China increased and as whaling ships began to frequent Japanese waters during the 19th century (and

35 J. Childs and Edward W. Clay, *John Bull’s Fish Monopoly*, c. 1852. Library of Congress, <https://www.loc.gov/item/2008661539/>.

36 Webster to Fillmore, 26 July and 1 August 1852, in Webster, *Private Correspondence*, 544-5, 547-8.

37 For Perry’s early career, see Samuel Eliot Morison, “Old Bruin”: *Commodore Matthew Calbraith Perry, 1794-1858* (Boston: Little, Brown and Co., 1967), 3-251.

38 The term “black ship” (*Kurofune*) was the Japanese name for the European vessels that had visited their islands since the 16th century. Those of Perry’s 1853-1854 voyage – the *Mississippi* as well as the steamer *Powhattan* and the sloops *Saratoga* and *Plymouth* (the latter three of which were already on station at Hong Kong awaiting Perry and the *Mississippi*’s arrival) – are the most famous of the black ships.

shipwrecked seamen began to claim abuse at the hands of Japanese officials), American calls to “open” Japan grew in intensity. Perry intended to end this impasse. Mustering a powerful naval force, he would sail directly for the Japanese capital of Edo (today’s Tokyo) and force their government to come to terms.³⁹

Yet by July 1852 that plan appeared to have stalled. “We hear nothing, of late, of the Japan expedition,” an editorial in the *New York Herald* observed. “Is it given up? Can they not engage sailors at twelve dollars a month? What is become of Commodore Perry? What is the administration waiting for?”⁴⁰ But Fillmore’s administration, sadly for Perry, had found that the same election posturing that had given Mason a pulpit in the Senate had also monopolized the energies of the Whig Party as they prepared for their upcoming National Convention, a situation that became especially acute after Secretary of the Navy William Graham resigned to run as Winfield Scott’s running mate to replace Fillmore. While this meant that, despite some mild pressure, the expedition managed to stay above electioneering partisan politics, it also meant the expedition was left in limbo. There were, in addition, logistical difficulties. Perry’s plan was predicated on having enough ships, especially steamships, to sufficiently overawe the Japanese. Yet, by July, he had only three on station in Asian waters, two of them sail-powered. Most other American warships were already on duty closer to home. This left two steamers, the USS *Mississippi* at New York and the USS *Princeton* (still under construction in Boston), as the only vessels immediately able to join the expedition. Despite the “unpardonable and altogether unnecessary” delays Perry found in its construction, to muster the largest fleet possible he would have to wait for the *Princeton*’s completion.⁴¹

But for President Fillmore, Perry’s delay was his boon. As early as 20 July Fillmore had considered the possibility of sending the *Mississippi* to the fishing grounds if the need arose, a fact he had shared with the British.⁴² The day after Mason’s outcry in Congress, Fillmore held a conference with his cabinet at the White House to discuss the issue. As newly appointed

39 For the background and Perry’s early planning of the expedition, see Wiley, *Yankees*, 78–88, 104–10.

40 “The Japan Expedition,” *New York Herald*, 19 July 1852.

41 Morison, “*Old Bruin*,” 280; Wiley, *Yankees*, 110–15.

42 Fillmore to Webster, 20 July 1852, in *Millard Fillmore Papers*, ed. Frank H. Severance, vol. 1 (Buffalo: Buffalo Historical Society, 1907), 375 and Crampton to Malmesbury, 20 July 1852, CBNAF, 15. Webster later gave a copy of Fillmore’s 20 July letter to Crampton (CBNAF, 25–6) and Seymour informed Campbell when the *Devastation* visited Pictou for refuelling; see Seymour to Campbell, 8 August 1852, CBNAF, 174.

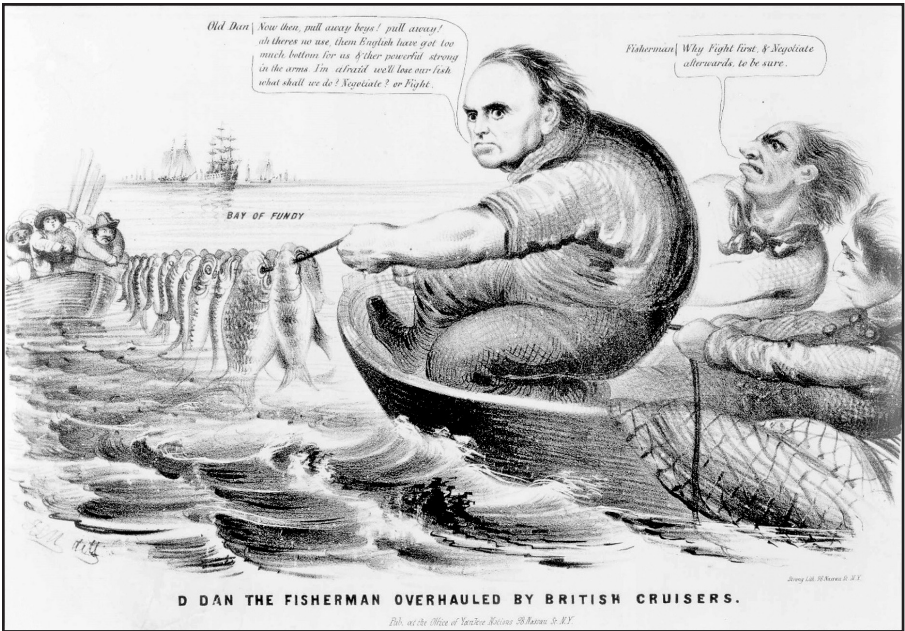


Figure 1 – John L. Magee and Thomas W. Strong, Dan the Fisherman Overhauled by British Cruisers, ca. 1852.

Source: Library of Congress, <https://www.loc.gov/item/2008661541/>.

Secretary of the Navy John P. Kennedy jotted in his diary, all present agreed that “the English interpretation of the treaty seems to be clearly correct; and all that we can complain of is the rather *brusque* manner in which they have so suddenly determined to enforce their restrictions.”⁴³ On 27 July Fillmore informed Kennedy that it had become necessary to send a ship, and Kennedy’s first official act as naval secretary became writing through the night preparing orders for Perry and the *Mississippi*.⁴⁴ Two days later, Fillmore informed Webster that he need not drag himself to the colonies for he had “concluded to send Capt. [*sic*] Perry with the *Mississippi* to the fishing grounds to give protection to our fishermen, if any be needed, and to inquire into the whole matter and report here.”⁴⁵ “I think it was very wise in you to order Commodore Perry down on the fishing-grounds,” a relieved Webster replied. “He will inspire respect, and the promptitude of your action will satisfy the country.”⁴⁶

43 Henry T. Tuckerman, *The Life of John Pendleton Kennedy* (New York: G.P. Putnam & Sons, 1871), 221 (emphasis in original).

44 Tuckerman, *Kennedy*, 221-2.

45 Fillmore to Webster, 29 July 1852, *Fillmore Papers*, 1:381.

46 Webster to Fillmore, 1 August 1852, in Webster, *Private Correspondence*, 547-8.

On 2 August, with the *Mississippi* already at sea, President Fillmore sent a letter to Congress informing them of his actions and assuring the Democrats that Perry would ensure the fishermen's protection.⁴⁷

Laid down in 1839 under the supervision of Perry himself, the *Mississippi* was one of the oldest and most reliable steamers in the American navy. Having already served as his flagship during the Mexican-American War, Perry had developed quite an attachment to the ship he had once dubbed "a paragon."⁴⁸ In 1852 the ship's new captain, William McCluney, was also an old friend of Perry's from the Mexican War.⁴⁹ Another sailor recently signed aboard was the ship's new purser's clerk, 16-year-old William Speiden Jr., who would keep a diary of his experiences on the *Mississippi* from joining the ship in March 1852 through to the Japan expedition, including his journey to the fishing grounds. On 31 July, having received his orders from Secretary Kennedy, Commodore Perry himself boarded the *Mississippi* and the ship departed New York. A few days later, beginning what would become a common shipboard pastime over the next three years, Speiden wrote what he dubbed "machine poetry" with some of his fellow sailors to help pass the time. Their first stanza ran:

One eve, one eve in the month of July,
We left New York with our hopes raised high,
to go to the Banks, where playing their pranks,
The Fishermen were for a very long time.⁵⁰

Catching up with the colonials

The *Mississippi's* first destination was the most easterly settlement in the United States: the town of Eastport, Maine. There, the ship was to pick up any last-minute instructions before heading on to the fishing grounds, boarding any American fishing vessels they came across and impressing upon their crews the importance of heeding the British authorities and the 1818 Convention. Arriving on 3 August, the *Mississippi* remained at anchor until the 7th, collecting information about colonial affairs and exchanging pleasantries at

47 *Congressional Globe, Senate, 32nd Congress, 1st Session*, 4 August 1852, p. 129. The text of Fillmore's letter can be read in James D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, vol. 6 (New York: Bureau of National Literature, 1902), 2694.

48 Morison, "Old Bruin," 193, 274.

49 Wiley, *Yankees*, 105.

50 William Speiden, *With Commodore Perry to Japan*, ed. John A. Wolter, David A. Ranzan, and John J. McDonugh (Annapolis, MD: Naval Institute Press, 2013), 13-14.

parties held by both the British consul and the locals. "Everything indicates a favorable issue," Perry telegraphed back to Washington. "I shall leave for St. John, New Brunswick tomorrow, fog permitting." Delayed by the fog until 11:00 in the morning, the *Mississippi* departed Eastport to arrive at Saint John later that evening.⁵¹

On 9 August, the *Mississippi* exchanged salutes with the guns of the city as Perry went ashore to be greeted by an honour guard of the British 72nd Highlanders in full "magnificent costume."⁵² Perry then proceeded with two subordinates to Fredericton to meet and dine with the acting governor of the colony, Lieutenant-Colonel Freeman Murray. Discussions revolved around two vessels that had been seized in New Brunswick waters, the *Coral* and the *Hyades*, though Perry agreed that they had been breaching the treaty and nothing more could be said. "The interview was most friendly, evincing the absence of all irritation or acrimonious feeling on either side; and everything that was said by me in support of our rights was cheerfully admitted," Murray reported happily to London.⁵³ Indeed, things had gone so well, Speiden reported, that when Murray and Perry's men returned to the *Mississippi* on the 12 August it was with "the English flag flying on our foremast," and another round of salutes fired off.⁵⁴ As predicted, Perry had found both sides reconcilable and British "aggression" to have been limited – contrary to Mason's hyperbole. As Whig Senator William Seward later acknowledged in Congress, "It appears that Commodore Perry found the British authorities adhering practically to our own construction of the convention of 1818."⁵⁵ Still, while feting civilians may have encouraged British and colonial goodwill, it still did not actually resolve the fishery question itself. For this, Perry would need to talk with Vice-Admiral Seymour and his Royal Navy officers at Halifax.

On 13 August, the *Mississippi* took on a pilot and departed for Nova Scotia. After a leisurely voyage, stopping a passing American fisherman and procuring some fresh fish, the *Mississippi* arrived off Halifax on 15 August. There, Perry found both Seymour's HMS *Cumberland* as well as the steamer HMS *Basilisk* showing the British flag. The following day Perry went ashore for dinner and an initial meeting with Seymour at his private residence, both men finding

51 Speiden, *With Perry*, 14-16; "From Commodore Perry," *Weekly National Intelligencer*, 7 August 1852.

52 "The Return of the Steam Frigate Mississippi," *New York Herald*, 2 September 1852.

53 Murray to Pakington, 14 August 1852, CBNAF, 126-7.

54 Speiden, *With Perry*, 16.

55 *Congressional Globe, Senate, 32nd Congress, 1st Session*, 14 August 1852, p. 916.

the other reasonable. In this and subsequent meetings both men discussed the pressing issues of the fishery question; this included the question of which bodies of water in the Gulf of St. Lawrence Americans were excluded from since the 1818 Convention refused their entry to any “bay” within three miles of colonial waters.⁵⁶ These waters encompassed the prized mackerel grounds of Chaleur Bay, but they also included the seas around Prince Edward Island. Conferring over a map with Perry, Seymour admitted that “In my opinion, the terms of the convention would not admit of the space between the east point and north cape of Prince Edward’s Island being considered a bay from which foreigners may be excluded; and I collected from the Commodore that, as the space it includes is where the American fishermen fish with most advantage, the United States’ Government would most strenuously resist the definition of the term ‘bay’ being applied.” Reciprocity or not, Yankee fishermen were going to continue their fishing off the Island’s shores. Seymour also noted “Commodore Perry . . . admitted that other vessels of war had been in preparation to follow him . . . but the conciliatory spirit of the communications which had passed between us, makes it unlikely that he should encourage more vessels being sent unless any unforeseen event should again arouse the excitable spirit of the United States’ people.”⁵⁷ Meeting also with Nova Scotia’s Lieutenant-Governor Sir Gaspard Le Marchant, Perry again left a favourable impression; Le Marchant later reported: “I have been given to understand that Commodore Perry has declared himself completely satisfied with the conduct of the Local Government, and that his nation has no ground of complaint against the proceedings of the Colonial authorities.”⁵⁸

The *Mississippi* remained at Halifax a further three days. More civilians came aboard the steamer and were “very much pleased with everything they saw,” according to Speiden.⁵⁹ Indeed, the *Halifax Chronicle* would rhapsodize at length about “this magnificent war steamer” *Mississippi* and its “gallant

56 This debate came from whether the three-mile limit was taken from the head of a bay (the Americans view) or a point on the headlands (that of the British). The point was often moot as the Americans clearly fished within the limit no matter how it was measured. For the American position, see *Congressional Globe, Senate, 32nd Congress, 1st Session*, 12 August 1852, 909–10 as well as *Andrews Report*, 40.

57 Seymour to Admiralty, 18 August 1852, CBNF, 170; Seymour to Perry, 19 August 1852, CBNF, 175–6; Speiden, *With Perry*, 17; “The Return of the Steam Frigate Mississippi,” *New York Herald*, 2 September 1852.

58 Le Marchant to Pakington, 19 August 1852, CBNF, 182.

59 Speiden, *With Perry*, 17.

Commodore Matthew Perry” in the days after their arrival.⁶⁰ Meantime, Seymour informed his subordinates of Perry’s itinerary. “The *Mississippi* is about to sail to-day for the Gulf of St. Lawrence and Bay of Chaleur,” Seymour reported, “where Commodore Perry has expressed his desire Commander Campbell should meet him in the *Devastation*, which I have directed. I sent for Commander Campbell over from [Pictou] yesterday, while his sloop was coaling, and the Commodore has repeated to me before that officer, the assurance that he shall endeavour, during his progress, to prevent, and not to cause difficulties.”⁶¹ With the ground prepared, the *Mississippi* put to sea on 19 August, closely followed by the *Basilisk*; Seymour himself had decided to travel to Prince Edward Island to observe the results of Perry’s voyage.

“Yankee Doodle” in the gulf

On 22 August, the *Basilisk* dropped anchor in Charlottetown harbour. Disembarking the following day, Seymour was met on the dock by Governor Bannerman and some of his council.⁶² Taking time to order the release of the *Golden Rule* and catch up on events, Seymour then proceeded across the Island by land and rejoined the *Basilisk* off Richmond Bay on the 26th. He had hoped to meet again with Perry, but the *Mississippi* had already passed the Island. “The American steam-sloop of war *Mississippi*, Commodore Perry, was off here, but did not touch at Charlotte Town,” Bannerman later reported, “which I regret, as I could have easily satisfied him of the danger of allowing this question to remain in an unsettled state, and the risks he ran from the landing of so many of his countrymen in direct violation of the law, and without their being under any control.” However, Seymour learned that Commander Campbell and the *Devastation* had encountered the *Mississippi* on 25 August off the Island’s north shore as planned.⁶³

After leaving Halifax, the *Mississippi* had passed between the Cape Breton and St. Paul Island on 21 August before entering the Gulf of St. Lawrence to anchor off the Magdalen Islands by nightfall. At daybreak Perry cruised around the archipelago and boarded 11 American fishing vessels, then proceeded westward to Chaleur Bay. After an unfortunate collision while Perry’s men

60 “Arrival of USS ‘Mississippi,’” *Morning Chronicle*, 17 August 1852; see also “Our American Visitors,” *Morning Chronicle*, 19 August 1852.

61 Seymour to Admiralty, 18 August 1852, CBNAF, 170-1.

62 “Arrival of the Admiral,” *The Islander* (Charlottetown), 27 August 1852.

63 Seymour to Admiralty, 31 August 1852, CBNAF, 152-3, Bannerman to Pakington, 31 August 1852, CBNAF, 196.

were boarding the schooner *Abigail Brown* the following day, the *Mississippi* finally made landfall off the Island of Miscou on 24 August having boarded another 16 American vessels.⁶⁴ In his report to Washington, Perry noted “These vessels generally had a copy of the treaty on board. They complained, however, of a want of precision in it in reference to the Bays, Inlets, and Indentations of the Land. . . . All seemed anxious to fish inside the Bay of Chaleur. It may be remarked that they all seemed aware of the necessity of compliance with the Treaty with Great Britain, and that if they were caught fishing inside the limits it was at their own responsibility.”⁶⁵ Perry also noted – diligent promoter of the American navy that he was – that the fisheries provided the United States with an ideal “nursery” for its sailors in times of war and that “the crews of these vessels appear stout, healthy and American.”⁶⁶

On the 25th, the *Mississippi* proceeded southward along the north shore of Prince Edward Island, stopping that morning to question more fishermen. As Perry had noted in Halifax, this was another major fishing ground for the Americans. Later in the afternoon, according to Commander Campbell’s report, “while standing along shore observed eighteen sail of American fishing-vessels within about two miles of the land, hove-to and apparently fishing. While nearing them, observed the American Commodore coming along shore in the opposite direction.”⁶⁷ “At about 3 PM,” Speiden reckoned, “we made another fleet, and on our standing for them we saw a steamer come towards us from among them, and shortly thereafter we showed our colors to H.B.M. Steamer *Devastation*.”⁶⁸ Campbell, boarding the *Mississippi*, met with Perry, who reiterated his observation about the American desire to fish in Chaleur Bay. Perry also noted “The *Telegraph* had detained another vessel called the *Golden Rule*, but that it was ‘quite right,’ and that he had been told by the other American fishermen that that vessel was taken fishing within the three miles.”⁶⁹

64 Speiden, *With Perry*, 18–19; “The Return of the Steam Frigate Mississippi,” *New York Herald*, 2 September 1852.

65 Morison, “*Old Bruin*,” 282; see also Perry to Seymour, 20 August 1852, CBNAF, 154–5.

66 Perry would also make this “nursery” claim to Le Marchant in Halifax; see Le Marchant to Pakington, 19 August 1852, CBNAF, 183.

67 Campbell to Seymour, 26 August 1852, CBNAF, 153.

68 Speiden, *With Perry*, 19.

69 Campbell to Seymour, 26 August 1852, CBNAF, 154.

What followed was one of the most contentious events of Perry's whole voyage. According to Campbell's account, he then gestured to the 18 American fishing vessels that had crowded around the two warships:

I felt it incumbent on me to request him to have the terms of the Treaty enforced, by at least obliging the intruding vessels immediately to stand off the land, with a warning not to return to their present position. [Perry] immediately ordered the boats to be manned and sent for the officers in my presence, desiring them to visit each vessel and warn her to stand out, and to say that she was violating the Treaty by being so close. . . . On returning to the *Devastation*, I had the satisfaction to see that every vessel made sail and stood off after being boarded, and none remained within three miles."⁷⁰

Speiden, however, told a very different story:

Shortly after, the Captain of the D[evastation] left and returned to his ship. Our band was then called up, and stuck up the old tune of "Yankee Doodle" at the sound of which the men on the schooners climbed their masts and rigging, like so many monkeys, and such cheers they sent forth I had never heard before. It was a truly magnificent scene and cannot be described well in writing. The British steamer then went off like a poor Dog with his feelings wounded and came to anchor off Prince Edward's Island.⁷¹

This incident was apparently not discussed in Perry's post-action report, nor was it mentioned in the American press. Given Perry's similar omissions while in Japan, such actions paint a consistent image of a self-confident officer who always wished to control the narrative and profoundly disliked public scrutiny and criticism.⁷²

70 Campbell to Seymour, 26 August 1852, CBNAP, 154.

71 Speiden, *With Perry*, 19.

72 The so-called "white flags incident" during the Japan expedition – when Perry "forgot" to mention his presentation and explanation of a set of white flags to the Japanese so they would know how to surrender if he was forced to attack them to open the country – was similarly excised from the official record. As Marius Jansen puts it, with this "bit of bravado" Perry was likely "acting beyond his instructions, and since it gives a rather different picture of his achievements than he might have wished, he quietly omitted all

According to a list published in the American press after the *Mississippi's* return, Perry boarded 34 vessels off Prince Edward Island that day – the most of his cruise. In doing so, his men noted not only the name of the ship in question, but also that of her Captain, her home port, and how many days it had been since they put to sea. They also noted how many barrels of fish had been caught as of their inspection, “thus illustrating the superior skill or industry, or both, of our countrymen in that, as in most every other avocation of pursuit,” as the *New York Times* opined in their own list (see Table 3).⁷³ This is notable for the fact that one of the ships boarded by the *Mississippi*, the *Caroline Knight*, which was captained by Benjamin Small, was later caught blatantly breaching the three-mile limit by the *Devastation*. The testimony from both the crew of the *Devastation* and the crew of a passing Nova Scotian fishing schooner was damning and, when asked to justify these actions, the ship’s owner, George W. Knight, argued his case on the dubious grounds of “the almost moral impossibility there exists in ascertaining at all times the exact line or distance from the coast within which the prohibition extends.” Governor Bannerman privately dismissed this position as “so absurd a plea in justification” as he had ever heard.⁷⁴ While Bannerman speculated that this was likely a legal ploy cooked up by the ship’s owners to avoid blame, it is possible that Perry’s stunt in playing “Yankee Doodle” had led Captain Small and his crew to believe that they had the tacit support of the American government behind them and thus encouraged a more assertive stance.⁷⁵ Regardless, having seen to the fishermen and met with the British authorities, the *Mississippi's* mission was complete, and the ship plotted a return course for New York.

mention of this letter from his official and personal reports.” See Jansen, *The Making of Modern Japan* (Cambridge: Harvard University Press, 2002), 277; see also Wiley, *Yankees*, 329n8.

73 “Arrival of the Mississippi,” *New York Daily Times*, 2 September 1852.

74 Knight to Bannerman, 2 October 1852, PRFBNA, I:163–4; Bannerman to Knight, 5 October 1852, PRFBNA, I:164; Bannerman to Pakington, 11 October 1852, PRFBNA, I:162–3; Bannerman to Pakington, 26 October 1852, PRFBNA, II:98–9. For the official indictment, see “Queen vs. Schooner Caroline Knight,” 1852, RG 6.4, box 2, ser. 2, Court of Vice-Admiralty of Prince Edward Island, PAROPEI.

75 The *Caroline Knight* was later condemned and auctioned back to Knight for £1,505 in PEI currency. See “The American Fishing Schr. *Caroline Knight* . . .,” *Islander*, 22 October 1852. In keeping with views on the *Golden Rule*, two onlookers to the event would claim that the crowd mostly sympathized with Knight and were hostile to the two Islanders (including Treasurer Joseph Pope) who bid against him. While printed as editorials in the opposition press, such claims likely voiced bipartisan beliefs. See Spectator and A Merchant, “To the Editor of the *Islander*,” *Islander*, 22 October 1852.

Table 3 – Vessels Boarded by the USS Mississippi off PEI, 25 August 1852

Name of Vessel	Port of Registry	Captain	Days Out	Barrels of Fish
<i>Fulton</i>	Newburyport	Jaques	35	60
<i>President</i>	Gloucester	Sears	25	20
<i>Pilot</i>	Belfast	Robinson	5	10
<i>Bloomer</i>	Gloucester	Martin	14	45
<i>Angelia</i>	Salisbury	Dowe	60	70
<i>Sarah Jane</i>	Newburyport	Godfrey	42	62
<i>Edmund Burke</i>	Newburyport	Hunt	49	110
<i>Rosanna</i>	Belfast	Robinson	10	None
<i>E. A. Proctor</i>	Gloucester	Perkins	49	70
<i>Chris Appleton</i>	Newburyport	Sowerby	60	95
<i>Coquette</i>	Newburyport	Negurn	28	33
<i>Oriste</i>	Vinalhaven	Mill	7	10
<i>Sisters</i>	Belfast	Dunbar	21	20
<i>C. L. Colby</i>	Gloucester	Colby	35	120
<i>Julia Franklin</i>	Georgetown	Low	7	40
<i>Amelia</i>	Newburyport	Page	21	100
<i>Caroline Knight</i>	Newburyport	Small	35	100
<i>Olive Ivy</i>	Camden	Mills	10	10
<i>Eliza</i>	Portsmouth	Frisby	35	100
<i>Sea Drift</i>	Duxbury	Howe	60	120
<i>Mary Clark</i>	Newburyport	Chace	21	64
<i>Pennsylvania</i>	Gloucester	Fitzgerald	24	50
<i>General Pierce</i>	Newburyport	Devereaux	49	70
<i>Missouri</i>	Salem	Woodbar	42	100
<i>Antelope</i>	Cohasset	Shas Buryce	35	50
<i>Elizabeth</i>	Barnstable	Pierce	28	100
<i>Josephine</i>	Wellfleet	Clark	40	220
<i>C.M. Walton</i>	Truro	Knowles	28	100
<i>Mesenda</i>	Truro	Stevens	35	90
<i>Seaman's Pride</i>	Gloucester	Mitchell	28	75
<i>Pioneer</i>	Wellfleet	Daniels	49	120
<i>Franconia</i>	Wellfleet	Kemp	45	80
<i>Ann Eliza</i>	Portsmouth	Lowery	63	180
<i>Linda</i>	Freeport	Bliss	2	8

Source: New York Herald, 2 September 1852.

Conclusion

On 1 September, the *Mississippi* concluded its tour 32 days after first setting out. Upon receiving word, the *Weekly National Intelligencer* was quick to voice the government's approval: "Commodore Perry, by his tact and address, has done much to increase the amity and good feeling which should exist between the [British] Provinces and ourselves. . . . The fishing question presents no

difficulties which cannot be arranged by the present Administration.”⁷⁶ Ambassador Crampton, writing from Washington, was able to tell his government that two American warships, which had been retained pending Perry’s return, had been allowed to proceed with their original missions, a clear sign of a return to business as usual.⁷⁷ As for President Fillmore, he was apparently satisfied at the outcome as he personally read Perry’s report on his mission before returning it to Secretary Kennedy for filing.⁷⁸ As Fillmore later concluded in his third (and final) annual address as president, “considerable anxiety” had been caused by the summer’s events but affairs had now been settled and he had decided on “a reconsideration of the entire subject of the fisheries on the coasts of the British Provinces, with a view to place them upon a more liberal footing of reciprocal privilege.”⁷⁹ Reciprocity had been agreed to in principle. The devil, it turned out, was in the details and the affair would not be formally resolved until 1854 with the signing of the Anglo-American Reciprocity Treaty by Fillmore’s Democratic successor, Franklin Pierce. The resulting influx of American capital would finally allow Prince Edward Island to develop its own fishery (employing some 2,300 men and 1,200 boats by 1861), albeit one that remained firmly tied to American apron strings.⁸⁰

As Perry discovered, the fishery question was more the result of frayed nerves and inflamed rhetoric than British aggression or raucous fishermen. While an Anglo-colonial desire to force a resolution to the reciprocity issue was the undeniable catalyst to events, it was not merely an excuse as the colonial authorities had repeatedly made their displeasure at American fishing transgressions known to London well before 1852. Still, while Americans were routinely fishing within the three-mile limit, accounts of wrongdoing ashore were often exaggerated and the British were inclined to be lenient, as the *Golden Rule* incident highlights. Nevertheless, this apparently anticlimactic end to the fishery question should not blind us to the real constraints under which both the Americans and the Anglo-colonials were operating. There was

76 “We yesterday announced . . .,” *Weekly National Intelligencer*, 4 September 1852.

77 Crampton to Malmesbury, 6 September 1852, CBNAP, 163–4.

78 Fillmore to Kennedy, 8 September 1852, *Fillmore Papers*, 1:384.

79 Richardson, *Messages and Papers of the Presidents*, 6:2699–700.

80 MacDonald and Beck, “Lines in the Water,” in MacDonald, Novaczek, and MacFadyen, *Time and a Place*, 225. For Reciprocity’s impact on PEI, see Brian Payne, “‘The Best Fishing Station’: The Fish Trade of Prince Edward Island and Resource Transfer in the Gulf of St. Lawrence, 1854–73,” in *The Greater Gulf: Essays on the Environmental History of the Gulf of St. Lawrence*, eds. Claire E. Campbell, Edward MacDonald, and Brian Payne (Montreal and Kingston: McGill–Queen’s University Press, 2019), 163–91.

plenty of pressure, for instance, on administrators from both sides to force the issue. Prime Minister Derby, while convinced the Americans would negotiate over the fisheries, still worried what would happen to the BNA colonies should the worst happen. "We have a long and undefended frontier, and I cannot but fear that recent events have greatly shaken the loyalty, most especially of the West Canadians, the first to be invaded and the first to be succoured."⁸¹ Indeed, by 1852 British strength in North America was weak and comprised only a little more than 7,000 regulars while the Royal Navy was simultaneously decommissioning three steam sloops serving on the Great Lakes.⁸² Many Americans also saw the potential for war. "The excitement over the fishery question was then at fever heat," one American account later observed. "Mutterings of war were already heard in the newspapers. Employment for the Mexican veterans [of the 1846-1848 war] seemed promising."⁸³ To discount such views as exaggerated is to miss the point. The fact that prompt action was *seen* as necessary by both the British and the Americans is explained by their recognition that any dispute over the fisheries *could* spiral out of control if left unchecked. Both sides thus chose to de-escalate.

In retrospect, the Reciprocity Treaty of 1854 was only a single volley in a series of disputes between the Anglo-colonials (later Canadians) and the Americans over the fisheries that paralleled the equally fractious diplomatic relations between them. Reciprocity itself would be abrogated by the Americans in 1866 as punishment for British sympathy towards the Confederacy during the Civil War. The issue would be again raised during talks over the Treaty of Washington in 1871 and would flare up again during the 1880s and around 1910, when the issue was finally arbitrated at The Hague.⁸⁴ Yet despite these irritants, there was no renewed Anglo-American conflict, and one reason for this can be seen in the events of 1852. In short, there was a broad consensus on both sides to avoid war – one that stretched from high administrators down to many average civilians.⁸⁵ From the sober calculations by men like Bannerman

81 Jones, *American Problem*, 115-16. This was a more concerned take than other British politicians. Benjamin Disraeli, in a moment of exasperation and worry, dismissed the problem: "These wretched colonies will all be independent too in a few years and are a millstone round our necks." See Jones, *American Problem*, 113.

82 Hitsman, *Safeguarding Canada*, 154.

83 Griffis, *Matthew Calbraith Perry*, 298-9.

84 Myers, *Dissolving Tensions*, 89-99, 149-60, 247.

85 For more on this idea of an Anglo-American consensus to avoid war, see Myers, *Dissolving Tensions*, 1-16. This contrasts with Thomas Earle's characterization of an "intense, albeit brief, confrontation" in 1852; see Earle, "Cod and Country," 504.

and Fillmore, to the cordial meetings between Seymour and Perry, down to Lieutenant Chetwynd's interactions with Israel Bartlett and the thousands of other peaceful interactions between Prince Edward Islanders and the American fishermen, there were few points where problems could arise and this set a pattern for the years to come. Most officials at the top did not want to rock the boat, while among the fishermen, as Brian Payne has noted, those of both nations often developed informal codes of conduct to smooth over relations at an individual level.⁸⁶ The result was that despite formal disputes, both nations' policy makers remained conciliatory while ordinary citizens often voted with their feet for better relations (sometimes literally). By the 1890s, when the so-called Venezuela dispute was rankling British-American relations, many were again becoming alarmed at the possibility of war. Yet, as Richard Preston notes in a telling anecdote, cross-border socializing between Canadian and American soldiers continued throughout the incident, as when the *US Army and Navy Journal* cheerfully reported that among the guests attending a reception at the barracks in Sackets Harbor, New York, were "delightful officers from the barracks at Kingston [Ontario]."⁸⁷ Well before President Cleveland's rhetoric over Venezuela the 1890s, the threat of war for political gain pushed by men like Senator Mason in 1852 was struggling to remain politically relevant.⁸⁸

As for Commodore Perry, his voyage also had its benefits. While conferring with Seymour at Halifax, Perry had inquired whether the British could send along copies of their maps on Asian waters to aid his Japan expedition. On Seymour's behalf the Admiralty duly sent "four books and eighty sheets of charts, of the latest publications, all descriptive of the parts of the world to which I am bound," much to the commodore's delight.⁸⁹ But Perry returned to find his hopes for a quick departure dashed. Leaving New York in the *Mississippi* on 23 October for Annapolis where the *Princeton* had finally been completed, Perry's new steamship travelled only as far as Norfolk before its

86 Payne, *Borderless Sea*, xii, xvi.

87 Richard A. Pearson, *The Defence of the Undefended Border: Planning for War in North America, 1867-1939* (Montreal and Kingston: McGill-Queen's University Press, 1977), 131-2.

88 For more on Venezuela, see Preston, *Undefended Border*, 125-48.

89 Perry to Kennedy, 13 December 1852; Augustus Stafford to Perry, 28 October 1852; and Perry to Stafford, 13 December 1852, all in *Correspondence Relative to the Naval Expedition to Japan* (Washington: n.p., 1855), 11-12. This gift appears to have been part of the British government's tacit approval of Perry's mission. Foreign Secretary Malmesbury, concurring with Perry that only a show of armed might could open Japan, was content to let the Americans try their "experiment" in order to ride their coattails should they succeed. See W.G. Beasley, *Great Britain and the Opening of Japan, 1834-1858* (Sandgate, UK: Japan Library, 1995), 87-112, 196-7.

engines failed and were found to be defective. "Finding that unless I sailed alone . . . I might be detained several months longer," a furious Perry later wrote, "I determined . . . to proceed with the steamer *Mississippi* without further delay." On 24 November Perry departed Norfolk alone, finally bound for Japan.⁹⁰

It is also worth reflecting on how Perry's actions compare with those he later took while in Japan. Indeed, the context of both missions – a naval expedition to press for the rights of American sailors (whalers in Japan; mackerel fishermen in the BNA colonies), which relied on both impressing local officials and making a show of American resolve – are both broadly similar. First, there is the "Yankee Doodle incident." In Japan Perry "orchestrated ceremonies of American power in the form of spectacular parades and cultural presentations," as Jeffery A. Keith has argued.⁹¹ While not attempting to overawe the colonials with American superiority, off Prince Edward Island Perry still let the band of the *Mississippi* play "Yankee Doodle" (with its Revolutionary War-era, anti-British overtones) even while publicly and repeatedly admitting that Anglo-colonial criticisms were indeed valid. Perry's likely intent was to try and cheer his "stout, healthy and American" fishermen-cum-navy-reservists despite having to officially reprimand them. But in context, even Speiden wrongly read the *Devastation's* departure as a sign of British retreat and later reflection convinced him that "the English there have fishing grounds which they do not make use of themselves and are unwilling that others should use them. Our fishermen who are industrious and enterprising, thinking that that was not the right way to act, intruded on their grounds," concluding that the British were the real instigators.⁹² As seen throughout this article, this was hardly a fringe view among Americans.⁹³ This was, in many ways, the same contemporary rationale being used by the US government in such disparate instances as the US cheating Native Americans of their land as well as why Americans

90 Matthew Calbraith Perry, *The Japan Expedition, 1852-1854: The Personal Journal of Commodore Matthew C. Perry*, ed. Roger Pineau (Washington: Smithsonian, 1968), 3; Wiley, *Yankees*, 118-20; Morison, "Old Bruin," 287-9.

91 Jeffery A. Keith, "Civilization, Race, and the Japan Expedition's Cultural Diplomacy, 1853-1854," *Diplomatic History* 35, no. 2 (April 2011): 189.

92 Speiden, *With Perry*, 20.

93 The previously cited *Harper's Weekly* article, for example, argued that American success had "raised the envy of the colonists, who, in the veritable dog-in-the-manger spirit, religiously preserved by these devoted adherents to Old Foggydom, have petitioned their government to forbid the further encroachments of enterprising Bother Johnathan on these vast preserves, which, however, they themselves have not sufficient enterprise to use"; see "How Mackerel Are Caught," 674.

believed that Japan needed to be “opened” by American naval power. As one American editorialist phrased it in 1852, “The same law of civilization that has compelled the red men of our forests to retire before the superior hardihood of our pioneers will require the people of the Japanese empire to abandon their Algerine cruelty.”⁹⁴ This argument’s use against the BNA colonialists and their governments, however, who were arguably no less “enterprising” or “civilized” in national self-perception than their southern neighbours, deserves comment.

The above facts demonstrate that American chauvinism during this era was not entirely based on racism. While racism – most visibly expressed in the Antebellum American acceptance of slavery – was undeniable, Americans’ sense of their own civilizational superiority could be clearly articulated against the most “civilized” of its fellow neighbours. Indeed, these sentiments are likely better explained by the American belief in their own progressiveness and pre-ordained greatness, which found root in the idea of Manifest Destiny. While Fillmore and his Whigs remained wary of uninhibited territorial expansion, many other Americans were not so restrained.⁹⁵ “By the mid-nineteenth century,” as Keith again notes in the context of Japan, “Americans assumed their star was rising as Europe succumbed to decadence. And, in this spirit, Perry as well as his crew conceived of their mission as an opportunity to advance American civilization further westward.” Much as Perry later ordered the *Mississippi*’s band to blare “Hail, Columbia” for his initial landing in Japan, this same band’s rendition of “Yankee Doodle” in the Gulf of St. Lawrence, and indeed the controversy over the fisheries itself, can be understood as the posturing of an up-and-coming nation that “staked its cultural identity to, and developed its foreign policies from, [both] a dangerously racist and staunchly chauvinistic worldview.”⁹⁶

It is also tantalizing to consider what impact Perry’s voyage had on his later conduct. Did Perry’s experiences in the BNA colonies, in other words, inform his later actions in Japan? This is a difficult question to answer, but there are points worth considering. Firstly, the American government was clearly satisfied with Perry’s diplomacy, though it remains an open question

94 For more on this line of reasoning, see William L. Neumann, “Religion, Morality, and Freedom: The Ideological Background of the Perry Expedition,” *Pacific Historical Review* 23, no. 3 (August 1954): 255–6.

95 For Fillmore, Manifest Destiny, and the broader domestic context of the Japan expedition, see Elbert B. Smith, *The Presidencies of Zachary Taylor & Millard Fillmore* (Lawrence, KS: University Press of Kansas, 1988), 219–33.

96 Keith, “Cultural Diplomacy,” 182, 197–8, 202.

if knowledge of the “Yankee Doodle” incident would have raised eyebrows. As the official version of his Japanese voyage contained in the *Narrative of the Expedition of an American Squadron to the China Seas and Japan* (fastidiously compiled under Perry’s direct authority⁹⁷) later stated, despite delays, “the Commodore was not idle” as he had been “ordered to repair in [the *Mississippi*] to the fishing grounds, and assist in amicably adjusting the respective rights of the English and American fishermen,” and that he “performed this duty satisfactorily to the government.”⁹⁸ Perry thus chalked up his voyage as another diplomatic success, perhaps serving as a vote of confidence in his ambassadorial skills where his plans for Japan were concerned.⁹⁹

Finally, it is worth comparing this earlier voyage to the Japan expedition regarding their local receptions. As shown, the Anglo-colonials praised the conduct of Perry and his men in every port they visited, with the “gallant Commodore” and his “magnificent” warship lauded by government officials and civilians alike. Flattery and stock rhetoric no doubt played its part in this. But the seemingly gratuitous focus in nearly all accounts on the gun salutes given, on the flying of the opposite nation’s flags, on references to personal “tact” and “gallantry” by those officers present, and even the angry appeals from Senator Mason for “comity” and “national courtesy” arise from 19th century conceptions of honour and civility. With this pomp and circumstance, men on both sides were signalling their mutual respect and openness by acting according to well-established rituals known to both the Americans and the Anglo-colonials due to their shared cultural heritage. Following these unspoken rules, the colonials sought to make Perry’s arrival a magnanimous one. “Indeed we feel assured that on the part of the members of the Government, and that of the community at large, there was every desire manifested to render [the *Mississippi*’s] visit agreeable,” as one New Brunswick newspaper openly asserted after the ship’s visit to Saint John.¹⁰⁰ While Japan’s

97 For the writing of the *Narrative* and Perry’s role and motives in crafting the final product, see Dorsey Kleitz, “Herman Melville, Matthew Perry, and the *Narrative of the Expedition of an American Squadron to the China Seas and Japan*,” *Leviathan* 8, no. 3 (October 2006): 25-32 as well as Morison, “Old Bruin,” 418-21.

98 Francis L. Hawks, *Narrative of the Expedition of an American Squadron to the China Seas and Japan*, vol. 1 (Washington: A.O.P. Nicholson, 1856), 78.

99 Indeed, as Arthur Walworth later concluded, the fishery question was a very “ticklish” problem, “the most delicate assignment that had yet come to [Perry],” and he concluded that “possibly the experience and assurance that came to him from this mission more than compensated for the months of delay that it caused.” See Walworth, *Black Ships Off Japan: The Story of Commodore Perry’s Expedition* (New York: Knopf, 1946), 25-6.

100 Enclosure 2 in No. 43, CBNAF, 127.

isolation prior to Perry's arrival can be exaggerated, Japanese leaders in 1853-1854 were truthfully ignorant of many Western social conventions and through the application of their so-called "seclusion" (*sakoku*) edicts were – at least as far as Perry and other Americans could reason – merely acting deceptively and in blatant opposition to "proper etiquette."¹⁰¹ Given the curt rebuff to a previous American attempt to open Japan by Commodore James Biddle in 1846, Perry knew that any attempt to establish an open dialogue with high-ranking Japanese officials, similar to the one he had established with Vice-Admiral Seymour in 1852, was impossible and a forceful demonstration of American determination and hospitality was thus required.¹⁰² When Perry did eventually land in Japan, it was with the same combination of dress uniforms, gun salutes, musical renditions, and military pageantry that he had employed and been met with in the BNA colonies. But what were, for the visiting surveyor Henry Bayfield, "the usual salutes" exchanged between the *Mississippi*, the *Cumberland*, and the Citadel upon Perry's arrival in Halifax were, for Japanese witnessing Perry's landing, an alien display that "caused some little stir among the Japanese troops, who did not seem exactly to understand it."¹⁰³ If Anglo-American cultural affinities had helped ease the fishery question and reaffirm for Perry how "civilized" and open nations were supposed to act, then the antithetical reactions of the Japanese merely demonstrated their inferiority to Perry and justified his adversarial response in attempting to "educate" them.

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101 For this difference of worldview between the Americans and Japanese, see Mark Ravina, *To Stand with the Nations of the World: Japan's Meiji Restoration in World History* (Oxford: Oxford University Press, 2017), 56-7, 88-92.

102 For Biddle's failed attempt to open Japan and Perry's determination to avoid his fate, see Wiley, *Yankees*, 34-5, 284.

103 Bayfield, *Survey Journals*, 2:431; J.W. Spalding, *Japan and Around the World: An Account of Three Visits to the Japanese Empire* (New York: Redfield, 1855), 155-6.