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# Recognizing the Commons in Coastal Forests: The Three-Mile Limit in Newfoundland, 1875-1939

SEAN CADIGAN

## INTRODUCTION

DURING THE LAST QUARTER of the nineteenth century, Newfoundland governments were committed to securing industrial diversification through a national economic policy of landward development. Although individual governments varied in the details of their policies, most aimed to open up the interior of the island to agriculture, mining, and forestry development through the construction of a railway system. While governments acknowledged the social and economic importance of the cod and seal fisheries, most believed that these marine industries provided an inadequate economic basis for the colony's growing population. Persistent downturns in the fishing industry meant that governments grew desperate to attract new industries, and gave support and natural resource rights to industrial interests such as the various Reid railway-related enterprises and the Harmsworth pulp and paper project at Grand Falls. Critics of these deals occasionally suggested that industrial promoters and developers enjoyed what amounted to resource "give-aways," but the Newfoundland government found it difficult to attract capital investment to resource sectors that were often marginal by international comparison.<sup>1</sup>

Although accommodating companies' demands for exclusive property rights in the leasing or other grant of natural resources, governments nonetheless protected the common property rights of outport fishing people<sup>2</sup> to the coastal forests that surrounded their communities. Such protection might seem surprising because official opinion at the time, like later historiographical assessments, was that fishing people cut timber wastefully, and often started forest fires through carelessness.<sup>3</sup>

Globally, the trend in forest management was for the state to dispossess peasants, indigenous peoples, other noncapitalist producers, and workers of rights to the forests. North American, European, and colonial forestry regimes usually conserved woodlands for capitalist production, rather than conserving the biodiversity of the forests for future generations. Once the destructiveness of industrial expansion became apparent, governments often moved to protect forests by the establishment of parks and other types of ecological reserves. Although often used for tourism and sport hunting, these reserves and parks usually excluded common people from any harvesting rights.<sup>4</sup> Such dispossession was not the case in outport Newfoundland during the first half of the twentieth century.

Industrial forestry promoters demanded secure private property rights to timber as a condition of development. Newfoundland governments were happy to oblige, but without challenging the common property rights to the woods enjoyed by outport fishing people. Ideally, the alienation of forests into private hands should not have been difficult because, like most terrestrial resources, woodlands are relatively easy to enclose. However, the custom of the commons among outport people rested on their use of fish and other marine resources that were almost impossible to enclose. Over time, many fishers had accepted the importance of regulating access to common property marine resources. Time and again during the late nineteenth century, fishing people asked governments to regulate access to fisheries, fearing that the capitalization and intensification of effort were depleting fish stocks. Their struggle to survive in a cold-ocean coastal ecosystem meant that they accepted the principle that no one had a right to enclose or exhaust a resource in a manner that jeopardized the ability of another's household to survive, or the ability of the community to reproduce itself over time.<sup>5</sup> The importance of common property rights among outport people extended from the sea to land, limiting the extent to which governments could satisfy the demands of forestry developers. Fishing people cut wood to build their boats, schooners, fish flakes, stages, and homes, or for use as fuel; they considered access to forest resources a common right with which industrial enterprises should not interfere. Throughout the late nineteenth century, fishing people protested and lobbied against government attempts to enclose forests, consistently pointing out that commercial over-cutting, industrial sources of forest fires, and the improper disposal of waste were the greatest threats to woodlands.<sup>6</sup>

At the turn of the century, popular pressure forced the government to recognize fishing people's common property rights in the woods by preserving from industrial exploitation all coastal forests within three miles of the high tidewater mark. This three-mile limit, or "fishermen's reserve" as it became known, formally became part of Newfoundland's forestry regime in 1898. Through the first two decades of the twentieth century, fishing people resisted industrial access to the reserve, and William Coaker's Fishermen's Protective Union [FPU] took up their cause. Resistance became difficult to sustain as slumping post-World War I fish

markets increased rural poverty and the need for alternative employment. Some outport people began to establish sawmills on the three-mile limit with state support, but they faced opposition from their neighbours. This opposition helped to sustain government support for the three-mile limit, but by the 1940s commercial sawmilling on the reserve had become an accepted practice.

### THE THREE-MILE LIMIT

The Newfoundland government turned to industrial diversification through forestry development in the 1870s for a number of reasons. From the 1830s to the 1860s, attempts to diversify the economy through agricultural development had proved disappointing because of the limits imposed by a cold-ocean coastal ecology. A revival in the fishery between 1869 and 1874 distracted the government from diversification, but the return of poor conditions from 1875 to the end of the century prompted railway expansion into the interior forests.<sup>7</sup> Crown lands acts between 1844 and 1884, in conjunction with relief roadwork, provided for the alienation of land as private property for agriculture, sawmilling, and railway expansion. The legislation did not recognize common property rights to coastal woods adjacent to communities. The 1860 Act, for example, provided for settlement grants along coastlines, limiting the frontage to 200 yards. Section VII of the 1875 Crown Lands Act provided that the government “may reserve and set apart any ungranted Lands for fishing and other purposes whatsoever, as may be deemed expedient, and Law to the contrary notwithstanding.” This provision disappeared in the legislation of 1884, which consolidated regulations concerning the alienation of Crown land for settlement, forestry, and mining development.<sup>8</sup>

It was the unregulated expansion of forestry on the west coast of Newfoundland that forced the government to pay more attention to the industry. A series of treaties beginning with the Treaty of Utrecht in 1713 had given the French the right to fish between Cape St. John and Cape Ray. Diplomatic wrangling between France and Britain, with Newfoundland stuck in the middle, meant that little effective government of the region existed. Nova Scotian investors established sawmills on the west coast without permission, and without paying any fees or rents for the right to cut and export timber. Timber harvesters eventually leased timber lots, nominally according to Crown lands legislation, but they quickly exhausted the timber stands, and began to encroach on their neighbours’ land, or on unleased Crown land. Sawmill operators further angered fishers by dumping sawdust and other refuse into rivers and harbours. For example, there were complaints against the Humber Mill Company for fouling Humber Sound with sawdust, since herring spawning grounds would be disturbed. The government legislated against such dumping and, in 1875, anxious to secure control over west coast resources, appointed George W.B. Carter as Justice of the Peace and Collector of Timber Duties.<sup>9</sup>

The government was nevertheless anxious to attract investment from the Maritimes. Between 1872 and 1875, for example, it negotiated with John A. McCallum of Fredericton, New Brunswick, concerning a possible timber operation on the east side of Gander Bay.<sup>10</sup> The government did not take much action to support conservation, however, since a growing interest in economic development and expansion of the forestry industry through railway building sidelined concerns about forest destruction. Cutting down trees, after all, would supposedly make land available for agricultural settlement. Some hoped that settlement, facilitated by lumbering, would trigger industrial diversification and employ thousands of Newfoundlanders.<sup>11</sup> In the meantime, the Geological Surveyor Alexander Murray's description of the wasteful cutting practices of Nova Scotian timber operators on the west coast showed that the behaviour of commercial sawmillers rather than fishers produced the problem of open-access-related resource depletion. Nova Scotians harvested trees in the Bay of Islands area, cutting without regard for quality and leaving trees unsuitable for ton timber to rot:<sup>12</sup> "In this way, millions upon millions of feet of lumber are absolutely wasted, while the remainder is carried out of the country for the benefit of those with whom it has no concern."<sup>13</sup> With policies focusing only on economic development, the government fostered a climate in which natural resources might easily be over-exploited.

The expansion of commercial sawmilling on the northeast coast soon began to cause environmental problems similar to those on the west coast. In 1880, for example, the justice of the peace at Trinity complained that there were 36 commercial sawmills in Trinity Bay, whose owners cut timber indiscriminately and dirtied local waters. In Bonavista Bay, sawdust had fouled the Gambo River and Gambo Harbour. A British naval captain reported that "the salmon fishers naturally complain that the fish have deserted the bay and that their occupation will ere long be irretrievably ruined."<sup>14</sup> In Notre Dame Bay, fishers blamed the failure of the salmon fishery in 1880 on pollution from the lumber industry, which they believed destroyed salmon spawn in the rivers. There were also complaints about the extensive timber limits sought by investors, such as the applications made by Twillingate native Joseph W. Phillips in 1881 for limits to feed his mill at Point Leamington. Phillips wanted to control the forest from Western Arm to Northwest Arm in New Bay, an area used by fishers to cut wood for the fishery, for fuel, and for timber to sell to merchants. Correspondents to the *Twillingate Sun* argued that "lands so near the water's edge should not be divested of its valuable timber products or monopolised by any one party to the detriment of scores of families in the Bay, who for years will be dependent to a large extent upon the employment afforded during the winter season as heretofore." Fishers wanted the government to establish a coastal forest reserve upon which no one could have exclusive rights to cut timber, and continued to demand that the government enforce legislation against the pollution of salmon rivers running through such reserves by sawdust and mill refuse.<sup>15</sup>

These popular demands grew as the government began negotiations for the construction of a railway. Construction began in 1881 and continued until 1897, drawing the colony into ever-deeper debt. The first contract went to a New York syndicate, which undertook to build a narrow gauge railway from St. John's to the mining district of Hall's Bay in return for annual subsidies, loans, tax exemptions, and a land grant of 5,000 acres per mile. Many fishers feared that the company might obtain exclusive rights to timber resources as partial compensation for railway construction. Backers of the project argued that it would generate employment and promote more rational use of the forests. Job creation was a strong argument, though even the editor of the *Evening Mercury* (the most strident advocate of railways) worried that railway development might further the "indiscriminate felling" already going on in parts of the colony, "the result of which must be to render our forests comparatively valueless."<sup>16</sup> Rather than limit the expansion of commercial harvesting, proponents of the lumber industry suggested that government should plan for reforestation, fire prevention, and selective cutting practices.<sup>17</sup>

Planters joined Maritimers and St. John's merchants in investing in sawmills. For example, John Curtis, who moved to Hall's Bay from Twillingate in 1870 to establish a sawmill, applied in 1887 with his brother Francis for rights to 43 square miles near the Phillips operation, between Indian Brook, Hall's Bay, and the Exploits River. A correspondent wrote to the *Twillingate Sun* to say that "these two men are bent on preventing all other people from bringing any lumber out of that part of the forest land whose right it is. I wonder sometimes when will oppression cease? When will burdens too grievous to be borne, cease to be laid upon the poor despised fishermen?" The writer argued that the government should not allow any lumber operation to control too much of the forest, though sawmilling on a small scale was a necessary supplement to the fishery. The editor agreed. Unrestrained lumbering on the Avalon Peninsula had jeopardized local supplies, and the duty of government was to preserve coastal forests for the fishery.<sup>18</sup>

Advocates of forest conservation were often caught between their desire to see economic development proceed by railway development and industrial diversification, and the need to protect the resource rights of fishers, who had a clearer interest in conservation. Notre Dame Bay fishers, for example, continued to protest against river pollution by the growing sawmilling industry and the damage done by effluent to their fishing gear. They singled out Phillips's mill because it dumped its refuse into a nearby stream.<sup>19</sup> These demands for regulation of the timber industry were also a response to pressure from boosters who wanted the forests surveyed, advertised, and leased to developers. During the late 1880s greater numbers of timber lease applications were submitted. "If this kind of thing continues much longer," claimed an outport newspaper, "in a very few years all the principal timber lands will be locked up from our fishermen and it will be impossible for them to obtain a spar or any other kind of material that may be required for shipbuilding purposes."<sup>20</sup> Commentators anticipated that sawmills would lead to overcutting of

pine stands in central Newfoundland, and they were right. Within about 30 years, the sawmilling industry had commercially annihilated the pine stands, destroying the basis of the island's export trade in lumber. The industry disappeared.<sup>21</sup>

The pressure on forest resources mounted when the government passed legislation in 1890 to foster the development of a pulp and paper industry. This allowed companies to obtain timber grants of up to 156 square miles so long as they invested \$4,000 per square mile in pulp and paper development. Fishers would still be allowed to cut "trees or timber" for "the *bona fide* purposes of the fisheries, for building vessels, for masts, for poles, for erecting flakes, for fencing and for firewood, and such like purposes."<sup>22</sup> Supporters argued that pulp companies would only harvest softwood; all other trees would be left to fishers and other users. However, there were fears that the proposed licensing fees would exclude all but the largest corporations from the pulp industry, and that if leased lands were open to fishing people, there would be conflict. New legislation would be required to "let only a part of the land for pulp purposes, and a part so far from the coast that it will not interfere with the fishermen."<sup>23</sup> The government recognized that the Exploits, Gander, and Gambo rivers, and the shores of Red Indian Lake in the interior, would likely be the site of both lumber and pulp development in the near future, and thought that continental timber shortages would encourage Canadian investment in Newfoundland.

The potential for conflict with local people also grew, however. Phillips, for example, expanded his sawmilling operations in Gander Bay, and in 1891 posted a notice on the Gander River stating that he would prosecute anyone who took any of his timber floating on the river.<sup>24</sup> Men from Moreton's Harbour, who went to Exploits Bay for wood as they had done for years each fall and early winter, found two men waiting for them in 1894. They were told that a Mr. Falconburgh and a Mr. Burt held the area as a timber limit for the sawmill at Botwoodville; either they left the area voluntarily, or a boatload of employees would clear them away. Believing that no grant could exclude them from the shore, the men asked "whether our seaboard is protected for the benefit of the fisherman or not; if not, 'tis high time it should be or in a short time the poor man going in our Bays in search of timber will look in vain for an unoccupied spot."<sup>25</sup>

The government was less interested in conservation and coastal reservations than it was in industrial development, and the press enthused about the possibility of a pulp and paper industry. Even newspapers that had once defended common property access to the woods supported granting pulp syndicates exclusive rights to leased forest land.<sup>26</sup> Some fishers worried about the impact of forestry development, but others wanted the employment it might generate. In 1896 the poor in Green Bay could only get government relief by working for J.M. Jackson, a logging contractor at Tilt Cove, to whom the government gave a timber lease and \$500 to provide supplies to fishing people. In return they cut logs from coastal woods, which Jackson sold for profit. But in Exploits Bay, the government limited the right of William Evans and Luke Manuel to cut timber on the Exploits River since local



fishing people, "who for many years past have been cutting timber and building schooners on this brook," would find their fisheries seriously injured. The "fishermen, shipbuilders and carpenters" of Pilley's Island objected to a timber lease application for land along the South Brook, Seal Bay, Notre Dame Bay, and further declared that they were "opposed to the granting of timber limits within 8 miles of the sea shore." Deepening economic crisis nonetheless meant that the government accepted the expansion of logging as a form of able-bodied relief wherever local people might accept it.<sup>27</sup>

Thus pressure to preserve common rights to the woods persisted alongside the government's desire to alleviate relief demands by granting logging and milling rights. For example, in 1898 the government allowed Phillips to build another mill only on condition that his right to the stream would not be exclusive. The government granted rights to other companies to cut pulpwood, but reserved "localities where cutting of wood will be inimical to the welfare of the residents." The government did not favour the cutting of pulpwood for export, but the demand for employment offered little choice. Nonetheless, fishers at Sops Arm complained in 1898 against the Victoria Sawmills, claiming that the company was cutting on land traditionally reserved for the fishery, and that "the reservation is essential in White Bay in the interests of the Fishermen of the Colony."<sup>28</sup> The government halted cutting. Timber rights would henceforth only be granted to logging contractors so long as there was "no undue interference with settlers and lands from which they obtain their customary fuel supply."<sup>29</sup>

The cutting of pulpwood for export was permitted from the late 1890s, but the government saw the need for a coastal reserve and accepted that pulp was a potentially valuable local manufacture. The government did its best to ensure that those licensed to cut timber for any purpose remained inside the terms of their licences and leases, but by 1900 the demand for pulpwood and saw logs was such that newspaper discussions feared the total alienation of timber limits on the island. Logging contractors and mill owners constantly tried to cut on ungranted Crown land to the detriment of local fishing people, who complained, and forced the government to act. For example, the government ordered James Handcock of Botwoodville to stop cutting for a mill owner in 1901 because he was on land reserved for fishing people. By this time, the government had made law "in the interests of the fishermen of the country, for whom all timber within three miles of the coast is reserved, for the purpose of the fishery and for firewood."<sup>30</sup> The government also insisted that fishing people had a right to cut wood for building, firewood, and the fishery on leased land. Fishing people further complained to justices of the peace in order to force mill owners to build well upstream and avoid fouling inshore waters.<sup>31</sup>

The specific three-mile limit grew out of the controversial 1898 railway contract between the Tory administration of Sir James Winter, and R.G. Reid, and not from Crown lands legislation. By this contract, Reid assumed responsibility for the operation of the railway and its associated dry dock, telegraph line, coastal steamers,



and ferry service across the Cabot Strait in return for a land grant of 6,400 square miles, held fee-simple.<sup>32</sup> This was made clear in a 1902 dispute between the government and Benjamin Pritchett of Indian Bay, Bonavista Bay. Pritchett claimed that the Department of Agriculture and Mines had given him the right to cut on the three-mile limit. The government responded:

We are informed that the Officials there did not tell you it was alright for you to go ahead cutting timber on that three mile limit. The late Government in granting the lots to Mr. Reid made it a condition that the Government could reserve this strip of three miles along the sea shore for the purposes of providing timber for ship-building, for the repairs of ships and vessels, for the purposes of the fishery, and for firewood. When the present Government therefore came into office, they found that under this condition they could only reserve these three mile strips for such purposes. You will notice that the reservation does not include the cutting of timber for mill purposes nor even for the building of houses, and it is held that no one has a legal right to enter upon these three mile limits and cut wood except for the purposes specified in the condition made by the late Government in the grants issued to Mr. Reid.<sup>33</sup>

The government of Robert Bond, which took office in 1900, was not happy with the Reid contract, seeing it as a sell-out of Newfoundland interests.<sup>34</sup> It would have liked to encourage mill operators such as Pritchett, but it had to recognize the three-mile limit, and turned down applicants for timber concessions whenever they sought access to it. In 1902, for example, the government refused a request from a Mr. Lindberg for a timber concession in Bay d'Espoir, because it was "in receipt of petitions against the granting of any timber land in that locality, as it is all required for fishing purposes." In the same year, the government refused an application from James W. Grant for 150 square miles on the LaPoile River "as all the timber in that locality is barely sufficient for the requirements of the people. Protests have been received against the granting of any timber limits along that shore."<sup>35</sup> Popular pressure built for the protection of the three-mile limit against the Reid railway interests, and in 1904 the government responded with new legislation. This specifically set aside coastal forests within Reid grants "for the purpose of obtaining timber or wood for ship-building, for the repairs of ships or vessels for the use of the fishery and for firewood," and provided that it "shall not be lawful for the said Company to sell, lease or use as a timber limit any such reserved lands, or to cut or permit to be cut thereon wood or timber for any purposes other than those above-mentioned."<sup>36</sup>

The appetite of sawmills for all types of trees suggested to some newspaper editors that pulp mills might foster conservation, since they were interested in large spruce trees, and left young growth as well as other species standing.<sup>37</sup> Sawmillers were predatory, and often encroached on the three-mile limit because the closer to the shore they cut and processed logs, the cheaper the transportation costs. Furthermore, by getting logs from Crown land, they could save wood on their leaseholds, which would become more valuable over time. In 1903, the government brought

charges against the Horwood Lumber Company for cutting on the three-mile reserve. Judge Conroy confirmed the existence of the limit, and held that any mill owner caught processing wood cut on the limit could be fined for the amount taken.<sup>38</sup> The same year there were complaints about four or five mills using wood from the reserve around Jackson's Cove, Notre Dame Bay, and others cutting on the reserve near South West Arm, and near North West Arm, Green Bay. To add insult to injury, some of these mills dumped saw dust into salmon rivers. Fishing people made presentments to grand juries about the illegal cutting, and wrote directly to the government. St. John's newspapers were quick to take notice of the danger posed to the salmon fishery by increased river pollution, but did not take up the issue of cutting on the three-mile limit. Moreover, the government did not act against small locally owned sawmills fed by logs cut on the reserve. Such mills produced lumber for their operators' direct use in the fisheries and for sale to other fishers, and contributed to outport economies. Since such milling did not clearly violate the purpose of the three-mile limit, government intervention was difficult, although protests from fishing people against their neighbours' mills persisted.<sup>39</sup>

In 1899-1900, the government agreed to an exchange of timber rights over 206 square miles around Red Indian Lake between the Reids and Lewis Miller, from Crieff, Scotland. Miller built a large sawmill at the lake, and constructed a branch rail line to the coast. The enterprise failed, and in 1903, a syndicate known as the Newfoundland Timber Estates Company acquired Miller's timber leases and milling establishments. A partnership between the Reids, the Nova Scotian forestry promoter Harry Crowe and the American capitalist H.M. Whitney, Newfoundland Timber Estates began the large-scale processing of white pine for lumber export. By 1905, the company was producing 40 million, or about 62 percent, of the 65 million board feet of lumber cut in Newfoundland, but the near exhaustion of commercial supplies of lumber-quality pine led to government and commercial interest in the pulp and paper industry. Crowe became active in promoting a pulp and paper development that dovetailed with the interests of the Harmsworths, British newspaper magnates, who wished to develop a secure supply of newsprint from North America. The Harmsworths, as a condition for the establishment of the Anglo-Newfoundland Development Corporation [AND] at Grand Falls, demanded complete control over any timber lots it might lease. The government of Sir Robert Bond was so anxious to attract the AND that it agreed to remove the cap on the area a company could lease, reduced fees, tossed in mineral and water rights, permitted a land grant for the mill site, freed AND from municipal taxes, and allowed other concessions on import duties and property expropriation.<sup>40</sup>

The alienation of so much forest to one concern met with opposition. *The Trade Review*, long a promoter of local capital investment in forestry, decried the grant, claiming that "in return for some development. Mr. Harmsworth is going to shackle our liberties by sticking up trespass notices all round our lakes, and all over our forests."<sup>41</sup> The FPU was also appalled. Founded in 1908 by William Coaker, the

FPU advocated the rights of fishing people in a wide variety of areas, including forest policy.<sup>42</sup> The Harmsworth legislation was unique in that fishing people were not allowed to cut for fishing purposes on AND timber limits. Further, AND gained the right to nominate the colony's chief fire ranger in return for paying the salary. The ranger had the authority to make any regulations he saw fit for the prevention of fires on AND lands, and he and his deputies could detain and question anyone found on the property. In the end the FPU grudgingly supported the Harmsworth development as a means of alleviating poverty, but argued that there should be a tax on timber exports to ensure that Newfoundlanders benefited from the forestry industry to the maximum extent.

The FPU also took up the cause of defending the three-mile limit against the Harmsworths and other industrialists. Its newspaper, *The Fishermen's Advocate*, reported widespread anger about encroachments by small sawmill operators, and the prospect of a new pulp and paper industry meant "every effort must be made to protect the few remaining trees left on the reserves.... There is a lot of talk about protecting the timber along the railway belonging to various companies which remains unburnt, but very little is heard from the Government about protecting the fishermen's reserves from the inroads of the mills and land-loggers." The FPU feared that the arrival of the pulp and paper industry would seduce the government into allowing leases on the three-mile reserve.<sup>43</sup> The Bond government enforced the limit, but began to grant leases just beyond the reserve, primarily on the Bonavista Peninsula, to large sawmill operations. This meant that local people who wanted to start smaller operations faced problems, because they could not cut either on leased land or on the limit:

There is no place left for the small mill man to lay his foot. Since the fisherman's territory became circumscribed, the small mill man has ceased to be a 'fisherman', within the meaning of the act, as it is translated by the *bona fide* fisherman, and he mostly cuts his timber beyond the three-mile limit, rather than have any quarrel with his neighbour. Again, in many places there was no dispute, as both cut side by side inside and outside the three-mile limit.<sup>44</sup>

The expansion of forest industries made some kind of conservation regime necessary. As a result, lease holders, speculators, and forestry promoters came together in 1907 in the Newfoundland Forestry Association, patronized by the governor, with the premier, Sir Robert Bond, acting as honorary president. Joining them were local politicians and the medical missionary and philanthropist Dr. Wilfred Grenfell, who had begun a sawmill at Roddickton in 1903 as a relief measure. The association's primary object was voluntary reforestation through tree planting.<sup>45</sup> The FPU rejected voluntary self-management of the forests by merchants and industrialists, just as it opposed the self-regulation of the fishery promoted by the Board of Trade, founded in 1909. It expected the government to manage natural resources.

The new People's Party government led by Sir Edward Morris, which came to power in 1909 with FPU support, promised legislation to benefit fishers and labourers. Nevertheless, like the Bond government, it turned a blind eye to encroachments on the reserve by small outport mill operators. This drew the ire of Coaker, who wrote that the government "does not hear the angry growl that hourly escapes from the fisherman's lips, regarding the manner in which small mills and hand loggers are everywhere destroying the little green timber remaining, which ought to serve the purposes of fishing uses in the future."<sup>46</sup> In every issue of the *Advocate*, Coaker published long lists of friends of the government who received timber leases or licenses to cut on Crown land, including inroads on the three-mile limit. Coaker termed these encroachments "the robbing of the heritage of the fishermen in order to enrich a few ornaments of the machine at St. John's." A plank in the FPU's newly formed political platform was the prohibition of any logging by commercial sawmills or pulp mills, no matter how big or small, on the three-mile limit. Wood on the reserves should be cut only for constructing fishing premises, vessels, and related structures.

Coaker noted in 1911 that since 1909 it had become common for friends of the government to build sawmills on the three-mile limit, and asked FPU members to watch out for illegal mills and cutters so that they might be reported to the government. In 1911, FPU members presented 40 petitions to the House of Assembly demanding the immediate prohibition of all sawmills on the three-mile limit.<sup>47</sup> Particularly worrisome was the manner in which the sawmills at Botwood purchased wood cut in Notre Dame Bay and Green Bay. Coaker argued that these mills purchased more wood than they could process, and suggested that they must be selling the excess to the plants at Grand Falls and nearby Bishop's Falls, where Albert E. Reed and Company, Ltd. had just begun to produce pulp. Such underhandedness, he argued, typified the corruption of the Morris government, and would surely end the ability of fishers to get the wood they required. The defence of the three-mile limit had become all the more important because most timber reserves lay in the hands of "various land grabbers. Hardly a square mile remains, except the three mile limit." Correspondents like "Pilley's Island" regularly wrote to claim that "a man can scarcely get a keel for his boat without going five or six miles at the least. Everything is cut down by greedy hands, and men have been allowed to erect mills against the wish of the people, and nothing have [*sic*] been done to stop them. But we are going to stop it now; we want the three mile limit for the fishermen."<sup>48</sup>

The election battle of 1913 between Morris and a Liberal-FPU alliance forced his government to adopt legislation that might appeal to voters outside its Avalon Peninsula stronghold. The "Act Respecting the Operation of Sawmills" permitted "any *bona fide* fisherman" to operate a sawmill without fees for the purpose of making the shingles and staves required by his fishing operations. The act further allowed one-year licences for five dollars "to persons or companies who are at present operating mills on what is known as the three mile limit and are not the holders of timber or

pulp licences under the Crown Lands' Act." The minister might revoke such licenses "upon the application or petition of any persons who shall satisfy him by any such evidence, or in any manner, that the grant of such license, or the operation of such mill, is contrary to the public interest."<sup>49</sup> The FPU called on its local councils to petition against sawmills threatening the reserve, and reminded its members that prospective mill operators had to give three months' public notice.<sup>50</sup>

Unfortunately for fishers and the FPU, the coming of World War I made this a hollow victory. The government declared that the cutting and milling of timber for pitprops on Crown land, including the three-mile limit, was a patriotic duty since they would be used in British coal mines and, later, in the trenches. Further, it permitted the export of pulpwood, which the government had prohibited in 1903, so that British paper plants could be kept in operation. Faced with new pressure on forest resources, the FPU had to accept the notion that the best way to preserve the woods was through "a study of our forests with a view to conservation, and the possibility of helping nature to restore the wealth, that our stupidity has allowed to be destroyed." As the war dragged on, English purchasers of pitprops offered good money to fishers who had faced a long period of economic hardship. Throughout Trinity Bay, Bonavista Bay, and Green Bay many fishers had "availed of the offer to cut this timber and have cut off their right hand with their left."<sup>51</sup>

Although the *Advocate* condemned fishers who cut pitprops on the three-mile limit, others took more practical action. In the spring of 1916, the people of Lewisporte demanded that government prohibit once again any cutting on the three-mile limit except for the needs of the fishery. From Twillingate the government received a petition with over 392 signatures demanding that cutting for pitprops or any other non-fishery-related purposes be stopped. People from eighteen other small communities submitted similar petitions. The government refused, arguing that British and French military procurers would have to pay higher prices to holders of timber limits. The war effort, and the profits of pitprop procurement, demanded the sacrifice of outporters' common rights to coastal forests.<sup>52</sup>

The long depression in the Newfoundland fishery that set in with the end of World War I eroded Coaker's commitment to the three-mile limit. Coaker allied his party with Richard Squires's Liberals in 1919, and became the Minister of Marine and Fisheries, a post he held until 1923. As a member of government, Coaker found that the constant demands for relief made employment through logging for small sawmills a "necessary evil." Pitprop cutting continued to be the main form of able-bodied relief through the 1930s. The FPU saw this work as appalling because it meant that wood left Newfoundland relatively unprocessed rather than feeding the local pulp and paper industry. The FPU thus became very susceptible to pulp and paper promoters such as Harry Crowe, who wanted government permission to build a mill in White Bay. He promised to harvest primarily deadfall on the three-mile limit around Hampden and Sop's Arm. Workers would receive good wages and live in clean company facilities with the best medical attention available. The government

agreed when it became clear that he had much popular support from the area, and further asked him to provide relief to the disabled on account with the government. In 1927, the people of Sop's Arm even petitioned the government in support of Crowe's plans to expand cutting on the three-mile limit from their neighbourhood to Jackson's Arm.<sup>53</sup>

The plight of the fishery meant that the FPU fully supported Crowe's project, as well as a new pulp and paper development on the Humber River, and a possible third project on the Gander River.<sup>54</sup> While the union continued to promote fishers' need for access to forests, the *Advocate* increasingly boosted Newfoundland's "forest wealth," and its potential for generating employment. The expansion of timber cutting became accepted as depressed prices continued to plague the fishing industry, with opposition being expressed only to the export of relatively unprocessed wood for pitprops or pulp manufacture elsewhere. The whole point of the industry was to provide as much employment as possible for outport Newfoundlanders. Newspaper correspondents continued to support the right of fishing people to cut wood for the fishery, and argued that while commercial operators should pay royalties for cutting on Crown land, fishers should remain exempt.<sup>55</sup> The FPU maintained its hostility towards the AND, which it felt was trying to monopolize timber rights in central and northeastern Newfoundland at the expense of a third mill project. When the government allowed the AND to buy out and close down an unfinished pulp mill at Alexander Bay in 1925 so that its timber leases could supply the Grand Falls complex, for example, the FPU condemned the AND as a wolfish timber speculator and railed against the government for allowing Newfoundland's natural resources to fall under the company's control.<sup>56</sup>

The FPU was in a difficult position. It recognized that capital investment from outside Newfoundland was necessary to accomplish greater economic diversification, and forestry companies needed to secure wood lots if they were going to invest. If the FPU was too forceful in arguing that companies such as the AND were exhausting the forests, then it would be saying that the forests could not support additional industry. As a result, while the FPU continued to suggest that pulp and paper companies were not careful stewards of forest resources, it began to emphasize more that careless use of the woods by local people accompanied the "crime" of industrial cutting. The FPU did not claim directly that fishers intentionally overcut the forests, but did accept government and industry claims that carelessness in the woods caused destructive forest fires.<sup>57</sup>

The FPU had to accept outport people's commercial exploitation of the three-mile limit, and began to defend the reserve more as a wood lot set aside for small sawmills than as a property held in common for the good of the fishery. Correspondents to the *Advocate* increasingly attacked cutting on the reserve by large St. John's mill owners and by contractors who supplied the pulp and paper industry. They also criticized speculators who tried to get grants on the reserves. Fishers from Jackson's Arm, Sop's Arm, Brown's Cove, and Hampden, for example, petitioned

the government not to allow “foreign” companies to acquire such rights. Harry Crowe had never developed his industrial complex, and by 1928 he had transferred his White Bay holdings, including the three-mile limit, to the International Power and Paper Company, which had recently taken control of the Humber development based at the new pulp and paper complex at Corner Brook. The White Bay people now asked that the “three mile limit should be exclusively reserved for the use of fishermen,” but also “that the royalties on small mills be abolished.”<sup>58</sup> Fishing people had come to depend on small-scale milling to make ends meet, and the FPU agreed that the government should licence and inspect mills established on the three-mile limit, but should not discriminate against small outport operators in favour of larger industrial interests:

For the small man the three-mile limit is all that is left. If he wants to make a living by sawing a few thousand feet of lumber or cooperage stock he has, of necessity, to operate on the three-mile limit, because the land grabber has the interior timber areas of the country tied up. It is the big operator, in most cases, who is denuding the three mile limit of most of its timber, not the small mill men. Why not pounce on these, and limit their operations, as well as restrict the small man. We trust the Government will not act unfairly in this matter.<sup>59</sup>

By 1928, the government had accepted limited industrial development on the three-mile limit in White Bay so long as it had the clear support of local fishers, as well as small sawmilling operations run by outport people as supplements to their fisheries. The government began to issue licences for commercial operations on the three-mile limit, though most sawmills on the reserve continued to be small-scale affairs. The FPU worked to protect the right of small sawmill operators to wood from the three-mile limit, thinking that sawmilling supplemented the fishing industry much better than the pulp and paper industry. The FPU demanded that government should protect the reserve from industrial forestry companies, and that no such company should be allowed to acquire property there which would interfere with common property rights. By issuing licences, the government was dispossessing fishing people of their right to cut wood.<sup>60</sup>

During the Great Depression people increasingly turned to the woods to supplement their incomes, often operating barely profitable small sawmills. Government licensing fees were an extra expense, and much resented. Outport newspaper editors responded that licensing fees were necessary because “cutting wood can hardly be taken as a business on like basis as the catching of fish, for the reason that wood doesn’t move around as fish in the sea, and is of course not able to be replenished so quickly as the fish on its ground.”<sup>61</sup>

The pressure on forest resources was such that some pro-development newspapers such as the *Daily News* began to suggest that the government could disregard the three-mile limit since it had not been created by specific and explicit legislation. This notion led A.B. Morine, a Conservative politician who had once



been the Reids' solicitor, to reiterate in 1930 that the legal basis of the limit was sound, and lay in the 1898 railway contract. The government had expressly forbidden any enclosure of the three-mile limit so that it would remain a common preserve for fishing people, and he held that the reserve should always be maintained for that purpose.<sup>62</sup> The same year the government passed new legislation which did not cancel existing licences, but stated that new ones could not "be granted on lands situated within three miles of tidal waters."<sup>63</sup>

However, logging contractors continued to cut on the reserve, supplying wood to the pulp and paper companies, and the government condoned the practice because it wanted fishing people to draw income from logging rather than public relief. Occasionally, though, the government confronted a contractor after complaints from people living close to the area being cut. In 1931, for example, J.A. McLellan defended his cutting on the three-mile reserve at St. George's, on the west coast, stating that he thought that International Power and Paper had secured cutting rights to the area. J.F. Downey, the Minister of Mines and Agriculture, asked McLellan to stop; he replied that his logging crew had no other means to earn a bag of flour. "The men have asked me to write you and to plead on their behalf, as well as my own," claimed McLellan. He wanted the right to sell the timber already cut, and for the government to find him a legal place to continue working. Downey refused, largely because McLellan was a licensed Deputy Crown Lands Surveyor who should not have been abusing his office by cutting illegally.<sup>64</sup>

Encroachments on the three-mile limit were difficult to contain, and pressure on the reserve alarmed the government. It drew up a map showing where, by the Reid contract of 1898, people "could cut material for fuel, fencing and fishery purposes, but on no condition for saw logs." The minister claimed that this was necessary because of the "covetousness" of sawmillers such as E. Bishop of Stephenville Crossing, who logged on the Port au Port Peninsula. Downey claimed that Bishop had "been resorting to every possible means of getting logs from private properties and from the Three Mile Limit. We have proof in this Department of his writing and getting people to write for permission to cut quantities of lumber to build houses, and this is done, with the view of having the lumber handed over to Bishop, he paying them, of course, a certain price therefor." The Minister blamed mill operators for taking advantage of the wretched economic circumstances of the people. Places close by the big mills "will be made absolutely uninhabitable if these reservations made in the interest of the public are allowed to be sacrificed to the greed of Bishop, and the half dozen other people operating sawmills who sell the cut of their mills to Bishop."<sup>65</sup>

By 1933, deepening economic crisis had forced the government to allow "wood-for-coal" deals that circumvented the policy of not allowing the export of pulpwood. The government also needed to issue as many sawmill licences as possible to generate income. The increased export of unprocessed wood alarmed the chief surveyor, who warned the government "that at the present time we are draw-

ing upon our wood reserves to the 'utmost limit'." He recommended strict cutting limits on Crown lands, and a limit on wood exports of no more than 50,000 cords per year.<sup>66</sup> The FPU agreed that something had to be done. The three-mile limit had to be protected as it had become "practically denuded of timber for fishery purposes all around the Island and only in a few sections are there any worthwhile stands of timber left suitable for schooner building, boat building, flake material, and sound firewood. There must be a halt to cutting pit props or pulp wood on such areas very soon."<sup>67</sup> The FPU nonetheless wanted some form of relief work for fishing people, and advocated that government open up leases held by speculators. This suggestion was unacceptable to a government that was anxious to secure new investment in industrial development. The government instead took the position that the three-mile limit was really the best place to cut because "with the bulk of wood along our shores, and the unlimited number of young trees springing up, it is hardly possible to cut out the country in a few years.... The decline in the fishery lessens the demand for the use of timber and all the revenue possible from licenses will help all the more the country's finances."<sup>68</sup>

Fees from sawmills could not save Newfoundland from the financial catastrophe and scandals that had been accelerating since the late 1920s.<sup>69</sup> In 1934 responsible government was suspended and a British-appointed commission took over. The royal commission which preceded this decision heard many stories about poor government management of natural resources. W. Walsh, the Minister of Agriculture and Mines, said that the pulp and paper companies were responsible for the government not caring properly for timber on Crown lands; they put additional pressure on the three-mile reserve by availing "of the period of depression to encourage ... indiscriminate cutting of pulpwoods ..., which they purchase from settlers, thus conserving the timber supply on their own limits."<sup>70</sup>

The Commission of Government recognized that such practices had undermined the popular will to protect the three-mile reserve. Like the responsible government it replaced, the Commission allowed cutting permits on the reserve as a form of public relief in Bonavista Bay.<sup>71</sup> Not every fishing community accepted this relief plan: the people living between Comfort Cove and Loon Bay in Notre Dame Bay protested against a contract to cut pitprops in their area in 1935. They argued that logging contractors should cut inland, and that the three-mile limit should be preserved.<sup>72</sup> The Commission saw small-scale sawmilling and logging operations as wasteful and inefficient. It established a park, forestry nursery, and demonstration sawmilling and logging operations along the Salmonier Line on the Avalon Peninsula, but otherwise tended to defer to what it saw as the modern, efficient forest management of the big pulp and paper companies, and often turned to them rather than its own Department of Natural Resources for information.<sup>73</sup>

In 1937, the Commission halted indiscriminate cutting for export as a relief measure. It ironically singled out wood lots held by the pulp and paper industry for praise, arguing that wood harvesting on these lots had taken into account the need

for conservation. It ignored the manner in which the companies had used wood cut outside their leases, and had acquired most of the timber limits held by large sawmill operators, who subsequently shut down their operations. Small-scale sawmills operated by outport people thus began to satisfy the local demand for lumber. Everywhere "Water Mills, Gasoline Mills and small Steam Mills" sprung up, all fed by wood from the three-mile limit and other Crown land, as people struggled to survive the Depression.<sup>74</sup>

Rather than accept that a long economic depression and government policy had led to so much logging and milling on the three-mile reserve, the Commission argued that the reserve was a model of mismanagement as a result of fishing people cutting without long-term planning in mind. The FPU agreed that the three-mile limit was in jeopardy, as were the forests generally, but it continued to argue that the main threat was unrestrained commercial exploitation for export, encouraged by the Commission's flawed relief programs. The union further rejected the notion that small-scale mill operators and loggers practised unsound cutting. The *Advocate* suggested that fishing people were much more likely to cut selectively, using older growth for building purposes and diseased growth for firewood.<sup>75</sup>

In 1939, the spread of commercial logging to the three-mile reserve prompted the Commission of Government to develop a new forest policy, since a scarcity of timber in coastal areas had contributed to the decline of wood-products industries in the outports.<sup>76</sup> The Commissioner of Natural Resources, Thomas Ewebank, declared that there was more than enough timber on the reserve to support ordinary cutting, but the added pressure of cutting for sawmills meant that a total allowable cut of about 160,000 cords of wood a year must be set to preserve the forests for the future. The Commission also terminated permits to cut pulpwood and pitprops on Crown land. It noted that such practices, which had first begun on the Bonavista Peninsula, had led to the almost complete deforestation of the area. Fishing people had to travel into the interior by rail to cut firewood for the winter. The policy may have changed, but pressure to provide employment by developing small mills did not abate, and the government seems to have been unable to measure total allowable cuts.

Rather than blame commercial cutting for the deforestation of the Bonavista Peninsula, the FPU blamed forest fires. Forest fires had indeed been a problem on the Peninsula, and the *Advocate* blamed both the railway and the carelessness of fishing people generally. By now a shadow of its former self, transformed by Coaker's disillusionment with democratic politics in the dying days of responsible government and his commitment to retrenchment, and experiencing a succession of leaders with more mercantile than labour leanings, the FPU was no longer the champion of fishing people. The reasons for its newspaper's position on the causes of forest fires became clear in 1943 when the Commission further regulated the right to cut wood on the three-mile limit on the Bonavista Peninsula. "New-foundlanders," claimed the editor, "have been described as 'destructive from the

word go', and it is true that we are a wasteful people.... We did not have to or could not conserve."<sup>77</sup>

## CONCLUSION

Neither the Commission nor the FPU advocated the end of the three-mile limit, though the union seems to have become pessimistic about the ability of fishing people to manage wisely access to common property resources. By 1943, the FPU had was even more committed than it had been in the 1920s to the notion that Newfoundland's economic future lay with industrial diversification, which would depend on attracting more capital. The *Advocate* was not about to deter such capital by blaming industrial development for the evident depletion of woodlands by forest fires and overcutting. Furthermore, by 1943 the FPU had come to believe that few fishers actually depended on common rights to coastal forests for their fishing activities. There is, however, little evidence to support the FPU newspaper's notion that fishing people misused their common right of access to the woods. The history of the three-mile limit suggests the opposite view. Throughout the last quarter of the nineteenth century, fishing people had demanded protection from the problems related to the growth of industrial forestry. At first, they were most concerned about the pollution of fishing waters by sawmills. Additional concerns grew quickly about the way in which industrial interests wanted to enclose more and more of Newfoundland's forests as private wood lots. Even more troubling was the evident desire of governments to accommodate such industrial interests in the pursuit of economic diversification.

Fishers' protests in defence of their common right of access to the woods led to the legal recognition of the three-mile limit as a coastal forest reserve in 1898. The three-mile limit embodied the common property rights of fishing people to have access to woodlands. Maintaining the three-mile limit had been a constant struggle for fishing people and their champion, the FPU. The forest industry continued to grow as the government promoted pulp and paper development. Dismayed at the onset of severe depression, even the FPU became a promoter of the pulp and paper industry. Many fishing people found that they had to turn to sawmilling in order to earn a livelihood. Their increasingly commercial, if small-scale, exploitation of the three-mile reserve continued to be opposed by other fishing people. The FPU continued to defend the three-mile reserve as common property that should be preserved for small-scale outport mill operations against large-scale industrial forest enterprises. The persistence of the three-mile limit continued to serve as a reminder of the important role common property, whether on land or sea, played in supporting the outport communities of Newfoundland, and of the willingness of outport people to defend their common rights. After Confederation, provincial legislation

recognized the three-mile limit, and rights of common access persisted until the province reorganized Crown lands in the late 1970s.<sup>78</sup>

## Acknowledgements

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## Notes

<sup>1</sup>David Alexander, "Development and Dependence in Newfoundland, 1880-1970," in David G. Alexander, ed. by Eric W. Sager, Lewis R. Fischer and Stuart O. Pierson, *Atlantic Canada and Confederation: Essays in Canadian Political Economy* (Toronto 1983), 3-31. James K. Hiller, "The Origins of the Pulp and Paper Industry in Newfoundland," *Acadiensis* 11 (Spring 1982), 42-68; "The Politics of Newsprint: The Newfoundland Pulp and Paper Industry 1915-1939," *Acadiensis* 19 (Autumn 1990), 3-39.

<sup>2</sup>In this article, I use "fishing people" to refer to rural people who fished, and those whose families depended on the fishery, but who may have also worked as shore crews, loggers, garden keepers, housekeepers, and all the other occupations, whether formal or informal, that reproduced fishing households. I do not include merchants, professionals, clergy, or other bourgeois interests. I use "fisher" to refer to someone who simply fished.

<sup>3</sup>C. Grant Head, *Eighteenth Century Newfoundland* (Toronto 1976), 245; *Encyclopedia of Newfoundland and Labrador* [ENL], s.v. "Forestry." The view that fishing people made barrens of the forested land around their communities by wasteful and careless use of the woods has often been repeated, but without any empirical justification. For a recent unfounded reassertion of the claim, see Ken Drushka, *Canada's Forests: A History* (Montreal and Kingston 2003), 40. There is much more evidence to suggest that fires caused by the railway and other industrial developments were the most important cause of the destruction of woods adjacent to many communities. See Sean T. Cadigan, "A Smoke in the Woods: The Moral Economy of Forest Fires in Outport Newfoundland, 1875-1946," paper presented to the annual meeting of the Canadian Historical Association, Sherbrook, 1999.

<sup>4</sup>Mahesh Rangarajan, *Fencing the Forest: Conservation and Ecological Change in India's Central Provinces 1860-1914* (Delhi 1996); Warren Dean, *With Broadax and Firebrand: The Destruction of the Brazilian Atlantic Forest* (Berkeley and Los Angeles 1995); Richard H. Grove, *Green Imperialism: Colonial Expansion, Tropical Island Edens and the Origins of Environmentalism, 1600-1860* (Cambridge 1995); Richard H. Grove, "Colonial Conservation, Ecological Hegemony and Popular Resistance: Towards a Global Synthesis," in John M. MacKenzie, ed., *Imperialism and the Natural World* (Manchester and New York 1990), 15-50; J.M. Neeson, *Commoners: Common Right, Enclosure and Social Change in England, 1700-1820* (Cambridge 1993), 110-159; Madhav Gadgil and Ramachandra Guha, *This Fissured Land: An Ecological History of India* (Delhi 1992), 124-164; Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (Delhi 1989); the classic study of the dispossession of common rights to forests is E.P. Thompson, *Whigs and*

*Hunters: The Origin of the Black Act* (Hammondsworth 1977). For North America, see Richard W. Sellars, *Preserving Nature in the National Parks: A History* (New Haven 1997); Benjamin H. Johnson, "Conservation, Subsistence, and Class at the Birth of Superior National Forest," *Environmental History* 4.1 (1999), 80-99; Mark David Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (Oxford 1999); Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley 2001); Theodore (Ted) Binnema and Melanie Niemi, "Let the Line be Drawn Now': Wilderness, Conservation, and the Exclusion of Aboriginal People from Banff National Park in Canada," *Environmental History* 11.4 (2006), 724-750.

<sup>5</sup>See Sean Cadigan, "The Moral Economy of the Commons: Ecology and Equity in the Newfoundland Cod Fishery, 1815-1855," *Labour/Le Travail* 43 (Spring 1999), 9-42; "Failed Proposals for Fisheries Management and Conservation in Newfoundland, 1855-1880," in Dianne Newell and Rosemary E. Ommer, eds., *Fishing Places, Fishing People: Traditions and Issues in Canadian Small-Scale Fisheries* (Toronto, 1999), 147-169.

<sup>6</sup>Sean T. Cadigan, "The Moral Economy of Retrenchment and Regeneration in the History of Rural Newfoundland," in Reginald Byron, ed., *Retrenchment and Regeneration in Rural Newfoundland* (Toronto 2002), 14-42.

<sup>7</sup>Sean Cadigan and Jeffrey A. Hutchings, "Nineteenth-Century Expansion of the Newfoundland Fishery for Atlantic Cod: An Exploration of Underlying Causes," in Poul Holm, Tim D. Smith, and David J. Starkey, eds., *The Exploited Seas: New Directions for Marine Environmental History* (St. John's 2001), 31-65; Cadigan, "Moral Economy of Retrenchment and Regeneration," 14-42.

<sup>8</sup>ENL, s.v. "Forestry." The relevant legislation includes 23 Vic. Cap. 3, 1860 ("An Act ... to make Provision for Granting Mining Licences, Leases and Grants of Mineral Lands, and for other Purposes"), 38 Vic. Cap. 3, 1875 ("An Act ... to make provision respecting the sale and management of Timber on Crown Lands"), 47 Vic. Cap. 2, 1884 ("An Act to amend and Consolidate the several Acts respecting the sale and management of Timber on Crown Lands").

<sup>9</sup>Provincial Archives of Newfoundland and Labrador [PANL], GN2/1/A, Colonial Secretary's Outgoing Correspondence, Reel A-8-2, vol. 56: E.D. Shea to George Carter, Justice of the Peace, St. John's, 25 June 1875; GN2/2, Colonial Secretary's Incoming Correspondence, 1875, Carter to Shea, Bay of Islands, 13 August, 14 September 1875. Newfoundland finally gained control over the French Shore in 1904. See Frederic F. Thompson, *The French Shore Problem in Newfoundland: An Imperial Study* (Toronto 1961); Peter Neary, "The French and American Shore Questions as Factors in Newfoundland History," in J.K. Hiller and Neary, eds., *Newfoundland in the Nineteenth and Twentieth Centuries: Essays in Interpretation* (Toronto 1980), 95-122. Carter's status remains unclear. The Newfoundland government did not gain the right to appoint magistrates for the French Shore until 1878, yet Shea instructed Carter on 25 June 1875 that the "Government having appointed you Justice of the Peace and Collector of Timber Duties, you will proceed to the Bay of Islands and Western Coast in the Steamer *Ariel*." Carter's correspondence with Shea indicates that he was receiving applications for timber leases in the Bay of Islands on behalf of the colonial government and was exercising his judicial responsibilities.

<sup>10</sup>PANL, GN2/2, John A. McCallum to E.D. Shea, Fredericton, NB, 8 November 1875.

<sup>11</sup>*The Newfoundlander*, St. John's, 4 December 1874.



<sup>12</sup> Ton timber is composed of large trees that were cut, squared, and stacked in piles of about 50 cubic feet. See G.M. Story, W.J. Kirwin, and J.D.A. Widdowson, eds., *Dictionary of Newfoundland English* (Toronto 1982), 573.

<sup>13</sup> *The Courier*, St. John's, 30 January 1875.

<sup>14</sup> PANL, GN2/2, Box 54, G.H. Cole to the Colonial Secretary, Trinity, 23 June 1880; Captain William Kennedy, HMS *Druid*, to the Governor, Twillingate, 7 July 1880; GN2/1/A, Shea to the Secretary of the Emigration Commissioners (London), St. John's, 28 February 1876; Shea to the Governor, St. John's, 15 December 1877.

<sup>15</sup> *The Twillingate Sun*, 15 July 1880, 29 September 1881, 14 July 1882. *ENL*, s.v. "Phillips, Joseph William."

<sup>16</sup> *The Twillingate Sun*, 7, 8, 16 September 1882; *The Evening Mercury*, St. John's, 18 October, 17 November 1882; 11 June 1883; 10 October 1884; quotation from 17 February 1886.

<sup>17</sup> *The Evening Mercury*, St. John's, 24 November 1886. J.K. Hiller, "The Railway and Local Politics in Newfoundland, 1870-1901," in Hiller and Neary, eds., *Newfoundland*, 123-147.

<sup>18</sup> *The Twillingate Sun*, 19 March, 9 July 1887.

<sup>19</sup> *The Twillingate Sun*, 20 August, 19 November 1887; 21 July 1888.

<sup>20</sup> *The Evening Mercury*, St. John's, 27 August 1889, 13 February 1889; *The Twillingate Sun*, 19 October 1889.

<sup>21</sup> *The Daily News*, St. John's, 20 March 1894; *ENL*, s.v. "Forestry."

<sup>22</sup> 53 Vic. Cap. 1, s. 7 (1890). The same provisions remained in succeeding legislations, 63 Vic., cap. 5, s. 6 (1899) and 3 Ed. VIII, cap. 6, s. 7 (1903).

<sup>23</sup> PANL, GN2/1/A, Reel A-8-3, vol. 60, Robert Bond to the Governor, St. John's, 12 January 1891; *The Daily Colonist*, St. John's, 7 May 1890, 26 February 1891.

<sup>24</sup> PANL, GN2/1/A, Reel A-8-3, vol. 61: Bond to the Governor, St. John's, 2 May 1891; *The Twillingate Sun*, 4 April, 21 May 1891.

<sup>25</sup> *The Twillingate Sun*, 8 December 1894.

<sup>26</sup> *The Daily Colonist*, St. John's, 26 February 1891. *The Daily News*, St. John's, 4 May 1894; *The Twillingate Sun*, 12 September 1891.

<sup>27</sup> PANL, GN2/1/A, vol. 65: Bond to J.M. Jackson, St. John's, 19 November 1896; Bond to William Evans and Luke Manuel, St. John's, 16 November 1896; Bond to Surveyor General, St. John's, 28 November 1896; vol. 67, 1897-98, J.A. Robinson to T.C. Duder, Surveyor General, St. John's, 4 December 1897; Robinson to H.C. Burdell, Government Engineer, St. John's, 13 April 1898.

<sup>28</sup> PANL, GN2/1/A, vol. 68, 1898: Colonial Secretary to T.C. Duder, Surveyor General, St. John's, 17 June 1898; vol. 69, 1898-99: Colonial Secretary to Messrs. Harvey & Co., St. John's, 19 November 1898; Colonial Secretary to W.F. Coaker, St. John's, 10 November 1898; Colonial Secretary to W.J. Jackman, St. John's, 12 November 1898. The residents of Pilley's Island, NDB, made a similar complaint about a sawmill at Seal Bay. See Colonial Secretary to E.W. Roberts, St. John's, 7 December 1898.

<sup>29</sup> PANL, GN2/1/A, vol. 69, 1899: Colonial Secretary to George Hodder (Twillingate), St. John's, 10 December 1898. Hodder was a contractor for Harvey and Company; he planned to log 1,000 cords at Baie Verte.

<sup>30</sup> PANL, GN2/1/A, vol. 73, 1901: Deputy Colonial Secretary Mews to Thomas Long, Deputy Minister of Agriculture and Mines, St. John's, 6 February 1901; vol. 74, 1901-02:



Bond to James Handcock, St. John's, 1 October 1901; PANL, GN1/3/A, Governor's Miscellaneous and Local Correspondence, 1900, Despatch 8: Governor McCallum to the Colonial Secretary, St. John's, 10 January 1900.

<sup>31</sup>PANL, GN2/1/A, vol. 69, 1898-99, Colonial Secretary's Outgoing Correspondence: Colonial Secretary to W.F. Coaker, St. John's, 10 November 1898; vol. 71, 1900, Colonial Secretary's Outgoing Correspondence: Colonial Secretary to R.B. Job, St. John's, 17 January 1900; vol. 73, 1901, Colonial Secretary's Outgoing Correspondence; Deputy Colonial Secretary Mews to Thomas Long, Deputy Minister of Agriculture and Mines, St. John's, 6 February 1901; vol. 74, 1901-02: Colonial Secretary to Bishop Rev. Dr. MacNeill (St. George's), St. John's, 6 February 1902; vol. 77, 1902-03: Mews to Eli Dawe, Minister of Mines and Agriculture, St. John's, 12 June 1903; *The Trade Review*, St. John's, 24 March 1900.

<sup>32</sup>Hiller, "Railway and Local Politics," 135-143.

<sup>33</sup>PANL, GN2/1/A, vol. 75, 1902: Deputy Colonial Secretary to Pritchett, St. John's, 7 April 1902.

<sup>34</sup>James Hiller, "The Political Career of Robert Bond," in James Hiller and Peter Neary, eds., *Twentieth-Century Newfoundland: Explorations* (St. John's 1994), 11-46.

<sup>35</sup>PANL, GN2/1/A, vol. 75, 1902: Deputy Colonial Secretary to Messrs. McNeilly and McNeilly, Solicitors, St. John's, 29 April 1902; Deputy Colonial Secretary to Eli Dawe, Minister of Agriculture and Mines, St. John's, 19 May 1902.

<sup>36</sup>4 Edw. VIII, Cap. 13, s. 4 (Newfoundland, "Transportation of Timber Act"). John A. Munro, "Public Timber Allocation Policy in Newfoundland" (PhD thesis, University of British Columbia 1978), 70-72.

<sup>37</sup>*The Western Star*, Bay of Islands, 9 July 1902.

<sup>38</sup>*The Trade Review*, St. John's, 7 February 1903.

<sup>39</sup>PANL, GN2/1/A, vol. 77, 1902-03: Deputy Colonial Secretary to Eli Dawe, Minister of Agriculture and Mines, St. John's, 2 April 1903; vol. 78, 1903: Deputy Colonial Secretary to Dawe, St. John's, 16 May 1903; Deputy Colonial Secretary to Mrs. Kenneth Mills, St. John's, 11 June 1903; Deputy Colonial Secretary to T.J. Murphy, St. John's, 15 July 1903; vol. 79, 1903: Deputy Colonial Secretary to Dawe, St. John's, 7 October 1903; 3 November 1903; vol. 80, 1903-04: Deputy Colonial Secretary to Harry Burt, St. John's, 2 December 1903; Deputy Colonial Secretary to Dawe, St. John's, 11 April 1904. *The Trade Review*, St. John's, 22 August 1903; *The Western Star*, Bay of Islands, 4, 18 March 1903. *ENL*, s.v. "Pulp and Paper Manufacture."

<sup>40</sup>Hiller, "Origins of the Pulp and Paper Industry"; W.G. Reeves, "'Our Yankee Cousins': Modernization and the Newfoundland-American Relationship, 1898-1910" (PhD thesis, University of Maine 1987), 395-444.

<sup>41</sup>*The Trade Review*, St. John's, 29 April 1905.

<sup>42</sup>See Ian D.H. McDonald, ed. by J.K. Hiller, "*To Each His Own*": *William Coaker and the Fishermen's Protective Union in Newfoundland Politics, 1908-1925* (St. John's 1987).

<sup>43</sup>*The Fishermen's Advocate*, Coakerville, 19, 26 February; 26 March; 28 May; 12, 26 November; 3 December 1910.

<sup>44</sup>*The Trade Review*, St. John's, 15 September 1906.

<sup>45</sup>*The Trade Review*, St. John's, 14 December 1907. The vice-presidents were H.J. Crowe, J.Q. Gulnare, A.S. Harris, and E.F. Harvey. J.F. Downey was secretary-treasurer.

The directors were Sir E.P. Morris, E.R. Bowring, John Harvey, J.A. Clift, Dr. Grenfell, W.C. Job, Reuben Horwood, Major Gibbs, Donald Morrison, and W.F. Horwood. On Crowe's and Grenfell's forestry activities see Sean T. Cadigan, "Restructuring the Woods: Timber Rights, Power and Agency in White Bay, Newfoundland, 1897-1959," in Peter Sinclair and Rosemary Ommer, eds., *Power and Restructuring: Shaping Coastal Society and Environment* (St. John's 2006), 73.

<sup>46</sup>*The Fishermen's Advocate*, Coakerville, 26 March 1910. On the Board of Trade, see Robert G. Hong, "'An Agency for the Common Weal': The Newfoundland Board of Trade, 1909-1915" (MA thesis, Memorial University of Newfoundland, 1998).

<sup>47</sup>*The Fishermen's Advocate*, St. John's, 7 January, 21 January, 18 March, 1 April 1911. The petitions came from Change Islands, Ladle Cove, Shalloway Cove, Safe Harbour, Red Cliffe, Amherst Cove, Salvage, King's Cove, Happy Adventure, Doting Cove, Farmer's Arm, Indian Islands, Bay Bulls Arm, Old Perlican, English Harbour, Cat Harbour, Southern Bay, Little Bay Islands, Salvage Bay, Jamestown, Horwood, Seldom, Bard's Cove, Salmon Cove, Little Heart's Ease, Flat Island, Pike's Arm, Indian Arm, Twillingate, Wesleyville, Musgrave Harbour, Joe Batt's Arm, British Harbour, Keels, Herring Neck, Squid Tickle, Port Rexton, Moreton's Harbour, and Haystack.

<sup>48</sup>*The Fishermen's Advocate*, St. John's, 20 May, 12 August 1911; 13 January, 27 January, 17 February, 4 May, 16 November 1912.

<sup>49</sup>4 Geo. V. Cap. 17, s. 1 and 2.

<sup>50</sup>*The Mail and Advocate*, St. John's, 16 May 1914; *The Daily Mail*, St. John's, 13 March 1914.

<sup>51</sup>*The Mail and Advocate*, St. John's, 3 April, 22 May, 31 July, 11 December 1915; 15 January 1916. The long-term place of pitprop cutting on forestry in Newfoundland is explored in John A. Munro, *Pitprops and Pulpwood: A History of Export Wood Operations in Newfoundland and Labrador, 1898-1992* (St. John's 2001).

<sup>52</sup>PANL, GN2/5, Box 48, File 321, "A Petition from Twillingate ..." In addition to Twillingate and Lewisporte, this file contains petitions from Victoria Cove, Rogers Cove, Boyd's Cove, Springdale, New Bay, Summerford, Port Anson, Nipper's Harbour, Leading Ticks, Exploits, Triton, Campbellton, Comfort Cove, Little Bay Island, Pilley's Cove, Fortune Harbour, and Moreton's Harbour. Additionally, the government's position is outlined in Sydney Blandford, Minister of Agriculture and Mines, to Colonial Secretary J.R. Bennett, St. John's, 6 September 1916.

<sup>53</sup>*The Weekly Advocate*, St. John's, 15 March 1924; *The Fishermen's Advocate*, Port Union, 14 November 1924; PANL, MG8, P.T. McGrath Papers, Box 18, file 2: Harry J. Crowe to Sir Patrick McGrath, 2 April 1926; GN2/5, Box 33, File 196.B: Harry J. Crowe, "Negotiations with the Govt. respecting Timber Development at White Bay (Riverhead), August 1923-May 1923"; File 196.C: "Harry J. Crowe - Negotiations with the Govt. for Permission to Cut Timber at Sop's Arm, White Bay, Dec 1925-June 1927." The only other section of the three-mile limit to fall into private hands was Grenfell's operation at Roddickton. Grenfell acquired a 50-year lease of 122 square miles on the north side of Canada Bay to support his sawmill. Known as the "Grenfell block," the International Grenfell Association leased it to the Carbonear firm of Saunders and Howell in 1935. See Cadigan, "Restructuring the Woods," 73.

<sup>54</sup>*The Evening Advocate*, St. John's, 4, 9, 10, 26 July; 23, 27 August; 1, 6, 8, October; 6, 26 November; 19 December 1923.

<sup>55</sup>*The Twillingate Sun*, 29 January; 13 August 1927; 5, 19 October 1929; 8 February 1930.

<sup>56</sup>*The Fishermen's Advocate*, Port Union, 17 September 1926, 15 July 1927.

<sup>57</sup>See Cadigan, "Moral Economy of Retrenchment and Regeneration."

<sup>58</sup>*The Fishermen's Advocate*, Port Union, 27 April, 22 June 1928. For more on the relationship between Coaker and Crowe, see Cadigan, "Restructuring the Woods," 53-65.

<sup>59</sup>*The Fishermen's Advocate*, Port Union, 25 January 1928.

<sup>60</sup>*The Fishermen's Advocate*, Port Union, 27 April, 22 June 1928, 25 January, 15 March, 19 April 1929.

<sup>61</sup>*The Twillingate Sun*, 5, 19 October 1929.

<sup>62</sup>*The Twillingate Sun*, 8 February 1930. A.B. Morine had been a leading member of the Tory party, a pro-confederate, and supporter of the Reids during the negotiation by the Winter government of the 1898 railway contract. See Hiller, "Railway and Local Politics," 138-141.

<sup>63</sup>21 Geo. V, cap. 15, s. 114 (Newfoundland, "Crown Lands Act"). Munro, "Public Timber Allocation," 71.

<sup>64</sup>*The Fishermen's Advocate*, Port Union, 27 February 1931; PANL, GN2/5, Box 84, file 517, "Land Resources Development 1930-33": J.A. McLellan to J.F. Downey, St. Georges, 31 January 1931; Downey to Colonial Secretary A. Barnes, St. John's, 3 February 1931.

<sup>65</sup>PANL, GN2/5, Box 84, file 517, "Land Resources Development 1930-33": Downey to Barnes, St. John's, 24 January 1931.

<sup>66</sup>PANL, GN2/5, Box 110, file 649.1, "Natural Resources Timber Areas (Report E.G. Hall)": Hall, Chief Surveyor, Department of Agriculture and Mines, to Prime Minister F.C. Alderdice, St. John's, 18 March 1933.

<sup>67</sup>*The Fishermen's Advocate*, Port Union, 21 July 1933.

<sup>68</sup>*The Twillingate Sun*, 5 August 1933.

<sup>69</sup>Scandals involving alleged misuse of pitprop contracts played an important role in undermining the legitimacy of the administration of Sir Richard Squires. See R.M. Elliott, "Newfoundland Politics in the 1920s: The Genesis and Significance of the Hollis Walker Enquiry," in Hiller and Neary, eds., *Newfoundland*, 180-204.

<sup>70</sup>PANL, MG 300, Charles A. Magrath Papers, vol. 12, March 1933: W.A. Walsh, Minister of Agriculture and Mines, "Memorandum for Royal Commission....", 1-7. *The Fishermen's Advocate*, Port Union, 17 November 1933, 4 May 1934, 11 October 1935. On the Amulree Commission and the formation of the Commission of Government see Peter Neary, *Newfoundland in the North Atlantic World, 1929-1949* (Montreal and Kingston 1988), 12-42.

<sup>71</sup>*The Fishermen's Advocate*, Port Union, 4 May 1934.

<sup>72</sup>*The Twillingate Sun*, 12 January 1935.

<sup>73</sup>Melvin Baker and Janet Miller Pitt, *By Wise and Prudent Measures: The Development of Forestry on the Salmonier Line* (St. John's 1998), 22-42; Cadigan, "Restructuring the Woods," 65-67.

<sup>74</sup>*The Twillingate Sun*, 22 May 1937.

<sup>75</sup>*The Fishermen's Advocate*, Port Union, 27 March; 28 May; 11 June; 19, 26 November 1937.

<sup>76</sup>*The Twillingate Sun*, 24 February 1940.

<sup>77</sup>*The Fishermen's Advocate*, Port Union, 16 May 1941, 31 December 1943. On Coaker's political disillusionment, see James Overton, "Economic Crisis and the End of Democracy: Politics in Newfoundland During the Great Depression," *Labour/Le Travail*, 26 (Fall 1990), 85-124; on the FPU's decline and hostility to organized labour, see Cyril W. Strong, ed. by G.S. Kealey, *My Life as a Newfoundland Union Organizer: The Memoirs of Cyril W. Strong, 1912-1987* (St. John's, 1987), 81-84.

<sup>78</sup>S. 5 of NL 1954, No. 57, "Crown Lands (Amendment) Act" provided that licences to cut timber "may not be granted on lands situated within three miles of tidal waters." Although significantly modified from its original nature, the three-mile limit continued to support a community-based sawmilling industry until the provincial government merged the reserve into new forest management units in 1979. See John A. Gray, *The Trees behind the Shore: The Forests and Forest Industries in Newfoundland and Labrador* (Hull, PQ 1981), 17-18.

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