

Bradley D. Thorson. ORIGINS AND EARLY DEVELOPMENT OF THE NORTH CAROLINA DIVISION OF COMMERCIAL FISHERIES, 1822-1925. (Under the direction of Dr. William N. Still, Jr.) Department of History, East Carolina University, September, 1982.

The purpose of this study is to look at the origin and development of a state agency, where and why it began, the direction in which it was heading in its development and growth, and whether or not it achieved what it had set out to do. This study will attempt to show how a state government involved itself in trying to stimulate and promote private industry in order to utilize the state's natural resources and the benefits the state derived from this. Finally, how a state agency expands and develops as a result of governmental involvement in stimulating private industry.

In 1870 the American Fisheries Society called for federal government action to investigate national fishery problems, which later prompted state governments to do the same. In 1887 North Carolina established its first shell-fish commission to study the state's needs for shell-fish laws to protect her shell-fish resources.

As the demand for oysters increased, more pressure was being placed on the resource by residents and non-residents alike. This resulted in the small oyster industry of eastern North Carolina to develop rapidly into a scale of larger importance. This was a desirable affect for the state's oyster industry, but there was considerable concern from North Carolina oystermen that the excessive harvesting of oysters would eventually ruin the entire oyster industry as it had in other states like Virginia and Maryland.

It was that concern which stimulated the creation of the agency that would later be known as the North Carolina Division of Commercial Fisheries. Through a series of laws and regulations enacted particularly in the period from 1891 to 1925, the agency attempted to give some control over the growth and development of the shell-fish industry in North Carolina. Some of these laws and regulations helped the oyster industry while others actually retarded its growth and even adversely affected the shell-fish industry economies of neighboring states.

The state of North Carolina continued to become more and more involved in trying to enhance the shell-fish industry, and as it did so, the organization it needed to carry out that task became larger and more established as a permanent state agency. It would never be the self supporting state agency that it was designed to be from the collection of taxes on fishing boats, fishing gear and shell-fish licenses sold, nor would it be all that successful in managing and stimulating a state resource into a thriving industry, at least not during the period of 1891 to 1925.

The agency continued to grow during the entire period of this study, but the projected success that it was called upon to make, to wit: to create jobs for the people of eastern North Carolina in a healthy shell-fish industry, and create substantial tax revenue for the state, simply failed to materialize during that early period of the agencies history.

ORIGINS AND EARLY DEVELOPMENT OF THE
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1822-1925

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CHAPTER I

INTRODUCTION

For most of the nineteenth century little if anything was done to protect and conserve natural resources in the United States. Few people recognized the need to do so; the universal belief was one that emphasized unlimited natural resources. There was little interest in creating state or federal agencies with the responsibility of protecting or regulating these resources. Those who did were often unpopular and were considered by many citizens and some government officials to be nuisances, especially at the onset of the industrial revolution when exploitation and profit took priority over conservation. However, the rapid pace of industrialization and exploitation towards the end of the century alarmed not only conservation minded groups such as the Audubon societies, but a growing number of scientists and government officials. Individual states and the national government began to create agencies to manage the country's natural resources including fisheries. By the end of the nineteenth century conservationists could already see the affects modern technology such as railroads, steamboats and better communications were having on these resources.

In the 1880's conservation groups, scientists and concerned citizens were becoming aware that certain fisheries were declining. The American Fisheries Society founded in 1870 was one of the first groups to call for government action, and in 1872 the federal government created the United States Fish Commission to investigate fishery problems. This was significant because it would later prompt states to follow the federal government's example and create their own agencies to examine local fishery problems.

As early as 1881 Connecticut established a state commission to help regulate its oyster industry. North Carolina formed its first shell-fish commission in 1887. Other states like Maryland had established oyster navies as early as 1868, but these were created to keep peace among oystermen and were not actually formed to regulate or preserve the resource.¹

Many individuals in North Carolina like those in other states were probably aware of the gradual decline in some areas of finfish and shellfish by the early 1880's. However, in the post Civil War years Southern states such as North Carolina were struggling to regain their wealth and economic power through the development of industry, railroads and any natural resource they possessed. Prior to the Civil War shell-fish such as the oyster were more important as an industry in the Northeastern states than in the southern states primarily because of better railroad systems, but in the postwar years it became an even bigger industry in the North due to a new steam canning process for oysters, the expanded railroad systems to carry them to markets and a booming postwar economy which allowed more people to buy a product like oysters.²

As demand for oysters grew so did the pressure of exploitation on the resource. It was not long (by the mid 1880's) before the supply was out stripped by the demand and competition for the remaining supplies became intense in the Northeastern states. New sources of oysters were needed and

¹John R. Wennersten, "Almighty Oyster, A Chronicle of Chesapeake Bay," Oceans XIII (January, 1980), 32, hereafter cited as Wennersten, "Almighty Oyster."

²Wennersten, "Almighty Oyster," 27.

it was this need by Chesapeake oystermen that brought them to North Carolina waters. Many northern oystermen learned of the rich oyster beds in North Carolina waters from an expedition conducted by Lt. Francis Winslow, a naval officer, which surveyed the beds. Many northern oystermen brought their vessels south to develop this new source of oysters. They harvested the oysters and sent them back to their home states to be marketed as local shell-fish.³

In North Carolina waters the northern oystermen introduced dredging and other new methods of harvesting the shell-fish. This quickly put the small oyster industry of North Carolina into a scale of larger importance, going from 212,980 bushels of oysters harvested in 1887 to 1,001,620 bushels in 1889. However, about the same time that the new oystering methods were introduced to North Carolina waters, local oystermen heard of the ruin of many northern oyster beds from excessive dredging and tonging. Although a strong fishing industry was desirable, and North Carolina wanted to see the continued growth and development of her fishery resources, nonetheless, the state fishermen were wise enough to learn from the mistakes of northern oystermen. One lesson learned was the need to regulate the oyster industry, and to keep a lid on the exploitation of this natural resource. In 1887 North Carolina's legislature created a shell-fish commission, which was one of the first attempts by a state to regulate and manage commercial fisheries. In the following chapters the growth, development and success of that agency, in its attempts to regulate a natural resource, will be discussed in detail.

³James Kellogg, Shell-Fish Industries (New York, 1910), 224.

CHAPTER II

EARLY DEVELOPMENT OF THE OYSTER INDUSTRY AND SHELL-FISH COMMISSION

In order to understand the origins of the state's efforts to manage commercial fisheries one must go back to the early use of oysters in North Carolina. Oysters have been harvested and used for food for a long time. They were highly valued by the Greeks and Romans for consumption at feasts and banquets. In North America early evidence revealed that all along the Atlantic coast the many shell mounds or kitchen middlens varify the use made of oysters by the early American Indians.¹ Some of those mounds have been found in North Carolina along a body of water known as the Straits on the north side of Harker's Island and some were found on Cedar Island.

Oysters were also important as a food supply for the early settlers along the coast of North Carolina. However, the harvest was usually small and only enough were taken to satisfy the needs of those within access of the coastal area. Despite the limited use of oysters in North Carolina during the Colonial period and on through the Middle period, statutes were passed by the General Assembly as early as 1822 which provided for some control over the states oyster supplies. In that year a public law was passed entitled "An Act to Prevent the Destruction of Oysters, and for Other Purposes, in this State".² The act covered several items: first,

¹Harden F. Taylor, Survey of Marine Fisheries of North Carolina (Chapel Hill, 1951), 142, hereinafter cited as Taylor, Survey of Marine Fisheries.

²A Revisal of the Laws of the State of North Carolina, Passed from 1821 to 1825 (Raleigh, 1822), Chap. 1134, 62, hereinafter cited as A Revisal of the Laws 1821 to 1825.

exportation, stating, "That it shall not be lawful for any person or persons to carry oysters out of this State, and if any master or skipper of a vessel shall hereafter transport any quantity of oysters, taken from any place within this State, to any place beyond the limits thereof, every such master or skipper shall forfeit and pay two hundred dollars for every such offense. .

. ."³ Two hundred dollars was a stiff penalty for 1822, but no evidence has been found to indicate that there was anyone to enforce the law. There was one exception in the 1822 law concerning exportation: "nothing in this act shall be so construed, as to prevent the carrying of oysters into the North and Northwest rivers, having their source in the State of Virginia, as now practiced, nor the exportation of pickled oysters in vessels to the West Indies: Provided, that no one vessel shall carry more than sixty gallons at one time."⁴ Why it was made unlawful to ship oysters out of North Carolina from 1822 on into the 1870's is not really clear. Hugh M. Smith, Commissioner of the United States Bureau of Fisheries in 1919, probably had the best answer. He felt that exportation laws were generally passed to compel the establishment of oyster houses within the state, and thus retain the capital of those businesses within the state and any activities and capital related to them. Also the 1822 law covered how oysters could be harvested, and the penalty for not harvesting them as prescribed. Section four of the act stated, "If any person shall use any drag, scoop, or rake, or other instrument except tongs, such as have been generally used for the purpose of catching oysters, within the waters of this State, every person so offending, and being thereof convicted before a magistrate. . . shall

³A Revisal of the Laws 1821 to 1825, Chap. 1134, 62.

⁴A Revisal of the Laws 1821 to 1825, Chap. 1134, 63.

forthwith pay, if a free man, the sum of twenty dollars, and if a slave, he, she, or they shall receive, on his or her bare back, so many stripes as such magistrate shall direct, not exceeding twenty. . . ."5

The evidence reveals that despite the early statute in 1822 to place limited control over the states oysters, there was still no "oyster industry" to speak of. George M. Bowers, Commissioner of the United States Commission of Fish and Fisheries, in 1903 stated that, "Oysters were first planted in the Beaufort (N.C.) region about the year 1840, a Mr. Hardesty having bedded a small quantity during that year at the head of Harlow Creek. The idea of the planters was not to raise oysters for commercial purposes, but for their own use, as is shown by the name which they gave their beds-'oyster gardens.'"6 The principle deterrent to inland consumption of oysters prior to the middle of the nineteenth century was the lack of efficient transportation. With the coming of steamboats and railroads they were shipped eventually to inland towns in barrels of water which kept them fresh until they were consumed. Better transportation no doubt had an effect on the number of oysters consumed, and with the increase in consumption there was enough apparent increase in private oyster garden production to warrant mention of them in an 1855 law.

A law included in the Revised Code of North Carolina, 1855 entitled, "Oysters, and Other Fish,"7 remained basically the same as the 1822 law.

⁵Revised Statutes of the State of North Carolina 1836-1837 (Raleigh, 1837), Chap. 84, 449.

⁶Report of the Commissioner for the Year Ending June 30, 1903 (Washington, D.C., 1905), No. 751, 268, hereinafter cited as Report of Commissioner 1903.

⁷Revised Code of North Carolina (Boston, 1855), Chap. 81, 449, hereinafter cited as Revised Code.

The 1855 law provided, however, "That it shall be lawful for any person, who shall have planted, cultivated, and grown oysters in any private oyster ground in the State, to export the same beyond the limits thereof."⁸ There must have been a growing demand for North Carolina oysters from outside the state, otherwise this special clause in the 1855 law would not have been included. Section three of the 1855 law does hint of a larger demand for North Carolina oysters. The penalties for violating the law were stiffened, which would indicate that people felt the oyster grounds were being overfished, and wanted harsher penalties to try and stop it. The fine for using gear other than tongs for catching oysters went from twenty dollars to one hundred dollars for a free man, and from twenty to thirty-nine lashes for a slave. The 1855 law did, however, for the first time allow owners or tenants of private oyster grounds to use gear other than tongs, such as drags or scoops on their private oyster beds. This was a step in the direction of allowing at least the private oyster beds to be harvested in the most practical ways, but restrictive legislation in 1858 would make harvesting methods of oysters rather insignificant.

In 1858, the General Assembly passed a law entitled, "An Act to Promote and Encourage the Planting of Oysters and Clams."⁹ The act was intended to encourage oyster and clam production, but it allowed for no more than two acres to be granted to any one person. Prior to 1858 if North Carolinians had private oyster and clam beds they were used mostly for personal consumption and records can not be found stating these private

⁸Revised Code, Chap. 81, 449.

⁹Public Laws of the State of North Carolina Session 1858-9 (Raleigh, 1859), Chap. 33, 77, hereinafter cited as Public Laws 1858-9.

beds were legally granted to individuals. Usage was apparently based on "squatters rights" passed on from one generation to the next. The 1858 law provided that the state could now grant people the right to use the public water bottoms. Such a small tract for a private oyster bed did not warrant or encourage using the more proficient instruments in oyster harvests, even if the law did allow it. The 1858 law authorized that only "white inhabitants of this State, may make beds and lay down, and plant oysters and clams in any of the waters of this State. . . ." ¹⁰ Blacks, most of whom were still slaves in 1858, were not allowed to obtain a grant for oyster beds. Whites were allowed to obtain without charge a grant from the Court of Pleas (Superior Court) and the oyster grant was theirs to use provided that they kept their plot marked with stakes and made use of the oyster bed. Anyone who injured the private oyster bed of another during the day could be fined ten dollars, and if it was at night, they could be fined twenty-five dollars. If a slave committed the damage to a private oyster bed, he would be punished by whipping, not to exceed thirty-nine lashes. The law of 1858 would not be changed significantly for many years, and conditions for blacks under the law did not change until after the Civil War.

During the Civil War years and immediately afterwards no laws were passed to help regulate the oyster fishery. The laws passed prior to the Civil War were those that remained on the books during this period. Enforcement of the State's oyster laws was probably non-existent during the war, but then there was nothing to show that they were enforced or adhered to before the war due to a lack of an enforcement agency. The

¹⁰Public Laws 1858-9, Chap. 33, 77.

oyster laws would not be enforced until late in the 1880's, and even then only superficially.

It was not until some years after the Civil War was over that North Carolina began to show interest again in her oyster fishery. A law entitled "An Act for the Better Protection of Oysters,"¹¹ was passed and ratified on February 10, 1872. This act was not a very extensive one, but did make a few notable changes. The law was the first attempt to establish a season on oysters. The law stated that "any person catching or taking oysters from the native rocks in any of the waters of North Carolina during the months of May, June, July and August, for the purpose of selling the same, [they could still be taken for personal use at any time] shall be guilty of a misdemeanor, and . . . shall be fined not exceeding fifty dollars and be imprisoned not exceeding one month."¹²

The 1872 Act also repealed Chapter 81 of the 1855 Revised Code. The 1872 Act now made it legal to export oysters out of North Carolina without restrictions, but this section of the act was destined to be repealed and re-introduced frequently over the years. A very significant part of the 1872 act was clearly a result of the Civil War. There was no longer a separate penalty for whites and blacks. The act now stated that "any person" who violated the oyster laws could be fined and imprisoned. Under the law blacks now had equal rights with whites in North Carolina's oyster fisheries.

¹¹Public Laws of the State of North Carolina Session 1871-72 (Raleigh, 1872), Chap. 184, 290, hereinafter cited as Public Laws 1871-72.

¹²Public Laws 1871-72, Chap. 184, 291.

In 1873 a law "Oysters and Other Fish,"¹³ further made it clear that blacks now had the right to apply for and receive grants for oyster and clam beds. The law stated: "Any inhabitant of this State may make beds and plant oysters and clams in any of the waters of this State, having first obtained license as hereinafter directed, from the Superior Court of the county. . . ."¹⁴ In addition to giving equal opportunity to blacks, the 1873 law also allowed grants to be raised from two acres up to ten acre lots. Even though this was a good move towards stimulating the oyster and clam production levels in private gardens, it was not clear why the law was changed to allow the larger land grants for oyster and clam beds. Evidence does not show, or can not be found, which suggests that the market was demanding so many oysters and clams or that larger grants for private oyster and clam beds were desired in which to meet this demand. The ten acre figure was to remain on the law books for many years and was to prove too restrictive if the State hoped to have a thriving oyster industry. In regards to the increase in lot size, it is possible that the expanded use of railroads by 1873 allowed for enough additional inland consumption of oysters and clams to persuade the legislature to increase the acreage.

There were some inland markets for oysters and some were exported as far as the West Indies. Prior to 1880, New Bern and Wilmington were the two most important oyster markets, while smaller markets operated at

¹³Battles Revisal of the Public Statues of North Carolina (Raleigh, 1873), Chap. 83, 661, hereinafter cited as Battles Revisal.

¹⁴Battles Revisal, Chap. 83, 663.

Beaufort, Washington and other eastern North Carolina towns.¹⁵ There were, however, few markets in northern states for North Carolina oysters prior to the 1880's because their own beds were adequate. But by 1889, the northern oyster beds were declining and this development stimulated the prospects for a large scale oyster industry in North Carolina.

In the early 1880's information became available in New England and Europe which showed that North Carolina had a potential for a large oyster industry. In addresses to a Fishermen's Convention in Raleigh held on October 15 and 16, 1884, Lieutenant Francis Winslow of the United States Navy, along with the state Superintendent of Fish and Fisheries, S. G. Worth, pointed out to the North Carolina fishermen the practicality of oyster farming as an industry. Winslow was evidently addressing the convention because of his knowledge of fisheries, perhaps gained by a personal interest in that field. Worth, as Superintendent of Fish and Fisheries, was probably directed by his superiors in the North Carolina Board of Agriculture, to look into the possibility of oyster farming in North Carolina waters and to report on it.

By 1884, the North Carolina oystermen were already extending the existing oyster beds to their production limit. To insure the continued production of oysters, both Winslow and Worth advocated the planting of artificial oyster beds as a means of developing a thriving oyster industry. Both individuals also stressed how mismanagement had ruined the natural oyster beds of other states when left open to common fishing by the public. They emphasized, however, that when private control of large tracts of

¹⁵Taylor, Survey of Marine Fisheries, 143.

oyster beds occurred, they began to increase in productivity.¹⁶ Artificial beds, it was found, could be made to produce even better than natural beds with a little preparation by oyster farmers. They apparently did not find out until later that hard work alone was not enough to produce oysters. It took intelligent and scientific planning in order to make oyster beds produce abundantly.

By 1884, Maryland and Virginia had already greatly depleted their natural oyster beds, and as a result were unable to keep up with demands for oysters in those areas. With this in mind some North Carolina businessmen at the Fishermen's Convention saw the opportunity to establish a new industry which would reap economic gains for the state in the production of oysters by supplying Maryland and Virginia markets. At the 1884 convention fishermen were advised that legislation would be needed to grant private individuals control of artificial oyster beds. Such a step would probably meet with opposition from oystermen who had always used the public waters to make a living. However, many fishermen left Raleigh with the expectation that oyster production would become a major industry in eastern North Carolina.

Eastern interests used political pressure to persuade Governor Thomas J. Jarvis to take steps to develop the oyster industry. As a result Jarvis hired Lieutenant Francis Winslow. Winslow, who was a surveyor for the United States Navy, was the best expert available at the time who could survey coastal waters. Governor Jarvis requested Lieutenant Winslow to make a survey of the North Carolina coastal waters for the possibilities of

¹⁶ See Table I for an example of higher production from private cultivated beds in a 1908 sample. Taylor, Survey of Marine Fisheries, 12.

advanced oyster production. In order to give their men something to do during peace time, the Navy often provided this assistance to states.

On December 1, 1885, Lieutenant Winslow, under the supervision of the North Carolina State Board of Agriculture and with the assistance of the United States Coast and Geodetic Survey, conducted a survey of oyster beds in North Carolina waters. Using the Scoresby, a small naval vessel, and a steam launch that belonged to Johns Hopkins University, the survey was completed in late 1886.¹⁷ The cost of the survey was \$1,914.84 which was cheap enough considering the total area surveyed. Lieutenant Winslow's report of the survey was presented to the General Assembly in 1887. It described the areas of water off North Carolina in great detail that were suitable for making productive artificial oyster beds. Because of the large area involved, the tidal waters were divided into twenty-nine sections of various sizes. "The proposed plan of work was to extend the examination from Morehead City to the southward, accomplishing as much as possible by the spring. To then extend operations from Morehead to the northward through Core, Pamlico, Albemarle and Currituck Sounds."¹⁸ Finding the locations of the private oyster gardens was not difficult as Winslow was able to obtain a certified copy from the Clerk of Superior Court of the county, which showed the metes and bounds of all private oyster gardens. Then all Winslow had to do was place them on a general map.¹⁹

The general examination of the waters of the State with reference

¹⁷Executive and Legislative Document Laid Before the General Assembly of North Carolina Session 1887 (Raleigh, 1887), Document No. 7, 6, hereinafter cited as Executive and Legislative Document No. 7 1887.

¹⁸Executive and Legislative Document No. 7 1887, 9.

¹⁹Executive and Legislative Document No. 7 1887, 11.

to their possibilities for oyster culture proved to be the hardest part of the survey. It required close observation of the water and bottom; water current measurements, specific gravity tests; microscopic examination of water, bottom, and oysters; a study of all past surveys of the area, and a study of the fauna of each locality.²⁰ The areas also had to be plotted off in longitude and latitude readings.²¹

A total of 1,316,997 acres were examined, of which 806,968 acres were found of possible, and 697,515 acres of probable value for oyster culture. Only one and one-half percent of this acreage was being used by nature, which suggested the great magnitude of expansion that was possible for the oyster industry.

In his report, Winslow also included the results of interviews conducted with the shell-fish commissioners and reports on oyster grounds in other states. Most of the information he received came from the Maryland Oyster Commission, but all the interviewed reports relayed the same message, that all the oyster beds in their states had been depleted or ruined or were near ruin because of over fishing (oystering). Consequently, he stressed that "there can be no doubt that the beds of North Carolina, if they continue to be exposed to an unrestricted fishery and obtain no measure of relief, will share the universal fate and be destroyed."²²

Winslow also suggested doing away with the county codes which restricted a person from having more than ten acres of bottom for

²⁰Executive and Legislative Document No. 7 1887, 11-12.

²¹For a breakdown of the twenty-nine sections see Table II. Executive and Legislative Document No. 7 1887, 105.

²²Executive and Legislative Document No. 7 1887, 112.

cultivating oysters. He felt that "no business has ever been known to succeed when there was no hope of expansion."²³ Without this chance to expand, he felt the oyster industry had little hope of growing in North Carolina. He recommended removing the discretionary power by the court clerks to issue oyster bed licenses because it lead to favoritism and partiality, often neglecting the poorer people. This recommendation was used several years later when the power was taken from the clerks of court and given to the newly created Shell-Fish Commission.

Numerous other points were brought out by Winslow in his report. For example, he pointed out that many laws which were designed to help the growth of shell-fish production were in fact keeping their growth in check. Laws which were set up to try and prevent a monopoly of the oyster grounds were actually restricting expansion. The oyster industry as a whole along the East coast was far more valuable than many other fisheries and employed a large number of people. Winslow felt North Carolina should begin to work intensively and do more to develop its oyster resources.

The report also made clear that North Carolina would certainly be the biggest benefactor, economically, from an expanded oyster industry by providing jobs for eastern North Carolinians which in turn would produce revenue for the State treasury. Winslow felt the opportunity was now and North Carolina should not let the opportunity pass by. He also stressed the importance of the industry beyond North Carolina: "the preservation of such an industry is of far more than local importance, and the fact is recognized by the general [U.S.] government, as is shown by the very substantial

²³Executive and Legislative Document No. 7 1887, 113.

aid which has been afforded the State in making these investigations."²⁴
At the end of the surveying report, Winslow made fifteen final recommendations for the North Carolina General Assembly to be considered for legislation.²⁵

Although Lieutenant Winslow submitted his initial report in January 1887, he continued to work on the survey and made a final written report on December 1, 1888. The General Assembly later used this document for considering additional oyster laws in its 1889 session. Winslow remained on the survey until around July 1st, 1889, although the Navy was anxious to assign him to other duties. Winslow, however, was allowed to continue and complete the survey as a result of intervention by state political figures such as Senator Matthew W. Ransom. Shell-Fish Commissioner William J. Griffin wrote, "The work of surveying the oyster grounds is not entirely completed, and it would be a great loss to the State to have it stopped just at this point . . . I trust you will do whatever you can to retain Lieutenant Winslow here until the work is finished."²⁶

Before Winslow left the survey after his final report in December 1888, he was able to see the oyster industry progressing, and predicted that revenue from the oyster industry to the State by 1889 would be near \$12,000, nearly \$7,000 over the expenditures of the entire survey which amounted to \$4,037.55 in its two years of existence.

²⁴Executive and Legislative Document No. 7 1887, 117.

²⁵See Table III for a list of the final recommendations. Executive and Legislative Document No. 7 1887, 137-140.

²⁶William J. Griffin to Matthew W. Ransom, December 4, 1888, Elizabeth Gordon Griffin Papers 1888-1891, East Carolina Manuscript Collection, Greenville, N.C., hereinafter cited as Griffin Papers.

In his first biennial message in 1887, Governor Alfred M. Scales made a supplementary report to the North Carolina General Assembly in support of the oyster survey. In it he urged the Assembly to follow the example of other states in developing the oyster industry. He states:

"To secure equal, if not greater results in North Carolina, it is only necessary, so far as can be judged, to offer the same inducements to individuals and capital that have proved so efficacious in Long Island Sound; and judging by the frequent inquiries made of late, as to the possibilities of cultivating oysters in our waters, there is little reason to doubt, that with proper encouragement, the efforts of the citizens of this state may be largely supplemented by the capital now employed in the Chesapeake and other Northern fisheries."²⁷

Governor Scales pointed out at this time the purpose of supporting Winslow's report in the form of legislation when he said, "It is the opinion of all who are acquainted with the resources of the state in this particular, that only wise and liberal legislation is needed to develop a great industry, employing many thousands of people and many millions of capital."²⁸

Winslow had submitted a good survey report. Encouraged by the report, Governor Scales, who addressed the legislature in his first biennial message, asked the General Assembly to follow the example of other states and create a Shell-Fish Commission. The General Assembly accepted the survey and the first steps were taken to form North Carolina's first Shell-Fish Commission.

There was considerable opposition to the idea of a state Shell-Fish Commission. For example voters in Onslow County decided to urge the General

²⁷First Biennial Message of His Excellency Governor Alfred M. Scales to the Legislature of North Carolina 1887 (Raleigh, 1887), 16-17, hereinafter cited as First Biennial Message Scales 1887.

²⁸First Biennial Message Scales 1887, 17.

Assembly to pass an act to create an Onslow County Shell-Fish Commission that would have to answer to the county's Board of Justices of the county. This was to be similar to the State Shell-Fish Commission, except that it closed Onslow County to non-residents and would not allow a grant to be made for more than ten acres of bottom. The non-resident clause was good, as will be shown later, but the limit of ten acres simply would not allow enough expansion to make the oyster industry grow. Time and time again North Carolina counties have had local laws passed to supercede state laws, and in this case it was one of many factors that stunted state efforts to stimulate an industry. Despite the opposition, the General Assembly enacted a law which created the first Shell-Fish Commission. It was modeled after the Connecticut Shell-Fish Commission.

This law, entitled "An Act to Create the Shell-Fish Commission,"²⁹ first spelled out the "exclusive jurisdiction" of the new commission but it was much too detailed to elaborate on at this point. Section three of the act pointed out that: "The state board of agriculture shall at the next regular meeting following the passage of this act elect three commissioners of shell-fisheries, whose term of office shall be one year, and the said board of Commissioners of shell-fisheries shall be maintained so long as may be necessary to carry out the special duties confided to them by the provisions of this act and no longer, and they shall employ such engineers and clerks as may be necessary for the execution of the

²⁹Public Laws and Resolutions of the State of North Carolina
Passed by the General Assembly at its Session of 1887 (Raleigh, 1887),
218, hereinafter cited as Public Laws 1887.

said duties and fix their compensation."³⁰ The new Shell-Fish Commission was probably placed under the Board of Agriculture because fish and fisheries was already a responsibility of that board.

The first three commissioners to be elected by the Board of Agriculture were William J. Griffin, Israel B. Watson and William T. Caho. The duties of the commissioners were many and varied. They were to designate all natural oyster beds, and were to publish a report on these beds which was to be posted in the court house and four other public places in the county in which each separate report was made. County residents then had thirty days to protest the designation of natural beds. If they did not protest, the natural beds were confirmed as public grounds. All protests were heard by the commissioners of shell-fisheries and details worked out with the complainants. The commissioners were to accept applications for franchises to cultivate oysters on grounds not deemed public. An engineer appointed by the commission would then survey and stake out the plot for the applicant. When the survey was made a franchise was recorded with the register of deeds for the county wherein the grounds were situated.

A sum of 25¢ per acre was paid to the state treasurer for each acre in the franchise. The act creating the Shell-Fish Commission also made it illegal to trespass upon grounds where shell-fish are being raised or to work oyster grounds at night. These were defined as misdemeanors, but to steal shell-fish from another person's grounds was made a larceny.³¹

³⁰Public Laws 1887, 219.

³¹Public Laws 1887, 219-224.

Finally, the commissioners were directed to "keep books of record in which shall be recorded a full description of all grounds granted under the provision of this act, and shall keep a map or maps upon which shall be shown the positions and limits of all public and private grounds."³²

Most of the maps and records of the information used in compiling the records of oyster grounds initially were suggested by Winslow. This was evident in William J. Griffin's letter to Winslow on December 1st, 1888 when he wrote: "The session of the Legislature is now drawing near, and the 'Honorable' Shell-Fish Commissioners must make a report to the Board of Agriculture. I have been requested to write this report, and I find it impossible to do without obtaining some information from you or the log of the Scoreby."³³

The degree in which the new Shell-Fish Commission relied on Winslow's work was also evident in their first report on December 18, 1888 to the State Board of Agriculture. This report outlined their work from May 11, 1887 to December 18, 1888. In the report, the Shell-Fish Commission reported, "Without their aid, [Lieutenant Winslow and his assistant Ensign J. D. Drake] this Board does not see how it could have performed the duties incumbent upon it."³⁴ The Commissioners' report included the statements, "from surveys and reports made by Lieutenant Winslow,"³⁵

³²Public Laws 1887, 225.

³³William J. Griffin to Lieutenant Francis Winslow, December 1, 1888, Griffin Papers.

³⁴Public Documents of the State of North Carolina Session 1889 (Raleigh, 1889), Document No. 12, 60, hereinafter cited as Public Documents Document No. 12 1889.

³⁵Public Documents Document No. 12 1889, 57.

and "also based upon surveys and reports of Lieutenant Winslow,"³⁶ and in reference to maps, "Plots of Public Grounds have been made by Lieutenant Winslow and duly approved by the Board."³⁷

The Shell-Fish Commissioners held its first meeting at Vandermere in Pamlico County on May 11, 1887. Organization began with the election of a chairman, a clerk and an engineer.³⁸ William J. Griffin was elected chairman and John D. Battle was appointed the engineer. No mention was made as to who the clerk was. There were five meetings held in the approximately two year period. The second was held at New Bern on the 19th of June, 1887, the next on November 26, 1887 at Elizabeth City. Another was held at Engelhard on February 2, 1888, and again at Engelhard on March 19, 1888.

One of the items the commissioners took care of during the initial two year period was to comply with a law passed on March 7, 1887, which obligated the commissioners to establish an oyster measure as found in other states to allow for uniform weights and tax levies. Because they did not have any money to work with to research the matter, they simply "determined the size of the oyster measure . . . and adopted that measure which was in use in the other oyster producing States, viz.: 16" across the bottom, from inside to inside; 18" across the top, from inside to inside, and 21" diagonal from inside chimb to the top."³⁹

³⁶Public Documents Document No. 12 1889, 58.

³⁷Public Documents Document No. 12 1889, 59.

³⁸Public Documents Document No. 12 1889, 57.

³⁹Public Documents Document No. 12 1889, 59.

Shortly after the initial creation of the commission, the state General Assembly passed a law prohibiting dredging in Pamlico and Roanoke sounds in less than eight feet of water, and no dredging at all at night, and only tongs could be used in less than eight feet of water. In its December, 1888 report, the Shell-Fish Commission used this law and other along with its findings in making final recommendations.

The commissioners wanted the Board of Agriculture to take over their duties. They also noted, "that the Engineer [a hired surveyor] be paid by the State, and that the State provide a police force to carry out the oyster laws."⁴⁰ They further suggested that non-residents be given a permit "to enter a tract within the two mile limit adjoining the shore, of not more than ten acres."⁴¹ The commissioners felt they had completed the job they were elected to do, and since they were not getting any pay for their services, were anxious to get rid of their positions. They noted "that the Board of Shell-Fish Commissioners be abolished, and their duties be performed by your honorable body."⁴²

The recommendation to abolish the commission was valid enough; oyster commissioners in other states were being paid for their services, and the work often took them away from their own businesses. Commissioner Griffin wrote to several North Carolina representatives saying that the Legislative Act of 1887, "makes no provision for the payment of the Commissioners, and we have not received one cent from the State for our services. We have now

⁴⁰Public Documents Document No. 12 1889, 60.

⁴¹Public Documents Document No. 12 1889, 60.

⁴²Public Documents Document No. 12 1889, 60.

served on the commission for nearly two years, and our hope for remunerations is through the Legislature, . . .I have recently received the report of the Engineer, and from it I learn that more than fifty thousand (50,000) acres have already been entered, . . .so that the State will receive for the land already entered more than (\$12,000) Twelve Thousand Dollars."⁴³

Since the cost of the two year survey was only about \$4,000, the state made nearly an \$8,000 profit. This Griffin says, "is some indication that the Commissioners have performed their duty. We have given considerable of our time to the business; it has been of such a nature that we were required to spend much of our time on the Sounds in all sorts of weather and at times when it conflicted with individual business. The States of Connecticut, New York and Maryland pay their Commissioners quite liberally; the pay in those States being around \$1500 per annum. . .I do think that we should be allowed at least \$500 per annum, each."⁴⁴ Griffin's complaints to the legislature paid off. On February 14, 1889, an act to pay the Shell-Fish Commissioners, was enacted. However, they were not awarded \$500, but instead received \$150. The same law abolished the three member commission effective March 1, 1889, and turned the duties that were left over to the Secretary of State.

It was not until the General Assembly Session of 1891 that another Shell-Fish Commission was formed by law. In 1889 and 1890 what consisted of the Shell-Fish Commission was only the record keeping part that the Secretary of State kept on the tracts of land under oyster cultivation.

⁴³William J. Griffin to H. A. Bond, December 26, 1888, Griffin Papers.

⁴⁴William J. Griffin to H. A. Bond, December 26, 1888, Griffin Papers.

What had been done by both the General Assembly and the Shell-Fish Commission up to December, 1888, was paying off. Many people had taken interest in the new artificial oyster bed idea and as records show the oyster production in 1889 was at an all time high of 1,001,620 bushels.⁴⁵ However, "of the very large number of entries of ground made for the avowed purpose of [private] oyster planting comparatively few were ever so used. In most cases the ground was entered as a speculation, the purpose of the owner being to hold it until profitable industry in oyster planting should be developed."⁴⁶ What really boosted North Carolina's oyster industry in 1889, was the scarcity of oysters in the Chesapeake Bay area. Baltimore canneries opened raw oyster houses in North Carolina and shipped their stock to Baltimore, where it was sold as Chesapeake oysters. This had a very marked influence of the North Carolina oyster industry, for with the canneries came the Chesapeake oystermen, introducing modern methods of oystering.⁴⁷ More efficient tongs were introduced and, more importantly, dredging came into use making it possible to harvest oysters in deep water.

By 1889 fears were rising among North Carolina oystermen that the dredging techniques used by some non-residents and a few residents were going to destroy the natural oyster beds as had happened in the northern states. The laws of 1887 had prohibited dredging in less than eight feet of water, but the law pertained to residents only. The weakness of these laws, as in previous ones, was the absence of the money to enforce them, which

⁴⁵See Table IV. Taylor, Survey of Marine Fisheries, 146.

⁴⁶Report of Commissioner 1903, 294.

⁴⁷Report of Commissioner 1903, 276.

made them nearly useless. The 1889 session of the General Assembly attempted to rectify this weakness when it passed a law entitled, "An Act to protect the Oyster Interest in the State of North Carolina,"⁴⁸ calling for the employment of patrol boats by the counties for the sounds. The counties ignored these laws because they did not want to spend the money to purchase boats and hire patrolmen.

Other acts were passed by the General Assembly in that session designed to help the oyster industry. They included such laws as, "An Act for the Protection of Oysters in the Waters of Pamlico and Roanoke Sounds,"⁴⁹ and "An Act for the Protection of Oysters in the Waters of Carteret County."⁵⁰ The first of these laws, "An Act to protect the Oyster Interest in the State of North Carolina," was primarily designed to restrict oysters from being taken outside the state for sale.⁵¹ These laws were later repealed in 1893 to help expand the market.

The acts passed in the 1889 session consisted of laws which repeatedly stated, "That no non-resident shall use any scoop or dredge for the purpose of taking or catching oysters anywhere in the waters of this State."⁵² Of course, here again there was no one to enforce the laws. All along the coast in 1889 there were many heated arguments, between tongers and dredgers,

⁴⁸ Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1889 (Raleigh, 1889), 310, hereinafter cited as Public Laws 1889.

⁴⁹ Public Laws 1889, 68.

⁵⁰ Public Laws 1889, 121.

⁵¹ Public Laws 1889, 311.

⁵² Public Laws 1889, 403.

about whether dredging should be stopped entirely. Special interest groups from the oyster canneries were trying to block the new law of 1889 which prohibited dredging even further. These canneries in North Carolina belonged to capitalists from other states who did not want to see dredging stopped. TONGING alone could not supply enough oysters for the canneries and could force them to close down. Many of them infact did close down.⁵³ TONGING undoubtedly was a much more primitive way of harvesting oysters and was insufficient to keep up with demand. Dredging, which involved a large vessel pulling a wire basket like device, could harvest considerably more oysters with each pull. It was reasonable to deduce that many of the tongers did not like the dredgers simply because they could not compete with them and their more efficient methods, and they disliked the idea of non-residents making more money from North Carolina waters than residents.

Dredgers, however, continued to ignore the law, and in 1890 and again in 1891 the resident oystermen petitioned Governor Daniel G. Fowle for assistance. In their letter to Governor Fowle they stated:

"We are threatened in two directions: Firstly, by the operations of these illegal dredgers we have lost the market for our oysters. We catch our oysters entirely with tongs, and these dredge-boats apparently having come into the State upon the invitation of the proprietors of the various canning factories, their oysters are bought in preference to the oysters caught by the tongers, who are residents of the state. Secondly. . .with these numerous dredgers at work among our nets it is almost inevitable⁵⁴ that our nets will be destroyed and our fishing made a failure."

⁵³To understand tonging methods over dredging, see Plates I and II. Down to the Sea Collection, Hampton's Mariners Museum, hereinafter cited as Down to the Sea.

⁵⁴Public Documents of the State of North Carolina Session 1891 (Raleigh, 1891), Document No. 21, 2, hereinafter cited as Public Documents Document No. 21 1891.

Dredging was more efficient but had proven to be destructive to the industry in other states so the North Carolina oystermen may have been right in demanding the exclusion of dredging in state's waters. However, most of the canneries went out of business when the dredgers were finally driven out of the state, because tongers could not keep the canneries supplied, causing economic loss to eastern North Carolina counties. This was contrary to what the state had hoped to achieve with the oyster industry in the east. No doubt feelings and petty jealousies, as well as real or imaginary threats to the livelihoods of tongers, got in the way of good sense and intelligence in the many laws passed by the 1891 General Assembly. These laws in reality hurt the industry and were partially to blame for the big drop in the oyster harvests of 1894 to 1896.⁵⁵

By 1890 the oyster industry in North Carolina was already of some economic importance to the state and seemed to be getting more so each season. Also by 1890, it was felt that additional laws were needed to regulate and protect the oysters from over harvesting and from over use by oystermen from other states, who were becoming more populous in North Carolina waters. Oyster canneries had already located in New Bern, Washington, Elizabeth City, and if the oyster beds were not protected and regulated, it was feared they would soon be depleted, perhaps causing all canneries to close rather than just a few. It should be noted here that tongers knew that if dredging was stopped it might cause some canneries to close, but they never foresaw it causing all the canneries to close.

⁵⁵See Table IV and compare the harvests before 1890 and then look at the harvests from 1894 to 1896. Taylor, Survey of Marine Fisheries, 146.

Virginia and Maryland oyster boats were carrying more and more oysters illegally from the state's waters to northern canneries by this time, creating considerable concern for the state's oyster industry. Finally oystermen raised their voices in warning and cautioned that if public oyster grounds were to be used for awhile longer, as they had been during the previous two years by boats from other states, then North Carolina oyster beds would soon be in the deplorable shape as those of Virginia and Maryland.⁵⁶

North Carolinians were becoming increasingly irritated at the non-residents for dredging for oysters illegally. Oystermen felt that these shell-fish were the property of North Carolina and that North Carolina citizens should reap the benefits from them.⁵⁷ By December 18, 1890, it was obvious to North Carolina oystermen that the existing laws were ineffective and were not stopping the non-resident dredgers. Oystermen called for new laws and asked that the "laws be so plain that a way farer, tho' a fool, could read and understand them, the penalties so plenary that the most defiant would not dare to incur them and the State so determined and consistent that no officer whose duty was to enforce the law would skink from its performance."⁵⁸

By Christmas of 1890, the complaints about non-resident dredgers were still appearing in newspapers. One letter stated, "The destruction of both

⁵⁶Public Documents of the State of North Carolina Session 1891 (Raleigh, 1891), Document No. 1, 40, hereinafter cited as Public Documents Document No. 1 1891.

⁵⁷Public Documents Document No. 1 1891, 41.

⁵⁸Washington Gazette, December 18, 1890.

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⁵⁷ Public Documents Document No. 1 1891, 41.

⁵⁸ Washington Gazette, December 18, 1890.

oyster and fish is brought principally by people that do not live in the State and by another class that close up the streams with gill seines and 'pounds'. The oysters are taken to a great extent by people whom the law calls oyster pirates. It is a farce for a committee to go junketing in the oyster tug, or for the oyster navy to catch a few pungees and canoes. We need a thorough system of laws and a good constabulatory force to enforce them. . . .⁵⁹

With such demanding articles being published in North Carolina newspapers, and similar letters being sent to the governor and General Assembly members, Governor Daniel Fowle recommended to the legislature that it take action by enacting appropriate legislation. This was done by the General Assembly in its 1891 session. Some of the laws were a step in the right direction, while others were not so beneficial. But before the laws were passed several other events happened which helped to increase the amount of oyster law legislation.

Unlawful dredging had become a major problem by 1891, but little had been done about it. Senator Wilson H. Lucas and others, who wanted the Shell-Fish Commission revived and who did what little work the non-active Shell-Fish Commission was doing, were at this time pushing for a patrol boat to enforce the existing laws. Others such as William J. Griffin, the ex-Shell-Fish Commission chairman, opposed the use of a patrol boat. He acknowledged that patrol boats might be needed in the future, but Griffin felt that Lucas was overly exaggerating the oyster problem. Griffin felt Lucas just wanted the patrol boats so that he could become some kind of

⁵⁹Fisherman and Farmer, December 18, 1890.

"grand admiral" of the Pamlico Sound.

Finally Governor Fowle made nine suggestions on legislation that could be made to help curb the non-resident problem. But again if the laws were passed, oystermen felt the principal difficulty in enforcing the law would come from non-compliance by boats from other states. North Carolina oystermen then suggested that authority be given to those who would enforce the oyster law, and let them use force if necessary.

The problem with the Virginia and Maryland oystermen continued to increase in late December, 1890, and got even worse in the first two weeks of January, 1891. Oystermen from Hyde County sent a petition stressing urgency to Governor Fowle asking for help to deter the boats from other states. They stated, "The Virginia men are down here and have taken entire possession of all the oyster grounds; their boats are much larger than those here, and when these are at work the Virginians will run down upon them and tear them up; and when they try to retaliate it is useless, for they are armed to their teeth with Winchester rifles and some have 36lb. guns."⁶⁰

The illegal dredging was no doubt an unfair advantage over the local resident tongers who were trying to follow the law, but statements about the weapons later proved to be exaggerated and untrue. It was, however, a good "bloody shirt" tactic to get the General Assembly to act. To add to the friction, boats from Virginia damaged or destroyed shad nets by running over them. No apparent reason can be found why they would purposely run over the shad nets. However, it is easy to imagine some North Carolina

⁶⁰Public Documents Document No. 21 1891, 3.

net fishermen calling a Virginia oysterman an oyster pirate, and that in itself was cause enough for a counter reaction.⁶¹

The seriousness of the problem persuaded Governor Fowle to ask the legislature to do something about it. Governor Fowle's message was taken to heart by the General Assembly, which passed new and stiffer laws. Temporary powers for three months, starting on January 21, 1891, were given to the governor to protect North Carolina oyster interests. The governor was fully authorized and employed to take all such action as was necessary to uphold, maintain, and enforce the laws of North Carolina in relation to her fish and oyster interests, and to that end he could employ as much of the military or other power of the state as he deemed necessary to carry out the intention of the new law.⁶²

All the laws on dredging were stiffened for this three month period until permanent laws could be passed. The temporary law set fines to not less than \$1,000 and not less than one year in jail for illegal dredging. Private citizens as well as lawmen could now arrest offenders for dredging in North Carolina waters. Boats of the non-residents could now be confiscated and forfeited if caught in a dredging violation.⁶³

While the General Assembly was enacting the temporary law the governor was making preparations to implement the law as soon as it passed. That same day he sent a telegram to Colonel J. E. Wood of the

⁶¹Fisherman and Farmer, December 18, 1890.

⁶²Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1891 (Raleigh, 1891), 43-44, hereinafter cited as Public Laws 1891.

⁶³Public Laws 1891, 44.

North Carolina State Guard at Elizabeth City, directing him to be in readiness, "to the execution of civil processes for supposed violations of the oyster laws. Notify Company "E" First Regiment to be ready."⁶⁴ Colonel Wood replied: "Pasquotank Rifles are in readiness to obey any orders of executive goals."⁶⁵

The following day the governor telegraphed the Department of the Navy. He requested that the Secretary of the Navy "ask the office at Norfolk to lend the State of North Carolina a few light guns and ammo for a few days because I am preparing an expedition against oyster pirates, who are violating our laws in force."⁶⁶

On January 14, 1891, the naval secretary informed the governor that the guns would have to come from the Army. The governor then contacted the Army and he also sent a telegram to Colonel Wood asking the Colonel to let him know when the guns were received. He said, "ascertain if you can, get howitzer and let me know at what time you can get it, with ammunition."⁶⁷ The Secretary of War informed the governor on January 15th, that "no authority of law exists for the loan of ordinance

⁶⁴ Telegram from Daniel G. Fowle to J. E. Wood, January 12, 1891, Governor Daniel G. Fowle Papers, North Carolina State Archives, Raleigh, North Carolina, hereinafter cited as Fowle Papers.

⁶⁵ Telegram from J. E. Wood to Daniel G. Fowle, January 12, 1891, Fowle Papers.

⁶⁶ Telegram from Daniel G. Fowle to Secretary of the Navy, January 13, 1891, Fowle Papers.

⁶⁷ Telegram from Daniel G. Fowle to J. E. Wood, January 14, 1891, Fowle Papers.

requested, special act of Congress would be needed. Amount of credit of state forbids issue being made under military law."⁶⁸

The governor was notified by William Chadwick, an interested oysterman, that there was a steamer in New Bern ready for the state's use if the governor needed it for the State Guard.

On January 19, 1891, Governor Fowle telegraphed the Governor of South Carolina, Benjamin R. Tillman, and asked him for a cannon. Governor Tillman replied that he was sorry but he did not have a cannon to loan.⁶⁹ Finally on January 19, 1891, Colonel Wood telegraphed the governor and told him that Colonel Hodgins of Norfolk said, if he would telegraph the Governor of Virginia at once, a cannon with ammunition could be received by the next day.⁷⁰ Colonel Wood telegraphed the governor again later on the 19th and said it would cost sixty dollars a day and a twelve hour notice would be necessary in order to get the steamer ready for duty, and that he would let the governor know when the howitzer arrived from Norfolk.⁷¹

Colonel Wood telegraphed the governor on January 20, 1891, and informed him that they could leave that evening at 7:00 p.m. on patrol. He felt they did not necessarily need the cannon and asked if they should

⁶⁸Telegram from Secretary of War to Daniel G. Fowle, January 15, 1891, Fowle Papers.

⁶⁹Telegram from Benjamin R. Tillman to Daniel G. Fowle, January 19, 1891, Fowle Papers.

⁷⁰Telegram from J. E. Wood to Daniel G. Fowle, January 19, 1891, Fowle Papers.

⁷¹Telegram from J. E. Wood to Daniel G. Fowle, January 19, 1891, Fowle Papers.

proceed that night or wait until the next day.⁷² The governor's reply was to wait, but Colonel Wood telegraphed again saying the steamer was chartered and ready and so were the men and he thought it best to leave at once so that the patrol unit could reach the oyster grounds by morning.⁷³ Again the governor's desire was for the patrol to wait for the arrival of the cannon and ammunition from Norfolk, especially since Governor Philip W. McKinney had already shipped it, and it was due to arrive the next day. Governor Fowle's last word to Colonel Wood in the telegram was that he did not want a detail of Virginia troops to handle the cannon.⁷⁴ It was no doubt ironic and an embarrassment to Governor Fowle to get a gun from Virginia to use against Virginians. But despite that, a gun was received from Virginia's governor. However, records do not indicate that Governor Fowle ever told Governor McKinney what oyster pirates the cannon was going to be used against.

On January 21, 1891, Colonel Wood was notified by the Governor that the oyster bill had been passed and become law, and said in a telegram, "the bill has just been signed, and is now a law, you can proceed at once to carry out instructions."⁷⁵

It was not long after the passage of the temporary laws, that the dredgers from Virginia and Maryland gathered their forces and came down

⁷²Telegram from J. E. Wood to Daniel G. Fowle, January 20, 1891, Fowle Papers.

⁷³Telegram from J. E. Wood to Daniel G. Fowle, January 20, 1891, Fowle Papers.

⁷⁴Telegram from Daniel G. Fowle to J. E. Wood, January 20, 1891, Fowle Papers.

⁷⁵Telegram from Daniel G. Fowle to J. E. Wood, January 21, 1891, Fowle Papers.

upon the North Carolina waters in defiance of the new laws passed on January 21, 1891. Two days later in the article, "Getting Ready for the Oyster War," The Fisherman and Farmer published, "The New Bern Journal of yesterday says: The oyster grounds are said to be dotted with Virginia and Maryland boats, armed with Winchester rifles and small cannons and in defiance of our laws are trespassing upon the native oystermen and dredging wherever they choose and ruining the beds. In response to the sudden clash the Pasquotank Rifles and the Washington Light Infantry have been ordered to hold themselves at readiness for active service, and at Elizabeth City the steamer Vesper, of the E.C.D. line has been chartered and held at the wharf for further developments."⁷⁶

There was in fact a number of non-resident oystermen in North Carolina waters when the new regulations were passed and the news of the legislative action angered them. However, there was no overt hostility, just fist shaking and back and forth cursing. No conflict occurred between resident and non-resident oystermen, apparently not even a good fist fight. There were evidently a few guns on board the vessels, but the Winchester rifle reports could not be positively confirmed, and were seemingly fabrications of an inflammatory nature as were the reports of small cannons. It appeared that many of these reports were initially spread to spur the General Assembly into passing stiffer permanent laws to replace the temporary ones.

There were rumors of serious conflicts between the resident and non-resident oystermen. One story that appeared in newspapers concerned two North Carolina oystermen who were supposedly killed in an unequal match

⁷⁶Fisherman and Farmer, January 23, 1891.

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with non-residents, and that a North Carolina man had shot a dredger trespassing on his private oyster beds. Yet when both of these reports were checked by Colonel Wood of the State Guard, nothing could be found to substantiate them.

So in reality the conflict with the non-residents and North Carolina oystermen was not much of a conflict at all. It seems that these stories were designed to gain support for laws that would serve North Carolina oystermen's self interests.

When the non-resident dredgers heard that a patrol boat was coming that would use force if necessary, the majority of them quickly gave up on their own initiative and on the suggestion of the local tongmen most returned home. As many as 300 vessels, mostly dredgers were counted leaving North Carolina waters at one time.⁷⁷

The chartered freight boat Vesper, manned by the Pasquotank Rifles, was sent out by Governor Fowle, on temporary duty, to see to it that all dredgers had left North Carolina waters. The Vesper only patrolled the waters for about a week under the command of Colonel Wood.

Upon the Vesper's return to Elizabeth City the Fisherman and Farmer again made more out of the matter than it really was by reporting, "The military force which has been chasing oyster pirates from the North Carolina waters has returned to Elizabeth City after completing that work. Another gunboat is being fitted out at Newberne, and will be manned by a picked crew. This will be for the present a regular oyster gun boat."⁷⁸

⁷⁷Fisherman and Farmer, January 30, 1891.

⁷⁸Fisherman and Farmer, February 13, 1891.

The Vesper did not chase any vessel out of state waters, especially not in any shape or form of a hostile manner. She did carry guns, of course, but they were never used. As the Vesper patrolled the North Carolina coast from January 21st through the 28th, local authorities were questioned concerning problems with the non-resident oyster boats but none were reported. In a period of a week, the Vesper and her crew had only found approximately twenty-five vessels engaged in dredging of which some of them were residents, and upon informing them of the orders from the governor, they all obeyed and ceased dredging.

Once the Vesper and her crew reached Elizabeth City on January 28, 1891, Colonel Wood, "then discharged the Steamer [Vesper], dismissed the Pasquotank Rifles, and ordered the howitzer to be shipped back to Norfolk."⁷⁹

It is interesting to note here, how one state's laws can affect part of the economy of another state. In a newspaper article of Friday February 13, 1891, in the Fisherman and Farmer, titled "Oystermen Return Disgusted" stated, "The Annapolis oystermen who left nearly three weeks ago to engage in the oyster business in North Carolina waters returned home disgusted with their trip, and out of pocket. They were informed that a law had been passed by the North Carolina Legislature prohibiting non-residents from working."⁸⁰

⁷⁹Activity report from J. E. Wood to Daniel G. Fowle, January 29, 1891, Fowle Papers.

⁸⁰Fisherman and Farmer, February, 1891.

Considering the large number of non-resident vessels that were at one time in the state, the law must have had some effect on the pocket-books of the non-resident dredgers, who could no longer commercialize on North Carolina oyster beds. Maryland and Virginia oyster beds were in poor shape by 1891, so if they could not dredge in North Carolina it was likely that some of them might have gone out of business or had to shift to other types of marine fishing. Research has not uncovered any records to show how much of an impact this 1891 law had on the oystermen of Virginia and Maryland, or the economy of those industries in those states. As a result of all the problems with non-resident oystermen the North Carolina General Assembly responded by enacting a new set of laws to revive the Shell-Fish Commission. This was done in hopes of solving some of the problems it had just encountered with the states growing shell-fish industry.

CHAPTER III

ADVANCEMENTS OF THE SHELL-FISH

COMMISSION: 1891-1900

The final laws that were passed in 1891 concerning the oyster industry were rather considerable and wide ranging as can be seen in the 1891 law, "An Act to Promote and Protect the Oyster Interests of the State,"¹ passed on March 7th of that year. This law was to replace the 1891 law entitled, "An Act to Give Temporary Powers to the Governor to Protect the Industry,"² when it terminated on March 7th. The \$1,000 minimum fine of the January 20, 1891, temporary law was reduced to \$500 for unlawful dredging, but the boat used in unlawful dredging could still be forfeited and sold at public auction with proceeds going to the oyster fund. A twelve month residency requirement was imposed to prevent fraud in relation to the definition of a resident.

There were many additional sections under the 1891 law entitled, "An Act to Promote and Protect the Oyster Interests of the State,"³ making it unlawful to take oysters without a license, and a license was good for only one year at a time. The law also required that oysters could only be taken from October first to May first, an extension of the closed season set in 1872, with the only exception to that being some could be taken during the summer months for family use.

¹Public Laws 1891, 369.

²Public Laws 1891, 211.

³Public Laws 1891, 369.

An oath had to be taken by each oysterman swearing that he was a North Carolina resident before he could buy the oyster license, along with some proof that he had lived in North Carolina for twelve months or longer. The oyster license number and the name of the county in which it was purchased had to be painted on the oysterman's boat to show that he was a North Carolina oysterman.

The way the laws were written, the burden of proof was always on the defendant who broke the oyster laws. It was sort of a guilty until proven innocent situation, and one that would probably have been found unconstitutional if it had ever been challenged in the courts. It was also made unlawful to take oysters on Sunday or at night. All of this was done, of course, to discourage Virginia and Maryland vessels from dredging in North Carolina waters, and to make it easier to recognize who were legal North Carolina oystermen.

One of the more significant sections of the 1891 law was that which re-created the Shell-Fish Commission. The organization had been dormant or nearly non-existent since March, 1889, when the first three commissioners resigned their positions and turned their papers over to the Secretary of State. Under the 1891 law, the governor would appoint the chief commissioner at a salary of \$1,200 per year, and the associate commissioner, who would be the captain of the patrol force at a salary of \$720 a year. The other associate commissioner would be an ex-officio member and would be the professor of natural history at the state university. He received no salary but was reimbursed for his expenses to meet with the other commissioners twice a year as required by the law. The three commissioners' principal

job was to supervise and control the oyster industry of the state.

The duties of the chief commissioner consisted of appointing inspectors of oysters. He provided forms to the clerks of superior courts for oyster licenses, and collected license fees from the clerks, and he collected fines from oyster violations from the justices, and placed the money in the oyster fund. The chief commissioner was required to live on the coast near the oyster grounds. He had to submit a complete itemized report to the board of shell-fish commissioners semi-annually on all items of business of the commission, and submit another itemized report each October to the Secretary of State. His other duties were such as, "The chief commissioner shall keep an accurate account of all oysters sold at the different markets . . . and shall file the reports of each inspector together and separate from the reports of other inspectors . . . and keep an accurate account of all money paid out and all money received from any sources whatsoever belonging to the oyster fund. He shall furnish the captain of the patrol with a list of all persons who have been licensed to catch oysters and granted boat license. He shall pay out of the funds in hand all such salaries and expenditures as are allowed by this act . . . and . . . he shall have full authority to administer oaths."⁴

The duties of the ex-officio commissioner consisted primarily with meeting the other two members of the board for the purpose of voting on recommendations for new laws concerning the oyster industry.

The other associate commissioner responsibility was to be in command

⁴Public Laws 1891, 376.

of the patrol. He was permitted to employ as many seamen as he needed to operate the patrol boat. "It shall be the duty of the captain of the patrol to keep a vigilant guard over the oyster interests of the state, and to see that the laws with regard to the same are not violated, and when they are to bring the offenders to punishment He may depute any patrolman to take charge and be in command of the force during his absence. He shall keep a log of all the movements of the patrol boat, of all services rendered, of all arrests made and of any and all of his official actions. . . . He shall also file all bills for fuel and for repairing said boat, and for all other necessities with the chief commissioner."⁵

The boat's patrolmen had full power to arrest with or without a warrant anywhere in the state for oyster law violations. They could hold their job for as long as the chief commissioner allowed them to and were to be paid no more than \$9 a month.

The duties of the inspectors after being appointed by the chief commissioner and taking the oath to uphold the laws were to: "Keep accurate accounts of all oysters sold; to supervise the measurement of the same; to see that no illegal tub for measurement is used; to have one bushel out of every one hundred bushels dumped apart from the balance of the cargo and culled, and to take the percentage of marketable oysters and culls . . . at the end of each month, make out a report of all oysters sold under his inspection, the prices paid for the same, and shall forward said report to the chief commissioner."⁶

⁵Public Laws 1891, 379.

⁶Public Laws 1891, 373.

The inspectors were paid up to \$50 a month, depending upon how many oysters they inspected.⁷

The remainder of the 1891 law concerned the new commissioners' authority to purchase a patrol boat. Under article five it was stated that the chief shell-fish commissioner, "shall also furnish said boat with all such furniture, table-ware, arms and ammunition as may be necessary to equip the same and make it efficient. And the officers in command of said boat shall have full authority to use said arms to any extent that may be necessary to enforce the oyster laws of this state."⁸

The first chief commissioner of the revived Shell-Fish Commission was Wilson H. Lucas. Professor Joseph A. Holms was the ex-officio associate commissioner, and Captain Adam Warner was the other associate commissioner as well as the captain of the patrol boat.

During the temporary ninety day powers given to Governor Daniel Fowle to run oyster pirates out of North Carolina, he was allocated \$15,000 to do the job. Approximately \$6,500 of this fund was used during the week of January 21 to 28, 1891, when he ordered Colonel J. E. Wood to clear North Carolina waters of illegal dredgers. This left about \$8,500. Governor Fowle instructed his new chief Shell-Fish Commissioner to use the remainder of that money to purchase a permanent patrol boat to use in enforcing the oyster laws.

Commissioner Lucas instructed Captain Warner and the Governor's nephew, Mr. Samuel Fowle, to find and purchase a patrol boat. While they were in Philadelphia, Pennsylvania, searching for a suitable vessel, Governor Fowle

⁷Public Laws 1891, 369-380.

⁸Public Laws 1891, 378-379.

died. When this happened the surplus money from the ninety day law was returned to the State Treasury and could not by state law be used to purchase the boat as Governor Fowle had intended.

Unaware of the Governor's death, Warner and Samuel Fowle purchased a boat for \$7,500. The boat was named the Lillie and the consensus was that she was a bargain since her original price was \$22,000.⁹ But when they got the boat back to North Carolina they discovered there was no money to pay for her. And according to Governor Thomas M. Holt, "at the time the boat was purchased, the oyster season had not commenced, consequently the Commissioner had no revenue in hand with which to pay for the boat, but felt sure he would have a sum sufficient by the first of October. Under the circumstances . . . the Citizens National Bank advanced the money on this note."¹⁰

As it turned out, there was not enough revenue on hand from license and boat taxes in October to pay for the boat, so only installment payments could be made until the General Assembly in the 1893 Session could be asked to provide the necessary funds. The reason for the lack of revenue in the fall of 1891 was due to the gradual falling oyster production of 1,001,620 bushels in 1889 to 60,000 bushels by 1894, and fewer boats were around to pay the oyster tax, which now just barely paid the Shell-Fish Commissioner's expenses let alone pay for a \$7,500 boat.

⁹Public Documents of the State of North Carolina Session 1893 (Raleigh, 1893), Document No. 22, 4-5, hereinafter cited as Public Documents Document No. 22, 1893.

¹⁰Biennial Message of Thomas M. Holt, Governor of North Carolina, to the General Assembly, Session 1893 (Raleigh, 1893), 53, hereinafter cited as Holt Biennial Message 1893.

While waiting to see if the legislature would appropriate funds to pay for the vessel, the patrol boat was being used to enforce the oyster laws, and even though it does not seem that one boat would have been much of a deterrent, the Shell-Fish Commission was to report later in the 1893 Public Documents that, "If she had not been on duty the passage of the law would have amounted to nothing. But with her on duty, all oyster pirates have been driven from our waters and the oyster interests of this State have been well protected."¹¹

It might be questionable as to how effective this one boat could have been in such a large area, but there are no documents available which deny its effectiveness, and the fact that cannery factories closed down because there were no dredges around to supply them is good evidence that the boat was effective.

At one point in November, 1892 after oyster production had fallen off sharply as previously mentioned, there was barely enough oyster tax money to pay the Shell-Fish Commission personnel, let alone operate the patrol boat. When Governor Thomas M. Holt was asked by some buyers if they could buy the boat, he considered selling it. However, at the request of the state geologist he agreed to retain the boat. The state geologist had pointed out that, "the sale of the patroller will at once bring about a repetition of that unlimited and disastrous dredging by Virginia and Maryland boats, which was stopped . . . mid-winter two years ago."¹² The state geologist also stressed that the boat was needed to complete the oyster

¹¹Public Documents Document No. 22, 1893, 5.

¹²Holt Biennial Message 1893, 53.

survey that had been started by Lieutenant Winslow. It was also needed by the Commission's biologists for research on oyster propagation, and to collect oyster samples, take photographs of the oyster bed areas, and take soil samples from the bottom of the sound, all of which would also be used at the state exhibit in Chicago to advertise North Carolina's oyster industry.¹³

Governor Holt urged the General Assembly in the 1893 Session to appropriate funds to cover the loan at Citizens National Bank in Raleigh, which would pay for the patrol boat and allow the Shell-Fish Commission to pay the loan money back into the general fund when sufficient funds were accumulated from the oyster taxes.

The General Assembly was receptive to the Governor's request and on January 20, 1893, passed the following resolution: "Resolved by the Senate, the House of Representatives concurring: That the treasure be authorized to pay the balance due on the note held by the Citizens National Bank of six-thousand, six hundred and ninety-six and seven hundredth dollars (\$6,696.07) for purchase of steamer Lillie, oyster patrol, as authorized by chapter eleven, laws of eighteen hundred and ninety-one."¹⁴

By 1893 when the Chief Shell-Fish Commissioner presented his first annual report to Governor Holt, the oyster pirates were gone and resident oystermen were more peaceful about North Carolina's oyster industry as a result of the 1891 oyster laws. The Commissioner commented on the laws

¹³Holt Biennial Message 1893, 54.

¹⁴Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1893 (Raleigh, 1893), 483, hereinafter cited as Public Laws 1893.

the General Assembly for the 1893 session. He suggested an increase in the tax per bushel of oysters from one cent to two and a half or three cents a bushel to help cover operating expenses of the oyster patrol. The 1893 legislature gave him a two cents tax. He asked that the bond for the chief commissioner be repealed. The legislature did not repeal it, but did reduce it from \$5,000 to \$1,000. He suggested that the clerks in counties who sold oyster licenses, and inspectors who collected oyster taxes, forward fines collected from oyster law violations directly to the State Treasury and not to the chief commissioner.¹⁷ He wrote that, "the office of chief commissioner is of such a nature that if he does his duty his hands are full without looking after the financial part, besides it is very unsafe for one to have charge of money when they are not prepared for its safe keeping."¹⁸ The chief commissioner mentioned that he was willing to take a \$400 a year cut in salary if he could get rid of that part of his job. The General Assembly did oblige him and turned the financial duties over to the State Treasury and reduced the commissioner's pay to \$840 a year.

The chief commissioner also asked the General Assembly to increase the minimum size of oysters that could be taken to market. An oyster had to be no smaller than two and one half inches from hinge to mouth before it could be sold. He added that dredging should continue to be outlawed on public oyster grounds, but that it could be allowed on the private grounds for those who wished to do so, if it were carefully regulated. He recommended

¹⁷Public Documents Document No. 22, 1893, 1.

¹⁸Public Documents Document No. 22, 1893, 2.

that the oyster season be lengthened to run from October first to May the fifteenth instead of May the first. The General Assembly changed the season to May the tenth, and no action was taken to allow dredging on private oyster grounds.

Apparently Chief Commissioner Lucas was not pleased with Lieutenant Winslow's survey, especially when it became the guide line for allowing entries by private individuals into the public grounds for oyster farming. It appeared that a coastal oysterman with the assistance of Lieutenant Winslow made charges against Commissioner Lucas for not doing his job and had him investigated. The oysterman was probably filing for an oyster plat based on Lieutenant Winslow's survey and Commissioner Lucas would not go along with it. The oysterman then asked Winslow to back him on a charge of dereliction of duty against Commissioner Lucas. The records are very sketchy and incomplete, but apparently nothing ever came of the charges. However, it did leave a bad taste in Lucas' mouth, and in his report of 1893 to the General Assembly he made the strong suggestion that: "the law allowing the entry of any of the public oyster grounds of the State should be repealed, and all these grants that have been issued to parties, if possible, should be reclaimed by the State, and this Winslow's survey should have nothing to do with the entry laws of North Carolina, for as regards to our oyster lands it amounts to worse than nothing, and has been the cause of nearly all the trouble connected with the oyster interests of the State."¹⁹

The last comment by the commissioner in his first report was that

¹⁹Public Documents Document No. 22, 1893, 2.

most of the oyster factories in the State were conspiring to work against the present dredging laws and should be investigated.²⁰ This was just an assumption on Commissioner Lucas part and he could not present any evidence to back up his conspiracy beliefs.²¹

In the 1893 law the chief commissioner was also directed to keep statistics on the oyster industry for each year, which seems to have been done fairly accurately up until 1910, then there was a slack period for about twelve years in the records.²²

When the second annual report of the Board of Shell-Fish Commissioners was submitted on December 6, 1894, it had a new Chief, J. S. Mann. There were no longer associate commissioners, but instead two assistant commissioners. One of the new assistant commissioners was H. V. Wilson. Captain Warner had died earlier that year and was replaced by Captain David Gaskill who was named as the other assistant commissioner and was placed in charge of the patrol boat.

In this report of the Shell-Fish Commission it becomes apparent that the previous legislation had hurt the shell-fish industry, rather than helped it as it was intended. As mentioned earlier, production was down sharply, and by the 1893 and 1894 season all canneries in the state were closed. With production off there was less tax collected from the two cents per bushel charge on oysters and with the individual and boat license tax abolished in 1893, there was very little revenue coming in for the Shell-Fish Commission

²⁰Public Documents Document No. 22, 1893, 1-7.

²¹Public Documents Document No. 22, 1893, 7-8.

²²Taylor, Survey of Marine Fisheries, 146, See Table IV.

to operate on. In the 1893 and 1894 season only \$192.75 was collected for the oyster fund. With so few funds the Shell-Fish Commission was powerless to enforce the oyster laws and therefore useless to the State.

The patrol boat Lillie was overhauled in 1893 by Chief Commissioner Lucas before he left the Shell-Fish Commission, but because of a lack of operating funds she was idle for nearly two years. "Again during the summer of 1894 she was thoroughly overhauled and examined and repainted and is now in readiness at any time to perform the duties for which the State purchased her,"²³ according to Chief Commissioner Mann. Apparently, funds were available to keep the patrol boat in good repair, but not to operate her on regular patrol work.

The chief commissioner's report also indicated that since October, 1893, numerous violations of the oyster laws had taken place. However, violators could not be prosecuted because of the lack of funds to operate the patrol boat, which was needed to apprehend the violators. Illegal dredging had returned and sometimes "openly and defiantly" but usually under the cover of night.

Oyster production fell from 807,000 bushels in 1890 down to 60,000 bushels in 1894 creating problems between tongers and dredgers, each blaming the other for the declining oyster production. Quickly the tongers placed all the problems of the oyster industry on the reinvasion of dredgers who were dredging illegally, even though the problems of declining production were evident before the dredgers reappeared. Yet, it

²³Public Documents of the State of North Carolina Session 1895 (Raleigh, 1895), Document No. 27, 3, hereinafter cited as Public Documents Document No. 27, 1895.

was not the dredgers, but the gradual increase in tongers, and their heavy use of the oyster beds, that caused much of the reduction in the oyster supplies. There was money to be made in oystering, and with high local consumption and some factory buying, more people than ever were becoming oystermen. Starting in 1887 there had been an increase in overall fishermen (this includes oystermen), going from 6,103 fishermen in 1887 to an all time high of 11,159 fishermen in 1902.

Nevertheless, the dredgers got the blame and in most cases unjustly, for the oyster depopulations by the 1893-94 season. It was determined later in the early 1900's that dredging actually helped spread oyster beds if it was not overdone.

As North Carolina oystermen fears grew that the shell-fish might disappear altogether from their waters from overuse, speculation became widespread as to what were the causes of their declining numbers. There may have been as many theories for the reduced numbers of oysters as there were oystermen. Each blamed the other, "Tongers complained of dredgers, and dredgers complained of tongers, each had their ideas, and each gave their views, each believing that some form of the business, in which he was not interested was responsible for the existing state of affairs, and that it should be prohibited."²⁴

The annual report went on to say that most of the infractions of the law had been made by North Carolina oystermen, and again emphasized the need to acquire revenue to operate the oyster patrol boat to prevent

²⁴W. T. Caho, "The Oyster Industry of North Carolina and What It Needs," brochure in Elias Carr Papers, East Carolina Manuscript Collection, East Carolina University, Greenville, North Carolina, hereinafter cited as Caho.

these violations. The report also pointed out that by May, 1894, so few oysters were being taken into the inspection stations, that not even enough oyster taxes could be collected to pay the inspectors their salaries. With these facts in hand the chief commissioner who as part of the Board of Shell-Fish Commissioners made general recommendations to the General Assembly.

The Commission realized when they made the recommendations on December 6, 1894, that almost no shell-fish industry existed in North Carolina because of the past ultra restrictive laws. In order to stimulate new growth for the shell-fish industry, the commission requested a dredging law with certain restrictions so that it would not be over done. They recommended that only North Carolinians be allowed to dredge, and then only in deep waters of Pamlico Sound. Secondly, Pamlico Sound should be split up into two parts and dredging allowed on alternate years from one part to the other. Thirdly, dredgers should pay for a special license and tax, and the revenue from this be used to enforce the oyster laws in order to protect the tongmen's interests. The commission also recommended that the Governor have the power to suspend dredging whenever he deemed it necessary.

The Board of Shell-Fish Commissioners felt that this legislation provisions for safeguards for the oyster industry could be enforced and would help to stimulate and naturally aid in rebuilding the state's oyster industry. The Commission felt so strong about these proposals that if the General Assembly refused to go along with them, they recommended that the Shell-Fish Commission be abolished and the patrol boat sold to pay off the Commission's debts. Their last proposal in the report was to allow the salary for in-

spectors to go up from thirty dollars to fifty dollars a month to help recruit more competent men for the positions.²⁵

The General Assembly did enact a comprehensive act in 1895, entitled, "An Act to Provide for and Promote the Oyster Industry of North Carolina,"²⁶ which repealed the 1891 law which was designed to promote and protect the oyster interests of the state. The 1895 law also repealed the 1893 law regarding license and grants for oyster beds all of which were prior acts to protect the oyster industry, but did little to promote it. The legislature must have agreed with the Shell-Fish Commissions' report of 1895 because an act was passed allowing for a limited amount of dredging. According to this act dredging could be done from the first day of February to the first day of May each year. Although not comprehensive it was a start, and it was exactly what cannery owners had been looking for to help get their businesses going again. However, because of the short dredging season, a large increase in production was not noticed until 1897 when the dredging season was lengthened.

The 1895 act required that a license be bought and that a person was to take a sworn oath declaring his residency in the state for at least twelve months before he could obtain a license.

A new tax measure was passed to provide revenue to operate the commission. It placed a one dollar tax per ton on "all boats, canoes or vessels, or other craft, under custom-house tonnage . . . and a two dollar

²⁵Public Documents Document No. 27, 1895, 2-8.

²⁶Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1895 (Raleigh, 1895), 237, hereinafter cited as Public Laws Session 1895.

per ton on all boats, canoes, vessels or other craft, subject to custom-house tonnage."²⁷ The law was also careful to point out that, "no vessel over twenty-five tons, or steam vessel of any kind of tonnage, shall be allowed to use scoops or dredges in the waters of this state."²⁸

The 1895 oyster act continued the policy of not allowing any non-resident interests to work in the North Carolina oyster grounds. Residents who continued to use tongs to harvest oysters were made exempt from the tonnage tax. This part of the 1895 act, of course, would only discourage much of the dredging, by making only dredgers pay the tax, and so many continued to use tongs until a law in 1897 lengthened the season and made dredging more attractive despite the tax.

Another part of the act, however, continued to restrict dredging by allowing it only in water of ten feet or more and then only in certain areas. The problem was that few oysters were known to exist in water over ten feet deep. The Shell-Fish Commissioner in 1893 had stated, "I have carefully examined various parts of our waters, and I have never found any oysters of any amount in any of the waters of the State over fourteen feet of water, and all this talk of dredging oysters in the deep waters of the State is a great humbug."²⁹

Again the restrictiveness of the 1895 law shows up in the low production of oysters for the following season of 1896. The total bushels of oysters harvested in 1896 was 40,000 bushels, compared to the 807,626

²⁷Public Laws Session 1895, 238.

²⁸Public Laws Session 1895, 239.

²⁹Public Documents Document No. 22, 1893, 2.

bushels harvested in the 1890-91 season.³⁰

The penalty for violating the oyster laws under the 1895 law was made stiffer than the 1893 laws, and the minimum fine was raised to \$1,000. Also the dredger violating the law could still loose his vessel to forfeiture to be sold at public auction. The Governor was given the power to suspend dredging in the state for a period not to exceed one year.³¹

The most interesting part of the 1895 Act was the change it made in the Shell-Fish Commission itself. The Governor no longer appointed the chief Shell-Fish Commissioner. The act provided that the General Assembly elect him. He was now to be called the chief inspector and was to hold his office until the next General Assembly met and re-elected him or chose a new inspector. His duties were to appoint deputy inspectors where he felt they were needed and for the enforcement of the oyster laws and to make sure the oysters were inspected at the canneries. At the end of the oyster season each year, he was to collect all deputy inspector reports and send them to the State Treasure. He was to continue the practice of submitting a biennial report to the legislature. The chief inspectors pay was \$60 a month.

The deputy inspectors were responsible for the supervision of the oyster grounds, inspection of oysters, making sure oysters were culled at the beds, and in general insuring that the oyster laws were being obeyed. They had to execute a \$500 bond before they could perform their duties and

³⁰Taylor, Survey of Marine Fisheries, 146, See Table IV.

³¹Public Documents Document No. 22, 1893, 241-242.

turn all revenues they collected at the first of each month over to the clerk of superior court of the county in which they lived. They also had to keep extensive records of the oysters inspected and turn in a report each month to the clerk of court.³² Inasmuch as the deputy inspectors were paid \$50 a month, the General Assembly obviously took the advice of Chief Shell-Fish Commissioner J. S. Mann in his 1895 report when he suggested the pay be raised from \$30 to \$50 a month to attract more competent men.

The most surprising part of the new oyster law was the section which stated, "the governor shall assume control of the state police steamer, (the Lillie) and shall provide for her safe keeping. Should he decide upon the representation of the chief inspector, that the same be necessary, he may call into service such portion of the state guard as may be required to arm and man said steamer, and employ them to assist the said chief inspector in reinforcing the law, or in guarding against its violation."³³ Records at this time do not make it clear as to why anyone would want to turn control of the oyster patrol boat over to the Governor.

The first chief inspector to be elected by the General Assembly was Theophilus White. He, in turn, appointed fourteen deputy inspectors. Initially, Chief Inspector White apparently appointed friends to some of the inspector positions, but because of their ignorance of the shell-fish industry, he had to let them go in favor of more competent men. Records seem to conclude this possibility.

³²Public Laws Session 1895, 237-243.

³³Public Laws Session 1895, 243.

In his annual report of December 8, 1896, the chief inspector had little to offer in terms of suggestions for improving the oyster laws, and it appeared that initially he did not know how to do his job very well, seemingly due to his lack of exposure to the shell-fish industry. He even misspelled the name of the oyster patrol boat that had been around so many years. He spelled it "Lilly" instead of Lillie. He did, however, make the suggestion, "that the oyster patrol steamer Lilly be put under the exclusive control of the Chief Inspector of Shell-Fish, for the reason, that he alone can know when her services are needed."³⁴

He apparently realized that the oyster legislation of 1895 was still too restrictive when he stated, "Hoping that the oyster law may be not only self-sustaining . . . by proper enforcement . . . I am . . . hoping that the oyster industry of the State will revive, if too much legislation, as heretofore had, does not again destroy it, many people heretofore having come into the State and invested therein money only to be lost, by building up oyster factories and thus making markets for the oysters of the State, to say nothing of the employment given to thousands of laborers."³⁵

In this respect, of course, he was correct, the legislation of 1895 as did earlier legislation, was still hurting the oyster industry, and when he made his report on December 8, 1896, oyster production in North Carolina had reached an all time low of only 40,000 bushels.

The General Assembly of 1897 proved to be a little more liberal in

³⁴Public Documents of the State of North Carolina Session 1897 (Raleigh, 1897), Document No. 27, 7, hereinafter cited as Public Documents Document No. 27, 1897.

³⁵Public Documents Document No. 27, 1897, 7-8.

relation to the oyster laws. Much of the new oyster law passed February 23, 1897, was similar to the 1895 law. However, there were a few important changes. Vessels under custom-house tonnage (documented vessels) without decks had their taxes raised from one dollar to five dollars, and vessels under custom-house tonnage with decks had their tax raised from two dollars a ton to a flat rate of ten dollars. This increase was made to generate more revenue for the commission. As mentioned earlier, the dredging season was lengthened by two months in order to help stimulate oyster production which it seemed to do, because production was up in 1897 to 858,818 bushels.³⁶

Another change was that chief inspectors were no longer to be elected by the General Assembly, but were once again to be appointed by the Governor. Also the chief inspector was to have a four year term again rather than one of only two years. The problem with the two year term was that the chief inspector was just getting to know how to do his job when his two year term was up and there was no assurance that he would be re-elected. His duties were basically the same as in the 1895 law, but his pay was increased to \$75 a month, whereas deputy inspectors pay stayed at \$50 per month.

The chief inspector was once again given control of the patrol boat Lillie and was given authority to request troops from the Governor, from the State Guard or Naval Reserves in an attempt to enforce the oyster laws more effectively against resident and non-resident violators. The chief

³⁶Taylor, Survey of Marine Fisheries, 146, See Table IV.

inspector or his deputies were also given the power to close canal bridges in order to prevent the escape of oyster law violators.³⁷

The oyster law of 1897 which allowed limited dredging, a longer dredging season and more law enforcement was to prove to be the most effective law up to that point in helping to stimulate the oyster industry in North Carolina, and to help make the Shell-Fish Commission a useful and productive organization to control the industry.

On December 1, 1898, Chief Inspector White reported to the General Assembly and the State Treasurer that the oyster industry was not yet producing enough revenue to provide all the protection and support needed. But since limited dredging was allowed in the law of 1897, canning factories were being reopened. The Chief Inspector reported; "At this time there are two canning factories, one in Marshalburg and the other in the town of Beaufort, both of which are doing an extensive business, employing hundreds of hands, both women and children."³⁸

The chief inspector felt that allowing this limited dredging would eventually produce a large and prosperous oyster industry in North Carolina that would soon allow the Shell-Fish Commission not only to be supported by that industry, but produce excess revenues for further protection, research, and development. In his report the chief inspector was quick to warn the General Assembly that if North Carolina was to attract capital

³⁷Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1897 (Raleigh, 1897), 61-67, hereinafter cited as Public Laws Session 1897.

³⁸Public Documents of the State of North Carolina Session 1899 (Raleigh, 1899), Document No. 15, 11, hereinafter cited as Public Documents Document No. 15, 1899.

from other states to invest in the State's oyster industry, the Legislature must be careful not to enact laws that would discourage non-resident investors. Chief Inspector White stated, "I have frequently received letters from capitalists of other States, saying that they would gladly and readily invest capital in the oyster business of the State, but that they were fearful of future legislation."³⁹

The chief inspector wanted the dredging season to be lengthened by one month, starting in November of each year rather than December. Other than that he gave few recommendations for new legislation in relation to ways to stimulate the oyster industry in the 1899 Session of the General Assembly. Chief Inspector White apparently felt that allowing limited dredging, in itself, was all the stimulus needed at that time to help the oyster industry to grow.

The 1899 session of the General Assembly followed the chief inspector's advice and did not enact any new legislation that would further restrict the use of dredging, or restrict other harvesting methods that would reduce oyster production. However, the General Assembly did pass two new laws pertaining to the Shell-Fish Commission and the shell-fish industry in general. One of these laws forbade a vessel to get an oyster license or engage in catching oysters in North Carolina waters if the vessel was under a mortgage, lien or incumbrance to any non-resident, or non-resident firm that had not been a resident in the State for at least twelve months prior to giving the mortgage.⁴⁰

³⁹Public Documents Document No. 15, 1899, 12.

⁴⁰Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1899 (Raleigh, 1899), 110, hereinafter cited as Public Laws Session 1899.

This law could have been another attempt to curb capital investments from other states in North Carolina's oyster industry. It was possible that some North Carolinians feared control of their oyster industry by non-resident capitalists and persuaded the General Assembly to pass this law. However, this law did contradict the recommendation of the Chief Inspector. Fortunately, the act had sufficient loop holes in it to permit any non-resident capitalist to invest in the oyster industry that so desired.

The most significant law passed in the 1899 Session was the law known as an act to create a new Board of Shell-Fish Commissioners, which was ratified on March 2, 1899. The old commission was abolished effective February 28, 1899, and Inspector White's job was abolished along with it. The law gave White's job to George Hill, the head of a new seven man commission. However, soon after taking office, Hill sued the state when the state auditor refused to pay him for some of his work not covered in the statute. In turn, Theophilus White in April, 1899, sued the commission to challenge whether or not his job had ever been really eliminated by the legislature. Neither men received any compensation while their suits were pending. White never got his job back, and Hill was informed by his lawyer that he could not sue the state.⁴¹

The 1899 law provided for the general supervision of the shell-fish industry in North Carolina. It created a seven man commission to supervise

⁴¹Entry into Rodman Ledger, April 24, 1899, Vol. 19, 175, 187, William Blount Rodman Papers, 1899-1903, East Carolina Manuscript Collection, Greenville, North Carolina, hereinafter cited as Rodman Papers.

the industry. The chief inspector and his deputies were to work under the seven commissioners. The commissioners had the responsibility of supervising the tax relating to the shell-fish industry as well as regulating the taking, catching and handling of shell-fish in North Carolina.

The 1899 law is not clear, but it appears that the seven commissioners were elected by the General Assembly for a two year period. The commissioners were directed to elect a chairman and a secretary from among their ranks. Before starting their duties, all the commissioners had to file a \$500 bond with the State Treasury.

The first seven men to be elected to the new Shell-Fish Commission were; George H. Hill of Washington, Beaufort County, B. D. Scarboro of Avon, Dare County, Daniel L. Roberts of Newbern, Craven County, Robert W. Wallace of Beaufort, Carteret County, C. C. Allen of Elizabeth City, Pasquotank County, J. M. Clayton of Englehard, Hyde County, and Daniel B. Hooker of Bayboro, Pamlico County.⁴² The Shell-Fish Commissioners were to meet at least once a year, or as often as their chairman deemed necessary. They were each to receive \$400 a year as compensation for their work and get five cents per mile going to and from the meetings. They were to divide the public oyster grounds up into seven districts giving each commissioner a district. It was also their responsibility to provide a method for collecting and reporting all shell-fish industry taxes.

The clerk of superior court in each of the counties was made responsible for collecting the shell-fish taxes. The clerk would then send a statement of taxes collected to the secretary of the Shell-Fish Commission,

⁴²Public Laws Session 1899, 111-112.

who in turn sent a consolidated statement from all the counties to the State Treasury, showing the amount which should have been paid to the State Treasury by each clerk of superior court.

The seven man Shell-Fish Commission was also directed by the 1899 law to take the necessary steps to enforce the oyster laws. This meant keeping the state police steamer Lillie ready for operation, or if she became unseaworthy or was sold, to rent the vessels necessary to uphold the oyster laws. The funds for the enforcement of the shell-fish laws were to come from the shell-fish fund. Upon application to the governor from the Shell-Fish Commission chairman, he would have to furnish troops from the state guard or naval reserves to arm the steamer to enforce the laws governing the shell-fish industry of North Carolina.

The 1899 law made it unlawful for oysters to be shipped out of the state unless they were first culled and taxed. Failure to pay the tax could lead to the sale of the vessel and its cargo at public auction, with half of the proceeds going to the oyster fund, one-fourth to the person informing and one-fourth to the person making the seizure. Attorney William Rodman was retained by the state to initiate legal proceedings against people who refused to pay their oyster tax. There were a few who refused to pay, but Rodman seemed effective in collecting money of the past due accounts.⁴³

The secretary of the Shell-Fish Commission was required to make an annual report to the governor, and bi-annually have a report published by the public printers showing in detail taxes collected, expenditures,

⁴³Rodman Papers, Vol. 26, 465.

and the condition of the several shell-fish industries in the state.⁴⁴

This seven man Shell-Fish Commission was to only stay in operation from the time of its creation on March 2, 1899 to February 26, 1901 when it was replaced with a shell-fish commission similar to the one prior to the seven man commission.

⁴⁴Public Laws Session 1899, 110-112.

CHAPTER IV
GROWTH OF THE COMMISSION AND THE
CREATION OF THE FISHERIES COMMISSION
BOARD: 1901-1919

On February 26, 1901, a new law to protect the oyster industry was ratified. This law replaced all prior laws concerning the oyster industry and the Shell-Fish Commission. During the period 1901 to 1915, the Shell-Fish Commissioner would be referred to as, and given the new title of, Oyster Commissioner.

Apparently during the approximately two years that the seven man commission had existed, a great deal of chaos evolved in the management of North Carolina's shell-fish industries. In some areas of the state where oystering occurred, there was not an oyster inspector on duty during the entire 1900-1901 oyster season. During this period Lillie had been allowed to fall into disrepair. In 1900 she was repaired, but at considerable expense. The repair bill instigated a resolution from the General Assembly calling for an investigation of the expenses made on the steamer to see whether or not funds had been paid out by the State Treasury without proper authority. With the prospect of repair bills being paid without proper authority, other actions were called for by the General Assembly.

By March 11, 1901, the General Assembly of North Carolina was calling for; "A commission of Senators and two members of the House of Representatives to be appointed to investigate the administration and accounts of the Oyster Industry and the Shell-Fish and Oyster Fund and that said commission shall also make such recommendations for the management and promotion of said

industry as they deem for the public good of the State."¹

The law of 1901 to promote the oyster industry which passed and was signed on February 26, 1901, abolished the seven man commission and once again gave the governor the power to appoint one man as the Shell-Fish Commissioner to be referred to as the Oyster Commissioner. The 1901 law was again an apparent attempt to try and produce an efficient, workable Shell-Fish Commission that would serve to stimulate the oyster and shell-fish industry of North Carolina. Due to the seemingly inability of the members to be absent from their personal businesses, the seven man commission of 1899 had not proven to be the answer for a productive Shell-Fish Commission. The governor appointed William M. Webb as Oyster Commissioner hoping he could get the oyster industry and a new commission on its feet. Commissioner Webb was to receive a salary of \$700 per year and up to \$300 per year for travel expenses.

In years past there had been an assistant commissioner, but under the 1901 law, this would not be the case. Instead there was five inspectors appointed by the governor, to be located in Hyde, Beaufort, Dare, Pamlico, and Carteret counties. The inspectors were to receive \$400 per year as a salary. In addition to the inspectors, there were sub-inspectors, to be appointed by the Oyster Commissioner, usually on the recommendation of the inspectors. The sub-inspectors received a salary of \$30 a month and were often employed only during the oystering season. The terms of office for the Oyster Commissioner and the inspectors were two years.

¹Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1901 (Raleigh, 1901), 805, hereinafter cited as Public Laws Session 1901.

As Commissioner Webb started his new job, he discovered that some oyster processing centers had not even had an oyster inspector in the 1900-1901 season. The Commissioner also discovered that some oyster packers in North Carolina had not bothered to pay the oyster taxes to the State Treasury. He found that despite the money spent on the steamer Lillie in 1900, the vessel was still in poor repair. As Webb pointed out when he took charge of the vessel in February, 1901, "I found the State's steamer Lillie in no condition for patrol service."²

The commissioner's engineer, J. H. Whitford, reported to Commissioner Webb on the condition of the Lillie when the vessel was brought from Belhaven to Washington, North Carolina. "Upon arrival of this boat in Washington," he wrote, "the motive power-not including boiler-represented just what the same amount of scrap iron would sell for at the junk shop."³ The vessel was in poor shape. Parts were missing, the crane was too short to haul in the anchor without scratching the side of the vessel, the cabin that had been placed on the vessel was done in a shabby manner, the cabin leaked, all the doors were flimsy and put on with hinges that were made for cabinets and not doors, the boilers were worn out and of an antiquated type, and the vessel had an overall messy appearance.

The rifles on the vessel were either in very bad condition, or completely unserviceable. They had been allowed to rust, and when the crew attempted to remove the rust, the bronze was also damaged, causing the guns to deteriorate even more afterwards. The patrol boat needed a thorough

²Public Documents of the State of North Carolina Session 1903 Vol. 2 (Raleigh, 1903), Document No. 27, 4, hereinafter cited as Public Documents Document No. 27, 1903.

³Public Documents Document No. 27, 1903, 6.

overhaul if she was to remain in service. In the fall of 1901, the Lillie was completely overhauled, the job being completed by December, 1901, at a cost of \$5,492.42. This was far more than Commissioner Webb had wanted to spend, but in light of the poor condition of the vessel, it seemed necessary.⁴

Ironically, after all that money was expended to overhaul the Lillie, she was used very little due to the heavy operating cost. Instead the commissioner used two gas boats and four sail boats that had been rented or loaned free of charge by individuals for patrol work. Why did the commissioner spend all that money just to let the Lillie stay in port? After the money had been spent, the commissioner recommended that the state sell the Lillie and build vessels that were more economical to operate. It appears that it was poor management on Commissioner Webb's behalf to have the vessel repaired if she was to be disposed of.

Commissioner Webb's goal evidently was to sell the Lillie and have the state build or purchase three gas patrol boats, and to charter at least three schooners for patrol duty. This would be in addition to the two gas boats and four sail boats already on duty. The reasons he gave for wanting to expand the commissioner's fleet was that he felt there had never been an effective patrol in North Carolina waters to uphold the oyster laws because the state had always had such a small patrol force. Commissioner Webb's move here was important in that it was the first attempt since 1891 by anyone to push for a larger and expanded Shell-Fish Commission patrol force.

⁴Public Documents Document No. 27, 1903, 7.

The 1901 law that was passed to promote the oyster industry gave the oyster commissioner the power to charter or rent boats, but it was clear by Webb's report to the governor on December 13, 1902, that the commissioner preferred to use state owned boats. It was often difficult to find suitable vessels to rent, especially if they were needed on short notice, and the owners of the vessels were often particular about how the boats were used, a problem that the past commission had had whenever it had been given authority to charter boats.

As head of the Shell-Fish Commission, the Oyster Commissioner's duties were much the same as they had been for many years. He was still to have general supervision over all branches of the oyster industry. He still had to furnish receipts and record books to the inspectors, see to it that the oyster laws were enforced by having his men prosecute violators, administer oaths to people applying for oyster licenses, send monthly tax collection records to the State Treasurer, and make a biennial report to the governor.

In addition the Oyster Commissioner was given the responsibility to make all such rules and regulations as he deemed necessary to carry out the intent of the 1901 law. In other words, the commissioner now had the power to make rules that were to be followed as law.

The inspector's duties were much the same as they had always been, and were not changed by the 1901 law. The new law in outlining the duties of the sub-inspectors gave them powers similar to the inspectors, but seemed to emphasize their duties more in the line of law enforcement work as their primary function.

The 1901 law continued to make it unlawful for a boat or vessel to

get a license to catch oysters if it was powered by steam, gas or electricity.⁵ The explanation for this was that there were still a large number of oystermen who were using sailing vessels to dredge with, or taking oysters with hand tongs, and tongmen did not want the powered vessels to have an unfair advantage. It was also feared that power vessels would be too efficient and over harvest the oyster beds. As it was, a record number of oysters had been harvested since the 1900-1901 season, totalling 1,900,000 bushels of oysters, and 1,022,813 bushels in the 1902 season.

In the 1903 General Assembly session it came as no surprise that the Legislature once again passed an act that would slightly alter the structure of the Shell-Fish Commission. It makes one wonder if they changed it every two years just to be doing something, or to put their personal touches on the commission, or were the legislatures really trying to make the Shell-Fish Commission a better one through trial and error?

Under the 1903 law, the governor retained the right to appoint the Oyster Commissioner, but the commissioner's salary went from \$700 to \$900 per year. There was now an assistant oyster commissioner appointed by the governor with a yearly salary of \$700, which was very similar to the 1893 law which had set up a chief commissioner and an associate commissioner. The 1903 law did away with sub-inspectors and went back to just having inspectors who were appointed by the oyster commissioner and not the governor. The inspectors were paid from \$20 to \$50 a month. The oyster commissioner

⁵Public Laws Session 1901, 384-392.

could hire and fire the inspectors as he saw fit. The term of office for the oyster commissioner and his assistant was two years, and their powers and responsibilities were the same as in past years. The only new items of the 1903 law was that there was now a two year residency requirement before a person or firm could obtain a license to catch oysters in the public waters of North Carolina. The residency requirement had previously been for one year, and no apparent reason can be found for the extended period. The commission was also given the power to purchase oyster shells and to scatter them over natural beds, therefore improving the oyster production for the coming year.⁶ This was an important step. For the first time the state would attempt to enhance production rather than leave it up to private sectors of the public.

The commission was given assistance by the United States Commission of Fish and Fisheries in 1901, 1903 and 1904 to determine what affect over fishing (oystering) weather and other conditions had on production. It was "general policy of the [U.S.] Commission to assist the States in the development of their fishery resources . . . the special object in view being the devising of methods for promoting the oyster industry . . . in the State . . ." ⁷ The United States Fisheries Commission picked up the tab for many oyster experiments done in North Carolina to benefit the State. United States Fisheries Commissioner George M. Bowers stated, "The object

⁶Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1903 (Raleigh, 1903), 873-881, hereinafter cited as Public Laws Session 1903.

⁷Report of the Commissioner for the Year Ending June 30, 1900 (Washington, D.C., 1901), 119.

of these experiments is primarily to ascertain to what extent and with what profit the great areas in this region [North Carolina coast] now barren of oysters may be made productive"8 to benefit North Carolina. With the assistance of the United States Fish and Fisheries Commission, North Carolina was finally making progress towards a stable oyster industry.

The 1905 session of the North Carolina General Assembly left the basic structure of the Shell-Fish Commission as it was in 1903. The only change was that the clerk of superior court no longer could grant oyster licenses; that power was now given to Shell-Fish Commission personnel. William M. Webb was reappointed as State Oyster Commissioner which probably suggests that he was doing a good job.

By 1905 there was an increasing interest by researchers in the shellfish industry of North Carolina, as to whether or not it would continue to grow. Further investigations into the future of an oyster culture in North Carolina were made by the Fisheries Laboratory in Beaufort, North Carolina, in connection with the North Carolina Geological Survey and the United States Bureau of Fisheries. The result of the investigation was not to recommend any changes in the Shell-Fish Commission, but rather to suggest legislation that could possibly encourage further oyster and clam production. The reference to clams in the Geological Survey Report was the first indication that clams would soon come under the jurisdiction of the Shell-Fish Commission. In 1905 only three counties in North Carolina,

⁸Report of the Bureau of Fisheries 1904 (Washington, D.C., 1905), 83.

Brunswick, New Hanover and Pender, had any laws protecting and regulating the harvest of clams.⁹ In 1902 North Carolina had had a peak year in clam production of 1,175,000 pounds of edible portions, to give some idea of the size of this fishery.

In 1906 Governor Robert E. Glenn appointed a committee to investigate the fishing industries in North Carolina. The committee was comprised of J. E. Coffield of Evertts; J. J. Laughinghouse of Greenville; T. H. Sheppard of Edenton; W. A. Saunders of Wilmington; C. W. Smith of Manteo; W. E. Swindell of Washington, N.C.; W. O. Lupton of Belhaven; M. B. Gowdy of Beaufort; W. M. Webb of Morehead City; H. F. Moore of the U. S. Bureau of Fisheries, Washington, D.C.; and Joseph Hyde Pratt, State Geologist, Chapel Hill.¹⁰ The report resulting from this investigation covered all aspects of fisheries in the state, but particular attention was given to the oyster industry and the Shell-Fish Commission.

In this report the Geological Survey included recommendations on how it felt a Shell-Fish Commission should operate. The Geological Survey Committee of 1906 unanimously recommended that a permanent "Shell-Fish Commission should be established and inaugurated by the Legislature."¹¹

The committee suggested the organization of a Shell-Fish Commission according to the following guide lines. (1) The Shell-Fish Commission should consist of only one commissioner appointed by the governor with the advice and consent of the Senate. (2) The commissioner would make

⁹Robert E. Coker, Cyster Culture in North Carolina (Raleigh, 1905), 2.

¹⁰Joseph Hyde Pratt, Report of Committee Appointed by Governor R. E. Glenn to Investigate the Fishing Industry in North Carolina (Raleigh, 1906), 2, hereinafter cited as Pratt, Report of Investigating Committee.

¹¹Pratt, Report of Investigating Committee, 44.

semi-annual reports to the Geological and Economic Survey Board. (3) His term of office would be four years. (4) The commissioner was instructed to appoint a deputy commissioner who would act in his place when he was absent. (5) The Shell-Fish Commissioner would file a \$7,000 bond with the Secretary of State, and the deputy commissioner would file a \$5,000 bond. (6) The Shell-Fish Commissioner would take an oath to faithfully perform his duties. (7) The Shell-Fish Commissioner would appoint inspectors where they are needed with a salary of not more than \$50 a month. (8) The Shell-Fish Commissioner would maintain an office in a town near the oyster beds and would hire help to run the office. (9) The commissioner would with the consent of the Geological and Economic Survey Board, be allowed to buy or rent such boats and equipment that would be necessary to perform the duties of the commission. (10) In addition to oysters the Shell-Fish Commissioner would have general supervision over clams, scallops and other mollusca. (11) No employee of the Shell-Fish Commission would have an interest in the shell-fish industry of North Carolina. (12) The salary of the Shell-Fish Commissioner would be \$1,500 per year and the deputy shell-fish commissioner would receive \$900 per year.¹²

All other powers of the Shell-Fish Commissioner remained approximately the same as they had been under the laws of 1903 and 1905. The committee also suggested that the Shell-Fish Commissioner be given the power to lease any bottom of the waters of the state that was not already a natural oyster or clam bed. It was not until 1909, however, that the Shell-Fish

¹²Pratt, Report of Investigating Committee, 44-46.

Commissioner was given that power. No specific law was passed in 1907 to adopt all the committee's recommendations because most of the suggestions had already been included in the laws passed in 1903 and 1905. Several amendments to earlier laws were passed in 1907 which changed the wording of the statutes to bring them up to date. The only other law passed in 1907 that affected the Shell-Fish Commission was one which allowed the Oyster Commissioner to borrow \$2,200 to pay the balance on a new patrol boat called Atlantic.¹³ Other than that, nothing else occurred from 1907 to 1909 that warrants attention.

The most important change enacted by the legislature in 1909 was a law giving the power to lease any bottom of the public waters of the State by the Shell-Fish Commissioner in hopes of stimulating oyster and clam production. Before 1909 leases were granted by the clerk of superior court in the various coastal counties in which oyster and clam waters were to be found. The problem with this method was that the clerks often used their lease authority to show favoritism. In addition, the earlier oyster laws had greatly restricted the number of acres any one person could lease. Most leases granted for oyster farming were for only ten acres or less, which often made it impossible to make oyster farming profitable. Therefore prospective oyster farmers were often discouraged rather than encouraged to go into full scale oyster or clam production.

Under the 1909 law the Shell-Fish Commissioner's added responsibilities were to see to it that any persons or firms wanting to lease public water

¹³Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1907 (Raleigh, 1907), 1350.

bottoms could do so by submitting a written application to him. As soon as the Shell-Fish Commissioner received the application for a specified area of water bottom, the commissioner had the duty of obtaining a survey of the area applied for at the expense of the applicant. The purpose of the survey was to make sure that the area applied for was not already a natural oyster or clam bed. Once the survey was completed, the Shell-Fish Commissioner would grant a lease to the applicant, giving the lessee sole right and use of the water bottom that he applied for. This lease would be for a period of twenty years.

Not only could the lease be given for twenty years, but in certain coastal waters such as parts of the Pamlico Sound, the lessee could obtain two hundred acres of water bottom for the cultivation of oysters and clams.¹⁴ This was far more than what earlier laws had allowed. However, it should be pointed out that some eastern North Carolina counties were successful in getting laws passed which exempted them from the overall state law. This and other reasons, such as a lack of knowledge on how to produce oyster gardens, a lack of capital to get started in the business, the oyster farmers impatience for results, and a lack of protection for the private oyster and clam beds from theft were factors that would continue to retard the growth of the oyster and clam industry in North Carolina.¹⁵

While the 1909 law to promote the shell-fish industry was not sufficient to begin the building up of an oyster cultivation industry in North Carolina itself, it was a step in the right direction, at least in the eyes of the

¹⁴Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1909 (Raleigh, 1909), 1276-1279.

¹⁵Taylor, Survey of Marine Fisheries, 158-159.

authors of the North Carolina Geological and Economic Survey.¹⁶ They blamed much of the failure or decline in the oyster industry on the non-enforcement of the oyster laws. This failure to enforce the laws resulted in part from the indifference of the commissioner and inspectors to the performance of their duties. It should also be noted, however, that the courts were often to blame by failing to uphold the law, therefore discouraging the attempts of the Shell-Fish Commission to enforce the law.

From 1909 to 1915 a series of studies were made by the North Carolina Geological and Economic Survey under the direction of Joseph Hyde Pratt, the State Geologist, to determine what could be done to improve the fishing industry of North Carolina. The Geological and Economic Survey was assisted by a legislative fish committee appointed by the General Assembly in 1909 to investigate the fisheries of North Carolina. In his biennial Message in 1913, Governor William W. Kitchin stated, "Our fish and oyster industries . . . have been declining. In my opinion no part of the State's internal material business so greatly demands your attention as the Fish and Cyster industry. This is a State matter, and you should . . . enact laws and provide for their enforcement"¹⁷ Together the two groups continued to compile data from 1909 until late 1914 before it was submitted to the General Assembly in 1915 for consideration.

¹⁶ Joseph Hyde Pratt, Fishing Industry of North Carolina (Raleigh, 1911), 38.

¹⁷ Public Documents of the State of North Carolina Session 1913 (Raleigh, 1915), Document No. 1, 9.

The result of the combined study was to persuade the General Assembly in 1915 to pass a law establishing a Fisheries Commission Board to replace the Shell-Fish Commissioner, a recommendation from the Geological and Economic Survey that the Legislative Fish Committee adopted almost word for word. This was an important step because it made the mould on which a North Carolina Shell-Fish Commission (or whatever it maybe called) would be structured for many years to come.

On March 4, 1915, a law was introduced to combine the Shell-Fish Commission and the Fish Commission. The Fish Commission had been established back in the 1870's to manage finfish and had always been a separate commission until now. The law, however, was not passed without some opposition. Several groups in eastern counties were opposed to the idea of a state fisheries commission. Petitions from counties including Hyde, Carteret, Dare, Pasquotank and Pamlico were presented to the General Assembly by their local representatives. All the petitions said basically the same thing. For example the one from Pamlico County read, "We the undersigned citizens and voters of Pamlico County respectfully represent: that we have considered the State wide fish bill now before the General Assembly of North Carolina; and the same is on improper and unfair measure for the people of Eastern North Carolina. It will drive many a poor fisherman and laboring man to ruin and to hunger . . . We demand that our representative and respectfully ask the members of the General Assembly, one and all, to vote down this iniquitous measure."¹⁸ No specific reasons have been found to explain why these groups were against the Fish Commission

¹⁸ Petition from Pamlico county to the General Assembly, Legislative Papers of North Carolina, 1915, Box 53, February 18, 1915.

Bill, or how it would ruin "poor fishermen." It is safe to assume that their main objection was that the new law could impede their freedom to do as they pleased with the marine resources.

Despite the opposition, the 1915 law finally passed the General Assembly. The law provided for the creation of a fisheries commission consisting of five members appointed by the governor for the purpose of enforcing the laws pertaining to commercial fishing. The five appointees were to be called the Fisheries Commission Board. At least three of the board had to be from fishing districts in the state. On April 8, 1915, the State Geologist, Joseph Hyde Pratt, sent a letter to Governor Locke Craig presenting a list of names whom Pratt believed would best serve the new fisheries commission. He presented five different combinations of names to the governor, but unbeknown to Pratt, the governor the day before had already made his selection. Pratt had talked to the governor earlier about possible commission members, but Pratt apparently had little influence with Governor Craig. Pratt was to later prove ineffective when he tried to influence the governor and the Commission on their choice for the first fisheries commissioner.

Those appointed on April 7, 1915, by Governor Craig as the first fisheries Commission Board were: Edward Chambers Smith of Wake County, F. T. Winslow of Perquimans County, William M. Webb of Carteret County, Albert V. Cobb of Bertie County, and Edward H. Freeman of New Hanover County. When the Fisheries Commission Board met on April 15, 1915, it organized and elected Edward Chambers Smith, Chairman, Albert V. Cobb, secretary, and H. L. Gibbs who had served as the Shell-Fish Commissioner

under the old commission was recommended to the Board by the Governor to fill the newly created position of Fish Commissioner.¹⁹

In a letter from Governor Craig to Secretary Cobb on April 14, 1915, the governor made it clear who he wanted for the first Fisheries Commissioner: "When boards appointed by the Governor have the power immediately to elect an executive officer, the Governor, by unbroken precedent in this state, has been accorded the courtesy of naming such officer. In accordance with this precedent I recommended to your board the election of Mr. H. L. Gibbs as Fish Commissioner. I . . . hope that you will see that Mr. Gibbs is elected."²⁰

Even though the governor knew who he wanted the board to elect to the Fish Commissioner position, many others were being backed for the job by non-board members and were opposed to Gibbs having the position. O. H. Bell of Edenton, North Carolina, claimed that Gibbs had been an opponent of the statewide fish law when it was before the legislature, and therefore should not be given the executive officer's job. Joseph H. Pratt and Charles Weebie, a lawyer from Hertford, North Carolina, were also opposed to Gibbs and wanted a man named LeRoy to have the Fisheries Commissioner's job, or at least to appoint him deputy commissioner. Bell also would have been satisfied if LeRoy would have at least been made deputy commissioner, but this was not to be the case. After a talk with Pratt, Governor Craig persuaded Pratt to see things his way and the State

¹⁹Letter from Locke Craig to Edward Chambers Smith, April 7, 1915, Governor Locke Craig Papers, North Carolina State Archives, Raleigh, North Carolina, hereinafter cited as Craig Papers.

²⁰Letter from Locke Craig to A. V. Cobb, April 14, 1915, Craig Papers.

Geologist stopped pushing for LeRoy's appointment. The Governor wrote Bell on April 27, 1915, reminding him that he had not "promised anything" in respect to LeRoy. Governor Craig also wrote a letter to Wedbee stating, "that Senator Simmons asked me not to appoint LeRoy as Fish Commissioner as did other prominent democrats of that section. He stated that LeRoy had been offensive in opposition and in attacks upon him. I have great regard for the opinion and for the wishes of Senator Simmons just as I have for the opinion and for the wishes of any other good and influential democrat in North Carolina."²¹

It was not unexpected, but this was an example of how politics played a prominent role in the creation of the new Fisheries Commission. Others in writing to the governor stressed political loyalty to the Democratic party as the primary criteria for the top job in the new Fisheries Commission. W. H. Williams of Washington, North Carolina, recommended to the governor that Representative John L. Mayo be given the commissioners job because "Mayo has always been an enthusiastic supporter of yours, and I know of my knowledge in the campaign six years ago he gave you his loyal support" ²² There were a number who asked Governor Craig to help them secure the assistant commissioner job because of their loyalty to the Democratic party and to him. However, the records seem to indicate that once Gibbs became Fisheries Commissioner, he was free to choose his assistants without political interference.

²¹Letter from Locke Craig to Charles Wedbee, April 28, 1915, Craig Papers.

²²Letter from W. H. Williams to Locke Craig, April 12, 1915, Craig Papers.

The 1915 law also provided that the Fisheries Commission Board members were to hold their office for four years. The members could get four dollars a day plus travel expenses to attend Board meetings provided that it did not exceed \$250 a year. After the Board selected a Fish Commissioner, the Fisheries Commission Board was to see to it that the commissioner had fulfilled his duties, and that said commissioner made semi-annual reports to the Fisheries Commission Board whenever they required it.

The term of office for the Fish Commissioner was four years, and it was his responsibility to appoint two assistant commissioners, provided he had the consent of the Fisheries Commission Board. One of the assistants was called the Assistant Fish Commissioner and the other was called the Shell-Fish Commissioner.

With the consent of the Fisheries Commission Board, the Fisheries Commissioner had the authority to appoint inspectors in the counties where he decided that they were needed. The Fisheries Commissioner could rent and equip an office for the business of the commission at some point near coastal fisheries, and employ the necessary clerks to run the office. He could also buy or rent such boats, nets and other equipment as might be necessary to enforce all acts relating to the fish and fisheries of North Carolina.

The other duties of the Fisheries Commissioner as described in the 1915 law were that the Fisheries Commissioner was to compile statistics showing the capital investment of the commission, annual products of the fisheries of North Carolina, maps of closed and open areas for fisheries activities, records of all prosecutions of violations of the fisheries laws, and records on the collections of license taxes, fees, rentals, or other

imposts on the fisheries.

The act continued the policy of giving arrest authority to the Fish Commissioner, his assistants and inspectors. It also continued to discourage employees of the commission from having financial interests in the fishing industry to discourage corruption. It continued the policy of seizure, forfeiture and sale of vessels caught in violation of the fisheries law and kept other penalties that helped discourage fisheries violations. The new act did continue one old policy that seemed difficult for any commission to abolish. That was a section in the act which made it illegal to use any boat that was propelled by steam, gasoline, or any other source of mechanical power while taking oysters. It also continued to make it unlawful for non-residents to take oysters from North Carolina waters.

Perhaps the most important power given to the Fisheries Commission by this act was the responsibility to make regulations concerning the fisheries of the state, and giving the Commission (which represented the State of North Carolina) exclusive jurisdiction and control over commercial fisheries in the State. This meant that it did not share this jurisdiction with any other state agency. Prior to 1915, the various fisheries commission only had powers that the statutes gave them. Now with regulatory powers, any regulations the commission made had the same legal affect (for enforcement purposes) as a statute. With this power the Fisheries Commission now could, and did take control of all marine resources in North Carolina. This meant the control and regulation of such marine life as oysters, clams, scallops, crabs, shrimp, and salt water fish. This was

an important step forward in managing the marine resources in the State.²³

The 1915 law marks a milestone in legislation concerning the Shell-Fish industry, the first major legislation pertaining to shell-fish since the 1891 law.²⁴ After the 1915 legislation the old Shell-Fish Commission no longer had an existence of its own, but instead was now just a part of a larger state agency, to wit: The Fisheries Commission Board. The 1915 law gave the state more control over the shell-fish industry than it had before. It also was an important step by the State of North Carolina in stimulating its fisheries industry on a consistent basis. Finally, the 1915 law proved to be the best regulatory law the fisheries industry had had to that point. With the law giving the Fisheries Commission Board the power to make rules and regulations as it saw fit, the Commission could now attempt to control unnecessary destruction of fisheries resources that had gone largely unchecked before.

To make the 1915 law workable, the Fisheries Commission asked the General Assembly of the 1917 Session for several changes. In reality, however, the 1917 law as passed by the legislature was almost identical to the 1915 law. The 1917 law dictated that not only would at least three members of the Fisheries Board come from fishing districts within the State,

²³Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1915 (Raleigh, 1915), 102-110, hereinafter cited as Public Laws Session 1915.

²⁴Public Laws Session 1915, 107. The 1915 act also allowed a \$10,000 a year appropriation from the State's general fund to help get the new Fisheries Commission under way. If and when the commission became self sufficient it was to repay this money back to the general fund. The act made it mandatory that the Fisheries Commission Board submit a complete report to each legislature on its past operations and activities.

but that they "shall have a practical knowledge or be familiar with the fishing industry."²⁵ What seemed to prompt this change in the statute was that too often a governor in the process of appointing political allies to these state commissions, appointed individuals who knew little or nothing about the activities of the commission they were serving on. The results of such appointments no doubt hindered the effectiveness of such agencies as the Fisheries Commission Board. The law of 1917 also reduced the arrest power of the Fisheries Commissioner and his agents. In the 1915 law, the commissioner and his agents could arrest individuals for fishery violations, whether they had seen the violation occur or not. Arrests were made whenever the fisheries agents strongly suspected a person of a violation. Under the 1917 law the Fisheries Commissioner or one of his agents had to see the violation occur in their presence before they could arrest the person.

Another important aspect of the 1917 law was that it permitted an increase in the license taxes on traditional fishing appliances such as anchor, stake, drift, and pound nets. More significantly, the 1917 law called for a new license tax to be placed on people taking scallops and clams. A new license tax was also levied on anyone who was a dealer in buying and selling scallops, fish, shrimp, and crabs. The purpose of the additional license tax was to establish the Fisheries Commission on a self-supporting basis, and perhaps even generate some revenue for the State Treasury. This, of course, had been an objective of the State for many years. However, except for the 1915-1916 year, the Fisheries Commission

²⁵Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Session of 1917 (Raleigh, 1917), 600.

Board was not only unable to be self-supporting, but it had to continue accepting the \$10,000 a year appropriation from the State Treasury for operating expenses.

Despite its inability to be self-supporting at that point in 1917, the Fisheries Commission Board now had the laws that it needed to try and manage the State's fisheries resources. The laws of 1915 and 1917 were admired by other states as models of fisheries management legislation. As Fisheries Commissioner Gibbs put it in his First Biennial Report in 1916 and again in his Second Biennial Report to the Fisheries Commission Board in 1919, "The Act of 1915, . . . amended by the act of 1917, . . . establishing the 'Fisheries Commission Board', granting power to make rules and regulations looking to conservation and for the betterment of the industry, continue to receive much praise from Conservation Commissioners and others interested in conservation in other States; and our North Carolina law is generally regarded as the best law pertaining to fisheries in the country."²⁶ Gibbs went on to explain that he was asked to go to the International Association of Game, Fish, and Conservation Commissioners meeting in New York to discuss North Carolina's fishery laws. He also stated that he had received letters from many parts of the United States requesting copies of North Carolina's fishery laws.

It is necessary at this point to explain something in reference to the last paragraph. As far back as the 1880's, whenever commercial fishermen believed that a given fisheries resources was being overly used or

²⁶State of North Carolina Public Documents Session 1919 (Raleigh, 1920), Document No. 24, 9, hereinafter cited as Public Documents Document No. 24, 1919.

exploited, they called for legislation that would (in their opinion) protect that resource. Once again this was the force behind the massive regulatory 1915 and 1917 public laws, and for that matter is still an effective force behind laws that are passed at the present time. Many of the protective laws called for by commercial fishermen were virtually the same as those that the Fisheries Commission Board asked the General Assembly to pass. It was seldom during the period covered by this study that the laws were based on scientific data. Harden F. Taylor in his book, Survey of Marine Fisheries of North Carolina, puts it very well when he explained that usually fisheries legislation was the result of "rivalries, fears, and jealousies . . . and . . . the fisheries are therefore the subject of all manner of restrictive legislation, much of which is illogical and contradictory, and which enforces inefficiency and generally interferes with the free play of economic forces to the disadvantage of the commercial fisheries"27 Taylor also points out that it was hard to determine how this restrictive legislation has affected the yield of the North Carolina fisheries. It was next to impossible to determine if the laws preserved the fisheries supply from depletion, or whether they were responsible for keeping the fisheries industry small by running its operating expenses unnecessarily high by not allowing fishermen to use modern methods for capturing marine life. According to Taylor, "the existence of unnecessary and hampering legislation, whatever its origin or motive, is, to the extent to which it is enforced, an economic factor which must be taken seriously into account. Regulatory measures, necessary or not, which forbid the use

²⁷Taylor, Survey of Marine Fisheries, 306.

of efficient methods and compel the employment of excessive labor for a given amount of production merely suppress the utilization of aquatic resources."²⁸ In other words what Taylor is referring to here is that in the past, states with regulatory powers, usually passed regulations that were prohibitive of one thing or another, and the regulations may have caused the (fisheries) industry as much harm as they did good when laws or regulations are not based on scientific data, but rather on suspicions and rivalries.

What we had here was the State of North Carolina Fisheries Commissioner boasting of the widely acknowledged North Carolina laws to the 1919 Fisheries Commission Board. It was true that the North Carolina fishery laws were widely recognized by other states as progressive. However, there were still many of the North Carolina fishery laws that contradicted what the state was trying to do. The state wanted to produce a large fishery industry. This was to be done under the direction of the Fisheries Commission Board with its new powers under the 1915 and 1917 public laws. The expected result was a large fisheries industry that would produce jobs and more tax revenue for the state. Yet, when the 1915 and 1917 laws were passed, the state continued to make illegal the use of modern equipment such as steam power and other types of power boats for commercial fishing. Such power boats could have (assuming that marine life population remained the same) greatly increased the harvest of fishery resources producing the expected jobs and revenue the state was looking for. Instead, those who wanted to use power boats were forced to use the more cumbersome sail powered vessels.

²⁸Taylor, Survey of Marine Fisheries, 308.

This was just one of many laws that had hindered the desired results the state was expecting from its Fisheries Commission Board. No logical reason could be found why power boats were outlawed. The only conclusion that can be reached is that in 1915 many commercial fishermen were poor and just barely made a living from the sea and could not afford power boats, and political pressure was also brought to bear on legislators by a great number of commercial fishermen, who themselves could not afford the power boats. As in earlier years, they did not want the power boat fishermen to have the advantage over them so they were successful in having the use of power boats declared illegal in the shell-fish industry. Power boats could be used whether the wind blew or not, the sailboats could not. Such restrictive laws were not new nor were they the last ones the Fisheries Commission would pass.

In all probability, after the 1915 and 1917 laws were passed, the Fisheries Commission Board, having heard the comments made by other states about its laws, felt it was heading in the right direction and that the future looked promising for expansion of the Commission's activities for regulating commercial fisheries. The Fisheries Commission Board like many new state agencies did not get into full operation immediately, and in this case not until around January, 1917. By then the commission knew what improvements were needed in the 1915 public law, and legislation for these improvements were passed in the March 7, 1917, general session of the legislature. By March, 1917, the Fisheries Commission was looking forward to a good year in the fishery industry, or at least the Commission was expecting to break even or perhaps even generate some revenue for the state. However, some of the State's own restrictive laws as well as

unforeseen events such as World War One were to hinder the Fisheries Commission from getting off to a good start in 1915.

World War I affected the commission in several ways. First of all, the United States was preparing itself by March, 1917, to enter the war in Europe if it became necessary. What this meant was that many of the fishermen were enlisting in the service. Commissioner Gibbs reported, "On account of so many of our best fishermen along the coast having to go to war there are not nearly so many engaged in this work. About one-third of the fishermen are gone."²⁹ This meant, of course, with less men working in the fishery industry, that less marine life was caught, production was down, and proportionately revenue from license taxes was down. In this respect the war hurt the Fisheries Commission economically. Also in June, 1917, the Fisheries Commissioner was asked by the commandant of the Fifth Naval District to lease the four patrol boats owned by the commission. The Atlantic, 55 feet long, 12 feet wide, the Gretchen, 48 feet long, 14 feet wide, the Bobylyu, 35 feet long, 10 feet wide, and the Margaret G, 35 feet long, 7 feet wide, were leased to the United States Navy in July, 1917, to do certain patrol work for the Government. The crews were to engage in a general lookout for suspicious boats likely to carry supplies from the inland waters out the inlets to the enemy. In addition they were to investigate, arrest, and report suspicious characters who might be spies or violating rules and regulations of the United States Government. The crews were at the same time to do State work under the orders and

²⁹Public Documents Document No. 24, 1919, 12.

direction of the Commissioner.³⁰ This arrangement worked out perfectly for the Fisheries Commission. The state's fisheries work was done at the federal government's expense. The federal government paid for all the men's wages who worked on the patrol boats, the gasoline, oil, and repairs for the boats, and even placed additional crew members on board to help operate the vessels. Because of this federal lease, the Fisheries Commission saved enough money in 1917 to pay the 1916 appropriations debt back to the State Treasury, something it would find hard to do in the future. The Atlantic and Gretchen went to work for the Navy on August 21, 1917, the Bobylyu and Margaret G started work for the Navy on October 22, 1917. The contract on all four vessels lasted until December, 1918, saving the Fisheries Commission from \$20,000 to \$25,000 in operation costs. In this sense, the war helped the Fisheries Commission financially and all indications were that much of the vessels' time was spent doing state work. I suspect that the federal and state patrol areas were the same and this explains why the vessels were able to continue normal state fisheries patrol during the war.

The manpower shortage in the United States during the war resulted in higher wages for many civilian workers as well as state employees. This also affected the Fisheries Commission's budget. Because of the additional cost of labor, many fisheries inspectors were only hired for the busiest time of the year. At times, less inspectors were hired and the Fisheries Commissioner himself did the work. As Commissioner Gibbs put it in his 1919 report, "with scarcity of men capable of performing the

³⁰Public Documents Document No. 24, 1919, 21.

duties of inspector, so many of our best men having to go to war, we have, in a few instances, been compelled to pay higher salaries."³¹

The war also affected the commissions regulations concerning minimum size limits on certain fish. In an attempt to control and manage the fishery resources, the Fisheries Commission before the war made it unlawful to take fish that were not of a certain size. This was done to prevent young fish from being harvested before they had a chance to reproduce. Size limits had been placed on shell-fish as well; for example oysters had to be two and one-half inches long before they could be harvested. But just as the Fisheries Commission felt it was making progress in this aspect of fishery management, the United States Food Administration in September, 1917, "directed attention to the necessity of increased fish supply for food at home in order that meats and other land products could be furnished and more promptly supplied to our soldier boys and the allies fighting to make the world a fit place to live in, and requested the authorities of the several coastal States to remove all restrictions possible in order that a greater fish supply might be had."³² The North Carolina Fisheries Commission Board was quick to respond to the United States Food Administration's request, and for the time being a part of the Fisheries Commission's Management Program had to take a back seat to the demands of the war.

In addition to the problems caused by the war, nature also created difficulty for the commission in 1917 by some unusually adverse weather

³¹Public Documents Document No. 24, 1919, 11.

³²Public Documents Document No. 24, 1919, 11.

conditions. This too affected the potential revenue collection from the fishery industry. In the law of 1917 some new license taxes had been levied on scallops, clams, shrimp, etc., but that same law had reduced some license taxes on many netting devices used in menhaden fishing. As it turned out there was a hard freeze in December, 1917, which adversely affected the population of shrimp, oysters, scallops, and clams. The result was a low harvest of these shell-fish for the season of 1917 and early 1918. This in turn reduced revenue collection for the license taxes on these shell-fish. Commissioner Gibbs commented in his 1919 Fisheries Report on the 1917-18 season by saying, "The very cold weather and long freeze in January, 1918, destroyed a great quantity of clams. As a result of these conditions the clam industry has decreased to such an extent that it will likely be years before it can recover" ³³ The Commissioner went on to say, "The revenue from the oyster industry has greatly decreased owing to the scarcity which is due to the long freeze in December, 1917, and January, 1918." ³⁴ And on scallops he said, "On account of the scallops having disappeared in Newport River and in waters North of Bogue Sound, due largely to climatic conditions, where heretofore they have been taken in large quantities, a decrease in revenue may be expected from this industry." ³⁵ By the same token, it was a bumper year for the harvest of menhaden, which were not affected by the freeze, but unfortunately because the license taxes had been reduced on nets by one-half or more, revenue

³³Public Documents Document No. 24, 1919, 17.

³⁴Public Documents Document No. 24, 1919, 24.

³⁵Public Documents Document No. 24, 1919, 24-25.

collection was much lower from what it could have been on this portion of the fisheries industry. If the license tax on nets used in menhaden fishing had remained what they were in 1915, it could have made up the difference in revenue lost in 1917 and 1918 due to poor shell-fish production from oysters, clams, and scallops.

The freeze of December, 1917, and January, 1918, also affected shrimp production, but very little revenue would be collected from that sector of the fisheries industry until the 1930's.

Consequently, what it all came down to was this, the affects of World War I and climatic conditions were not to allow the new Fisheries Commission of 1917 to get off to a good enough start to allow the commission to be a self-sustaining, tax generating, state agency. Instead further tax dollars were needed to help stimulate the fisheries industry and to keep the Fisheries Commission going. Commissioner Gibbs summed it up in his 1919 report to the Fisheries Commission Board when he said, "In view of the fact that there is sure to be a decrease in revenue from oysters and escallops-the reduction in tax on seines, mullet nets and drag nets-the probability of less revenue from menhaden boats, the work (of stimulating the industry) cannot be carried out with the revenue to be collected from these sources. A continuance of the appropriation of \$10,000 will be absolutely necessary."³⁶

³⁶Public Documents Document No. 24, 1919, 25.

CHAPTER V
FISHERIES COMMISSION: GROWTH, EVOLUTION
AND MANAGEMENT PROGRAMS, 1919-1925

Since the creation of the Fisheries Commission Board in 1915 and the additional regulatory powers given to it in 1917, it had undertaken several management programs by 1919 in an attempt to stimulate the state's fisheries industry. These management programs were undertaken with the hopes of long range positive affects on the fisheries industry. By 1919, when Commissioner Gibbs gave his Second Biennial report to the Fisheries Commission Board he was convinced that some of the fisheries management programs were succeeding. He stated,

"It is sometimes said by the thoughtless that the fish are not any more plentiful than before the commission was established. The idea seems to be with some that a great abundance of fish should immediately fill our waters, at once-'spring up', so to speak. They do not stop to consider the fact that it takes time to replenish after so long unrestricted destruction of little fish Many species are largely on the increase . . . in our opinion, it will now be only a few years, other conditions being favorable, when our citizens will see an increase in the shad (and other fisheries) production and realize the good work of the Board and enforcement of the laws."¹

At that point it was really too early for the Fisheries Commissioner, or anyone else, to determine whether management programs were helping or hurting the fisheries industry. There was simply not enough completed statistics, records, or research in 1919 to make these assumptions.

When Commissioner Gibbs made his report in 1919, the fisheries industry had just completed one of its best years. It was probably based

¹Public Documents Document No. 24, 1919, 12.

on that recent harvest of fishery products that Gibbs based his optimism. However, the commissioner did not have the benefit of years of statistics to show him what erratic changes there could be in fishery production in any given year, often without explanation. For example, in 1908, 99,891,000 pounds of total fishery products was harvested by 9,210 fishermen. Yet, in 1918 with only 6,198 fishermen, a total of 210,080,000 pounds were harvested. However, in 1923 with 6,195 fishermen production was down again to 94,364,000 pounds.² Menhaden production also exhibited the same kind of drastic changes in production from 1880 to 1945.³

One of the new management programs mentioned earlier in the text concerned efforts to prohibit the taking of small fish before they had a chance to breed and reproduce. World War I had cancelled that regulation temporarily in order to increase fish production for food, but after the war the regulation was placed back in operation. There were, of course, many fishermen who opposed the minimum size limit on various fish and wanted to sell all that they caught, but as Commissioner Gibbs stated, they soon realized the "wisdom" of the new law.⁴

Another fisheries management program undertaken by the commission was the dredging of channels and inlets to keep them open for free passage of fish into the sounds and inland waters of the state. Many of the spawning grounds for shad and herring in inland waters were closed to netting by

²Taylor, Survey of Marine Fisheries, 427, See Table VI and notice the drastic change in production from 1918 to 1923, yet the number of fishermen was about the same.

³Taylor, Survey of Marine Fisheries, 501, See Table VII.

⁴Public Documents Document No. 24, 1919, 11.

the Fisheries Commission and where these fish congregated in streams that had locks in them, such as the Cape Fear River, it was made unlawful to take fish within three miles from either side of the lock. Another program started in October, 1917, was a regulation requiring all fishermen who caught shad and herring in the spring of the year to turn the eggs from the fish over to the United States Bureau of Fisheries on Pembroke Creek for hatching. After the eggs were hatched the fry were returned to the ocean in hopes of increasing shad production in the future.⁵

In July, 1918, a program was started by the Fisheries Commission to plant empty oyster and scallop shells on the bottom of the sounds where natural oyster beds did not exist, but close enough to natural oyster beds to catch the young oyster spat. Commissioner Gibbs was allowed to spend up to \$3,000 for the planting of these shells on public bottoms in order to increase oyster production. Six different planting sights were completed. The first was in the mouth of the Neuse River. The second and third were in the Pamlico Sound near Horse Shoe Rock. The fifth planting was also in Pamlico Sound, southward of Great Island. The sixth was just off Swan Quarter Bay near Great Island Rock. A total of 25,242 bushels of empty shells were deposited by December, 1918, at the six sights at a cost of \$1,861.20.⁶

The Fisheries Commissioner believed that the cull law was one of the most effective management regulation in 1918. This law required all oysters under two and one-half inches long to be returned to the public waters.

⁵Public Documents Document No. 24, 1919, 13.

⁶Public Documents Document No. 24, 1919, 28.

At times Commissioner Gibbs had dismissed inspectors who were careless or indifferent in their work of culling oysters at oyster houses. Gibbs felt that, "The culling of oysters and planting of vacant grounds are the real necessary things to be done for the future welfare and development of the oyster industry."⁷ The same cull law exists at the present time but now as in 1918 cannot be enforced too strictly.⁸ However, additional regulatory measures were passed in 1918 to protect the other shell-fish. The commission passed a rule to make it unlawful to take clams that were less than one and one-half inches long from hinge to mouth. A size limit was also placed on scallops. They had to be two inches from hinge to mouth before they could be harvested. A rule was passed by the Fisheries Commission to close the season on scallops from April fifteenth to December first of each year. This was made in order to stop the harvest of scallops during their breeding season in the summer months. As of December, 1918, no other management programs existed under the Fisheries Commission that pertained to shrimp, crabs, or other finfish.

Shortly after the Fisheries Commission got its management programs under way in 1917, there apparently was a large increase in total food fish production, reaching its highest level (210,080,000 pounds of food fish) since records were started in 1880.⁹ This included all finfish and shellfish. The Fisheries Commission may have liked to have contributed the good year in 1918 to management, but after examining catch records it

⁷Public Documents Document No. 24, 1919, 17.

⁸Carteret County News-Times, March 6, 1980.

⁹Taylor, Survey of Marine Fisheries, 427, See Table VI.

appears that a large catch in menhaden (totalling 179,911,000 pounds) was responsible for most of the production in 1918.¹⁰ Records show that the total number of fishermen from 1880 to 1945 changed very little and an increase in production could not be attributed to a large increase in fishermen.¹¹ However, World War I did stimulate the use of more engine powered boats and equipment, and therefore made it easier for the same number of fishermen to work more efficiently. Total food fish production dropped drastically between 1919 and 1923 (down to 63,290,000 pounds) for unexplained reasons, but gradually grew to a moderate level by 1927 (to 98,987,000 pounds) and held a relatively stable level for the next twenty years.

This production stability was not necessarily due to the Fisheries Commission's management programs. Records show that oyster production, despite rehabilitation programs, generally declined as it had been doing for years with management programs showing little affect on this gradual downward trend.¹² Despite the rules and regulations and management programs protecting scallops and shad, their production continued on a downward trend from 1918 to 1945 as well.¹³ What seemed to keep total food fish production at moderate levels from 1927 to 1945 was an increase in the harvests of finfish (spots, trout, croakers, etc.) a slight increase in

¹⁰Taylor, Survey of Marine Fisheries, 501, 519, See Tables VII and VIII.

¹¹Taylor, Survey of Marine Fisheries, 427, See Table VI.

¹²Taylor, Survey of Marine Fisheries, 146, See Table IV.

¹³Taylor, Survey of Marine Fisheries, 538.

clam production, and a fairly large increase in shrimp and crab production.¹⁴

No reason has been found to explain why the three major food fisheries, oysters, shad, and scallops, that had management programs started on them in 1918 were the very ones to show a decline in productivity for years to come. Perhaps the management programs in 1917 had come too late, and after years of large utilization of these marine species, it would take decades for them to recover, if ever. Records are non-existent or too sketchy to determine just how badly these marine resources might have been abused, especially from about 1823 to 1925, the approximate time span of this research. Pollution, industry, and man's encroachment on nature did not start in the last 30 to 40 years. It no doubt started in America when Europeans first started settling North America. Today, it is to a point that some of our marine resources are a put-and-take fishery, especially oysters. On March 6, 1980, Marine Fisheries Director Connell Purvis was quoted as saying, "The Commission needs to realize that if not for the states effort with oyster rehabilitation in the southern area [of North Carolina] there would not be any oysters. We are about at the point we have to ask if we want to fight the battle with coastal development. People and oysters may not be compatible."¹⁵

When Commissioner Gibbs gave his report to the Fisheries Commission Board in 1919, he had very few records to prove or disprove the affects of the fisheries management programs on fishery production. He stated, "It has been impossible to procure any accurate statistics. We

¹⁴Taylor, Survey of Marine Fisheries, 535-539.

¹⁵Carteret County News-Times, March 6, 1980.

have furnished dealers and fishermen with blanks and advised all, both by copies of the law, rules and regulations, and by circular letters quoting the law and requesting compliance therewith, but until the year 1918 we have been unable to procure statistics from but few."¹⁶ The commissioner was however able to compile a few statistics on the revenue and expenditures of the Fisheries Commission for its first two years of operation, this being December 1, 1916 to December 1, 1918. The commission brought in revenue for the two years totalling \$69,295.84. This was comprised of \$20,000 appropriated from the State, and the rest was collected from license issued, license taxes, and from such things as the sale of fish and nets that were confiscated from people fishing in restricted waters. The expenditures for the first two years of operation amounted to \$60,628.25.

By the time of the Third Biennial Report of the Fisheries Commission Board in early 1921, very little had taken place since its last report to the legislature. The General Assembly made further amendments to the 1915 and 1919 laws to update them, but the amendments were few and do not warrant discussion. "In July, 1919, Dr. J. C. Baum of Currituck County was appointed a member of the board by Governor Bickett, to succeed Mr. T. F. Winslow, who declined a reappointment."¹⁷ Otherwise the Board members remained the same until June, 1921. On April 4, 1919, Commissioner Gibbs who had been sick for several weeks died just days before the end of his four year appointment. James K. Dixon, the Assistant Commissioner, was made Acting

¹⁶ Public Documents Document No. 24, 1919, 29.

¹⁷ Third Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1918, to November 30, 1920 (Raleigh, 1922), 7, hereinafter cited as Third Fisheries Commission Report.

Commissioner until May 19, 1919, when the Fisheries Commission Board elected him for a term of four years. Dixon only served sixteen months as Fisheries Commissioner before he resigned to give more attention to his private business. However, Dixon returned to the commission in June 1921, this time as a board member and not the commissioner. Captain John A. Nelson was designated Acting Commissioner to serve Dixon's remaining term. Theodore S. Meekins from Manteo, North Carolina was named Assistant Commissioner to replace Captain Nelson. Captain Nelson on April 9, 1923, was elected Fisheries Commissioner in his own right, and by "keeping his politics right" remained as Fisheries Commissioner for many years.

When Captain Nelson gave the Third Biennial Report to the Legislature in 1921, the financial standing of the Fisheries Commission was still not very good. The law of 1919 had allowed for several new taxes to be levied on shrimp, clams, and crabs, but despite this additional revenue the commission had a deficit of \$3,829.81 at the end of 1920. Fortunately it had some surplus funds from its 1918 budget with which to pay the bills. The chairman of the Fisheries Commission, Edward Chambers Smith, blamed the deficit on increasing labor, fuel and repair cost, and said, "It has been necessary to practice the greatest economy, often at the expense of the industry's best interest and a proper enforcement of the law . . . no appropriation was made for the board by the last legislature, and . . . the State could well afford to appropriate funds for this Department, to supplement the revenue collected in taxes"18

¹⁸Third Fisheries Commission Report, 8-9.

Revenue had been abnormally high in 1918 due to a large demand for seafood products caused by World War I, but by 1920 demands were going back to prewar levels, many fishing fleets were cut in size, and revenue collection was down. This in conjunction with poor market prices for many seafood products, left the Fisheries Commission stranded for funds to expand projects to stimulate the fishery industry. The oyster shell planting to create new oyster beds was still a continuing project by the commission but on a smaller scale due to a lack of money. In June, 1920, only three oyster shell plantings were made. Two plantings were in Hyde County, one at Swan Quarter Bay and the other at Shell point, both consisting of only twenty-seven acres of bottom. The third planting was at Point of Marsh in Carteret County consisting of twenty acres of bottom. In addition to the above plantings, Haywood Bell and Anthony Boyd, two blacks from Morehead City, offered the State 500 bushels of shells, free of charge, which were accepted by the Commissioner and planted in the Newport River just east of the Cross Rock. The total number of shells planted were 12,245 bushels, at a cost of \$1,294.26.¹⁹ The Fisheries Commission Board continued to advocate oyster shell planting, and in the Third Biennial Report Commissioner Nelson reported that, "From samples received from the bottoms on which shells were planted two years ago, we saw . . . marketable oysters . . . which proved conclusively that the State is receiving an economic advantage from the amount of money expended in planting shells"²⁰ This type of evidence was used later in the 1921 Legislature to secure larger appropriations for oyster shell planting, and to obtain even larger

¹⁹Third Fisheries Commission Report, 16.

²⁰Third Fisheries Commission Report, 16.

allocations in 1923.

The Third Biennial Report revealed only a small increase in the overall expenses of the Fisheries Commission. The problem with this small increase in cost in most areas of the Fisheries Commission was that it possibly revealed one important thing. It meant that the Fisheries Commission and its programs were probably not growing to meet the needs of an industry which the State had hoped to see grow even larger as time went by. This matter however, was to be remedied in future sessions of the General Assembly who would appropriate money for expansion of Fisheries Commission programs.

When Cameron Morrison became governor in 1921, he replaced Edward Chambers Smith and Albert V. Cobb when their terms expired in June, 1921. He appointed James K. Dixon, of Trenton, and W. O. Saunders, of Elizabeth City, to replace them. Dixon was elected chairman of the Fisheries Commission soon after his appointment to the board. He had been with the commission back in 1919 and upon his return in June, 1921, he found that the commission was still lacking funds to operate on, let alone expand its programs. However, Chairman Dixon and the Fisheries Commission Board members had found a friend and supporter of fishery programs in Governor Morrison. During the period of the Fourth Biennial Report, from December 1, 1920 to November 30, 1922, the commissions budget was still tight but with the backing of the governor the Legislature of 1921 appropriated \$20,000, ten thousand of which was to be spent the first year and ten thousand the second year for oyster propagation.²¹ This was just the beginning of the commission's

²¹Fourth Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1920 to November 30, 1922 (Raleigh, 1922), 12, hereinafter cited as Fourth Fisheries Commission Report.

expanded programs under Governor Morrison.

Fisheries Commissioner Nelson in his Fourth Biennial Report gave added fuel to Governor Morrison's belief that the Fisheries Commission's programs should be expanded. In his report, Commissioner Nelson stated that, "The oyster planting, in my opinion, does not cost the State anything for the reason that we collect two cents per bushel from the dealers, while the cost of planting is ten cents per bushel, and we get from five to six bushels of oysters back for each bushel planted, thereby getting in the way of taxes, an amount equal to the cost of planting."²² This was not always true because many of the harvested oysters would not be sold through dealers and therefore taxes would not be collected. However, it looked good on paper to the Fisheries Commission Board and to the Governor. Nelson in his report also went on to say that revenue collection was up in all areas of fisheries, and that with a little more money spent on expanding fisheries programs, revenue to the State would be much higher.

The Commissioner also added that fisheries were now providing thousands of people with jobs, and with added funding it could be an industry equal to any other in the State. He estimated that from 13,000 to 15,000 people worked in the fisheries industry in 1922. However, this figure was misleading. When Commissioner Nelson listed the different types of fishermen, for instance the shrimpers and the oystermen, he failed to mention that many commercial fishermen participated in many different aspects of commercial fishing. So the oystermen, who also

²²Fourth Fisheries Commission Report, 13.

were shrimpers and scallopers were counted three times because they were working in three different sections of the fisheries industry. About the only way they could tell how many people were working in a certain section of the fisheries industry was to count the number of license sold, and it was unlikely that anyone knew if "John Doe" had just bought a clam license or had also bought an oyster, shrimp and crab license. Despite the possible inaccuracies of the Fourth Biennial Report of the Fisheries Commissioner, it was very convincing to Governor Morrison who placed his full support behind the Fisheries Commission.

By the time the Fourth Biennial Report was issued in November, 1922, some other important events had taken place with the commission. The most important was the scallop case that was ultimately carried to the North Carolina Supreme Court. In this case, State vs Henry Dudley, Dudley challenged the Fisheries Commission Board's constitutional right to pass rules and regulations relating to the fishing industry.²³ The Supreme Court upheld the lower court ruling and confirmed the action of the Fisheries Commission in making rules and regulations. If the court had ruled against the commission it could have been devastating to future fishery programs. Traditionally, it is difficult to persuade a legislature to spend money on programs lacking legal authority.

Another change in the commission occurred in the 1921-22 scallop season when a chemist was hired to work for the commission. Due to what was then a high price for a gallon of scallops, many catchers and shippers were soaking the scallops in fresh water to make them larger and weigh more.

²³ Fourth Fisheries Commission Report, 8, In this case scallops.

Several of these soaked scallop shipments were discovered by Federal food inspectors in northern markets, and traced back to North Carolina. Commissioner Nelson took immediate steps to correct the problem. James O. Clarke, Chief of the Pure Food Station at Savannah, was invited to come to North Carolina and help the Fisheries Commission set up its own laboratory to ascertain whether scallops had been soaked or not.²⁴ If this had not been done, it was very possible that other states would have stopped buying North Carolina scallops, and that portion of the fishing industry could have been nearly ruined.

Commissioner Nelson also reported that, "At the request of the Governor and the State Fair Officials we put on an exhibit at the State Fair in October, 1922, which was one of the most interesting exhibits at the fair and won first prize, and did great credit to the Fisheries Commission."²⁵ This was the first time the Fisheries Commission had set up any type of exhibit, but did it again at the Elizabeth City Fair that same year. It turned out to be good public relations, and an excellent way of selling the commission's programs to the public and to gain support for the Fisheries Commission from the general public.

During the period of December 1, 1920 to November 30, 1922, there were some changes in the patrol boat fleet and other capital investment transactions. At the end of the two year report, the patrol boat Margaret G was no longer listed in the fleet. The records do not indicate whether the vessel was sold, junked or whatever. In place of the Margaret G two

²⁴ Fourth Fisheries Commission Report, 14.

²⁵ Fourth Fisheries Commission Report, 15.

other vessels were bought. The Solitaire was a 27 foot long vessel with a 28 horsepower gas engine costing \$890.92. The Katie M was a 41 foot long vessel with a 36 horsepower gas engine costing \$2,000. A small skiff (a small work boat) was bought for \$50 to be used with the large 55 foot patrol boat Atlantic. \$1,082.69 was also spent for additional improvements on the patrol boat Chowan. A new dock at Morehead City was built for the Fisheries Commission at a cost of \$1,245.15 in 1922. Slowly but surely the size and shape of the commission's activities were growing. The total inventory of property owned by the Fisheries Commission in January, 1923, was \$5,033.76 more than it had been in January, 1921.

By the end of November 30, 1922, Commissioner Nelson, and Chairman of the Fisheries Commission Board, James Dixon had convinced Governor Morrison that further investment of state money was needed to continue present fishery programs, to expand those programs, and to start new ones. Chairman Dixon recommended to the governor that \$500,000 be appropriated for the development of the seafood industries and inland fish hatcheries for game fish. Chairman Dixon knew that asking for that large amount of money from the Legislature would be difficult to get unless some of the money was spent to help fresh water fishing for those residents in areas away from the coast.

The governor was receptive to Fisheries Chairman Dixon's proposal of a \$500,000 appropriation and was one of the Fisheries Commissions best supporters. In his message to the General Assembly in 1923, he urged the modernizing of the sea food industries. In pointing out that the commercial fishing industry had been neglected far too long he stated, "Our fishing industry can be revived with little expense. The oyster waters can be

replenished and an oyster culture started there that will tremendously contribute to the enrichment of the whole State and produce a great State revenue."²⁶ Although the governor underestimated the amount that would be needed to develop the industry, he clearly placed his administration in favor of adequate support.

Morrison's message also made several other points by saying, "we ought to plant a million bushels of oysters annually for three years in these [coastal] waters," he wrote, "it would take five hundred thousand (\$500,000) to do it, but no individual has an opportunity to make such an investment as that would be to North Carolina We would not only get our money back in revenues to the State, but an immense profit" ²⁷ It should be noted that Governor Morrison felt that the money would not just be an appropriation but instead an "investment" that would return large profits to the State. Again the governor was advocating or hoping for far more than what could be realized from a \$500,000 investment in the sea food industry. However, the governor went on to ask the General Assembly to fund the \$500,000 and stated that he felt, "The industry will easily finance itself, and carry the interest after we get under way."²⁸

²⁶ Speech by Cameron Morrison to the North Carolina General Assembly, January, 1923. William A Richardson, Public Papers and Letters of Cameron Morrison Governor of North Carolina 1921-1925 (Raleigh, 1927), 42, hereinafter cited as Richardson, Governor Morrison Papers.

²⁷ Speech by Cameron Morrison to the North Carolina General Assembly, January, 1923. Richardson, Governor Morrison Papers, 43.

²⁸ Speech by Cameron Morrison to the North Carolina General Assembly, January, 1923. Richardson, Governor Morrison Papers, 45.

Finally Governor Morrison stressed that much of the \$500,000 investment could be gained back within a years time if the inlets were cleared and new one opened. He felt the new inlets would allow more salt water into the sounds and thereby increasing fish production to such levels that many more dollars in revenue could be collected. The governor was convincing and in February, 1923, the General Assembly appropriated \$500,000 to the Fisheries Commission.

As soon as the General Assembly appropriated the \$500,000, Governor Morrison asked the Legislature to pass an act to increase the members of the fisheries commission board. The act passed on March 6, 1923, and stated that the Fisheries Commission shall now "consist of eleven members appointed by the governor and confirmed by the Senate, at least six of whom shall be from the several fishing districts of the State, and shall have a practical knowledge of or be familiar with the fishing industry."²⁹ It was said by Fisheries Chairman Dixon in the Fifth Biennial Report of the Fisheries Commission that in view of the fact that this appropriation would be spent in various sections of North Carolina, the governor thought it best to increase the membership of the commission to eleven members in order that every section of the State would be represented on the Board.³⁰

The Legislature of 1923 put some conditions on the selection of the new board members. All members appointed by the governor also had to be

²⁹State of North Carolina Public Laws and Resolutions Passed by the General Assembly at its Session of 1923 (Raleigh, 1923), 5, hereinafter cited as Public Laws Session 1923.

³⁰Fifth Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1922, to June 30, 1924 (Raleigh, 1924), 5, hereinafter cited as Fifth Fisheries Commission Report.

confirmed by the Senate, but not all members had the same term of office. Four of the members were appointed for a term of four years, and the last three members were appointed for six years. The reasoning behind this was to prevent all members of the board from being replaced at one time, and therefore always having some experienced board members to train newly appointed ones. Thereafter, "at the expiration of the term of office of any of said commissioners, his successor shall be appointed in a like manner by the Governor for a term of six years."³¹

When Board members Freeman, Hancock, and Saunders terms expired in 1923, they were not reappointed by the Governor. The new Board members were James K. Dixon of Trenton, Robert Lassiter of Charlotte, H. V. Grant of Sneads Ferry, Frank Stedman of Fayetteville, M. B. Hart of Tarboro, Edward S. Askew of Windsor, Stanford Martin of Winston-Salem, Henry C. Wall of Rockingham, J. C. Baum of Popular Branch, George L. Hampton of Canton, and F. S. Worthy of Washington, North Carolina.

The first meeting of the new Board was held in Morehead City on April 9, 1923, at which time they organized by electing James K. Dixon, Chairman, and M. L. Willis of Morehead City, Secretary. John A. Nelson was elected Fisheries Commissioner and he, with the approval of the Board, appointed Theodore S. Meekins of Manteo, and W. G. Dixon of Oriental, Assistant Commissioners.³² Miss Carita Wade was retained as stenographer and Frank J. Rieger of Waynesville, North Carolina, was appointed Superintendent of Hatcheries. So in all, 1923 marked a sub-

³¹Public Laws Session 1923, 481.

³²Fifth Fisheries Commission Report, 5.

stantial growth in the size and scope of the Fisheries Commission. Not only had the board membership been doubled, but now the Fisheries Commission had its programs expanded to include the entire state by covering both salt and fresh water fisheries with a budget that had gone from about \$98,000 per to year to almost \$200,000 per year.

By the time the Fisheries Commission submitted its next report on June 30, 1924, additional expansion had taken place within the Fisheries Commission. More personnel had been added to the payroll, and new programs had also been initiated. The most notable new programs were the building of fish hatcheries, and the opening of new inlets. The planting of oyster shells was not a new program, but the program was expanded considerably by the \$500,000 appropriation. The expanded oyster rehabilitation program started in May and June, 1923, with a planting of 730,812 bushels of shells and oysters compared to only 100,000 bushels of shells and oysters planted in 1921. In April, May, and June, 1924, a total of 682,692 bushels of oysters and shells were planted to help stimulate the oyster industry at a cost for the 1923/24 seasons of \$129,066.50 compared to only \$19,503.35 spent in 1921/22. A total of sixty-four different sights were planted with oysters and shells in 1923/24 seasons.

In his 1924 report, Commissioner John A. Nelson demonstrated where there had been a 472,431 bushel increase in oyster production from 1923 to 1924 with a value increase of \$361,219. Commissioner Nelson went on to say, "I must conclude from the above that this increase in bushels, price per bushel, and the enormous increase in the total value to the State is

directly due to the policy of oyster propagation and cultivation adopted by the Commission."³³ The commissioner was partially correct, but the large increase in production and price was not caused directly by the Commission. With the expansion of better transportation by 1924, the market and demand for oysters had also expanded. It was therefore demand that helped raise the price per bushel and with higher prices per bushel, more effort was spent by oystermen to harvest more oysters, many of which were always in the water but just never harvested. So it was the combination of expanded oyster planting programs and an increase in demand at the market that had much to do with the large increases of 1924 over 1923.

A direct result from the expansion of the oyster program was the growth in number of commission employees. This was noted when Commission Chairman Dixon stated, "The planting of oysters and shells on a large scale for the past two seasons, and the strict enforcement of a three-inch cull law, has made it necessary for the commissioner to put on additional inspectors to patrol the waters."³⁴ All of which was done at considerable expense, he said, but was necessary to protect the shellfish industry.

The next major expansion of the Fisheries Commission was the building of fish hatcheries for inland waters, which started in August, 1923. This was, "An entirely new work taken on by the Commission, which is a part of the program of Governor Morrison to enlarge the scope of useful-

³³Fifth Fisheries Commission Report, 20.

³⁴Fifth Fisheries Commission Report, 15.

ness of the Fisheries Commission"35 Gary C. Leach, Chief of the Division of Fish Culture of the United States Bureau of Fisheries, was asked to assist the Fisheries Commission with this new program. Leach presented plans and cost factors for building and operating fish hatcheries. George W. N. Brown of the United States Fish Hatchery in Orangeburg, South Carolina, also helped to make the selection of hatchery locations. Five locations were selected and in each case the land was donated to the State by private individuals.³⁶

The first hatchery was built at Curries Mill, Fayetteville, Cumberland County, and raised bass, the second was built at Waynesville, Haywood County, and raised trout. The third was built at Marion, McDowell County, and raised bass, the fourth was at Boone, Watauga County, and raised trout, and the fifth was at Roaring Gap, Alleyhang County, and raised trout. As of June 30, 1924, it had cost \$30,233.59 to get the hatcheries started but none of them were fully completed until 1926. Frank J. Rieger was the first Superintendent of Hatcheries, but no records have been found that would indicate how many other workers were employed in the hatcheries. Little expansion took place in the hatchery program from 1924 to 1926, and by the time hatchery programs were expanded, they came under a new department and therefore will not be discussed any further in this text.

Another major expansion program undertaken by the Fisheries Commission in 1923 was the opening of inlets to allow more ocean water to flow into the sounds. A committee made up of Fisheries Commission Board members,

³⁵Fifth Fisheries Commission Report, 15.

³⁶Fifth Fisheries Commission Report, 9.

recommended that the Board employ Brent S. Drane, a well-known civil engineer from Charlotte, now State Geologist, to make a thorough investigation of all the sites which had been inspected by the committee. He was to determine where it might be possible to open an inlet, and report his findings to the Board.³⁷

After looking at all the possible areas to open an inlet, Drane suggested that an old inlet near Rodanthe in Dare County, closed by sand, be reopened. He commented about the inlet, "I do not believe that any reliable prediction can be made of the probable life of an inlet reopened . . . however, . . . I would expect its life through this cycle to be not less than ten years."³⁸ State Geologist Drane was given the go ahead by the commissioners to obtain bids for the work. On February 25, 1924, a contract was awarded to Culkins Dredging Company of Norfolk, Virginia. Work on the inlet started on April 10, 1924 and was to be completed by September 1, 1924. Upon completion a total of \$136,372.27 was spent to open the inlet.³⁹ However, the Fisheries Commission's first attempt to open an inlet was a total failure. The prediction of the State Geologist who stated the inlet would stay open not less than ten years under normal weather conditions was not even close. Commissioner Nelson agreed with this in 1926 when he reported, the break through the beach to the ocean by the dredge that was hoped to be made an inlet was soon filled up again by the normal prevailing northeast winds and the undertaking

³⁷ Fifth Fisheries Commission Report, 6.

³⁸ Fifth Fisheries Commission Report, 7.

³⁹ Fifth Fisheries Commission Report, 6-7.

was declared a failure.⁴⁰ It apparently only took a few months for the inlet to close again, and it turned out to be a very expensive lesson for the Fisheries Commission, one they were not soon to repeat.

Another area of expansion within the Fisheries Commission was the addition of more patrol boats. The Gretchen was sold for \$1,900 and in her place the Neuse, a 40 foot long vessel with a forty horse power gas engine was bought for \$2,991.73. A 27 foot long vessel with a six horse power gas engine, the Croatan, was also bought at a cost of \$546.05. The patrol fleet at the end of the fiscal year 1924 was therefore seven vessels compared to six vessels at the end of 1922. The patrol vessel Bobylyu no longer appeared in the inventory and in its place appeared the patrol vessel Pamlico. The records had shown the sale of the Gretchen but not of the Bobylyu. The Bobylyu was valued at \$1,000 in the records and it does not seem that the vessel would have been scrapped. The records also do not show the purchase of the Pamlico, only money spent on improvements of the vessels totalling \$2,386.90. The Pamlico was a thirty-seven foot long vessel with a twenty-eight horse power gas engine. In the Fisheries Commission's inventory of 1924, the Pamlico was valued at \$3,386.90. Either someone donated a \$1,000 vessel that money was spent on by the commission to improve, or the commission bought the vessel for \$1,000 and overlooked placing the expenditure on their records. An improvement expenditure of \$51.65 was also spent for a patrol boat, the Roanoke, but the Roanoke does not appear in the inventory and no records indicate that

⁴⁰Sixth Biennial Report of the Fisheries Commission Board of North Carolina from July 1, 1924, to June 30, 1926 (Raleigh, 1926), 38, hereinafter cited as Sixth Fisheries Commission Report.

it was bought. However, it does show up in the Sixth Biennial Report inventory as a small speed boat valued at \$1,084.02. The total value of the seven patrol boats in 1924 was \$16,001.25, an increase of \$3,373.33 over 1922's figures.

Other indications of the commission's growth appear in the 1924 inventory. Considerable amounts of new office furniture had been added, raising from a value of \$945.04 in 1922 to \$1,465.24 in 1924. The commission by 1924 had two automobiles instead of one, and had their own laboratory equipment used in testing for soaked scallops.

The commissioner, assistant commissioners, and office workers salaries and expenses actually went down from 1922 to 1924, but this did not show a decrease in the number of commission employees. However, inspectors salaries and expenses by 1924 were \$22,393.28 or \$7,793.47 more than 1922 which helps confirm Chairman Dixon's claim that additional inspectors had to be hired. Dixon's per diem and expenses had also increased from \$576.62 in 1922 to \$2,997.42 in 1924 which indicated how much more time consuming his job was becoming as the commission grew. By the end of the Fifth Biennial Report on June 30, 1924, the Fisheries Commission had made considerable advancements in its size and scope. The only cloud still hanging over its head, was that it was still not generating enough revenue to support itself and had a deficit of \$1,296.19 in the June, 1924 report.⁴¹ In the Biennial Report of 1924, the Fisheries Commission asked for and got some minor license tax increases from the Legislature, but this was insufficient to put the Fisheries Commission on a

⁴¹Fifth Fisheries Commission Report, 24-29.

self-supporting basis by the end of its next report in June, 1926.

During the fiscal year July 1, 1924, to June 30, 1926, the Fisheries Commission experienced further growth as well as some setbacks. Shortly after the beginning of the fiscal year, Governor Angus Wilton McLean was elected. He was supportive of the fisheries programs, but not as much as Governor Morrison had been. In a message to the General Assembly early in 1925, Governor McLean let it be known that he was interested in the fishing industry and its benefits to eastern North Carolina. However, he indicated a desire to be careful as to how much the state "invested" in the industry by commenting, "I am in favor of continued effort to replenish the depleted oyster beds and to conserve and cultivate the fish and oyster industry, as far as the results to be obtained will justify."⁴² Governor McLean seemed pessimistic about the existing value of the fishery industry when he observed its deficits for the past several years despite large state appropriations. He stated, "I believe that the water industries of the State should soon be put on a self-sustaining basis and that they will eventually prove a most valuable industry."⁴³ McLean was apparently not impressed with so many tax dollars being spent, while the commission continued to reflect deficits. He probably felt the commission should have been self-supporting by 1924.

McLean only replaced two of the Fisheries Commission Board members. The first was Dr. J. C. Baum who was replaced by J. Q. Gilkey of Marion,

⁴²Speech by Angus Wilton McLean to the North Carolina General Assembly, January, 1924. David Leroy Corbitt, Public Papers and Letters of Angus Wilton McLean Governor of North Carolina 1925-1929 (Raleigh, 1931), 37, hereinafter cited as Corbitt, Governor McLean Papers.

⁴³Speech by Angus Wilton McLean to the North Carolina General Assembly, January, 1924, Corbitt, Governor McLean Papers, 7.

and the second was B. M. Hart who was replaced by R. Bruce Etheridge of Manteo. John A. Nelson remained as Fisheries Commissioner, but his assistant commissioners were changed and a third one added. J. H. Stone of Wilmington, E. O. Spencer of Swan Quarter and L. A. Quidley of Manteo were his three new Assistant Commissioners. Frank J. Rieger remained as Superintendent of Hatcheries, but M. L. Willis was replaced with Norman R. Webb as Chief Clerk and Secretary. Miss Carita Wade remained as stenographer but now was also called a staff chemist. T. R. McCrea was now employed as a full time Bacteriologist. Under Governor Angus W. McLean the office staff of the Fisheries Commission in June 30, 1924, had grown by two more employees.

Chairman of the Fisheries Commission Dixon was now receiving a total salary and expenses of \$8,931.28, up \$5,933.86 from two years earlier. The commissioner's salary was up \$2,327.42. The assistant commissioner's salaries were up a total of \$5,409.96 and the general office salaries and expenses were up \$3,136.94. However, these salaries mostly reflected pay increases and not an increase in commission employees. The increase in the inspector's salaries and patrol boat expenses show a slight growth from two years earlier. Inspector salaries were up \$4,898.08 and patrol boat expenses were up \$7,117.77 resulting from as many as nine patrol boats being used verses seven boats in 1924. Two of these patrol boats, the Lualmo and Francis, were rented and only used during the busiest time of the year. Commission Chairman Dixon felt the increase in boats and inspectors was needed and stated, "With all the new devices and methods for capturing fish, the improved facilities for handling them, and the necessity and desire

of the rapidly increasing number of fishermen for making more money, it becomes more and more important to enforce protective rules and regulations in order to prevent the industry from being destroyed by overfishing and destructive methods."⁴⁴

The Patrol boat Katie M no longer appeared in the inventory of 1926, and no records indicate what happened to the vessel. A new patrol boat, the Albemarle, appeared on the inventory costing \$6,266.50. The patrol boat Solitaire was also no longer on the inventory and no records indicate what happened to that vessel either. The patrol boat Roanoke, which had been used by the commission in the past but never appeared on the inventory, now in 1926 appeared on the regular list of patrol boats. In 1926 the total value of patrol boats was up \$7,250.59 from the 1924 figure of \$16,001.25. Other indications of the commissions growth from 1924 to 1926 was the additional expenses it incurred from printing more rules and regulations, advertising these rules and regulations, attorney fees for legal research on fisheries violations, and investigations into menhaden production.

There was very little done in the way of planting oyster shells by the Fisheries Commission from 1924 to 1926. From 1922 to 1924 1,413,504 bushels of oysters and shells were planted, whereas from 1924 to 1926 only 198,452 bushels were planted. This again did not show a reduction in the size and scope of the commission, it just meant the money was spent elsewhere. Much of which was spent on the opening of an inlet in Dare County which as noted earlier was a failure. Another large portion

⁴⁴Sixth Fisheries Commission Report, 7.

of the 1924/26 appropriations of \$270,000 was spent on the fish hatcheries.

One of the more significant expansions in the commission took place in the area of shell-fish sanitation. This was an area of expansion the Fisheries Commission had not planned on but which became necessary. The need for a shell-fish sanitation laboratory resulted from a typhoid epidemic scare which started in Chicago in the winter of 1924. Typhoid fever had broken out in Chicago, New York, Washington, D.C., and several other cities. Epidemiological investigations indicated sewage-polluted oysters to be the cause of this illness. The resulting publicity paralyzed the oyster industry and threatened the economy of shell-fish producing states.⁴⁵ North Carolina's oyster industry was no exception and the monetary loss it suffered was never really calculated. It was a major set back for the Fisheries Commission's oyster programs and Fisheries Commissioner Nelson criticized the unknown Chicago doctor's report as thoughtless and adverse. The few records that are available indicated that oyster production did not really fall off that much. However, the value of the oysters did seem to decline slightly. It appeared that the report warning of the dangers from eating oysters may have been overly stated, however, later findings did prove that oysters were to blame for some of the typhoid fever.

Fortunately, Herbert Hoover, Secretary of Commerce, became aware of the grave situation the oyster industry was placed in and invited the Fisheries Commissioners, oyster growers and packers to meet him at Washington, D.C., to try and devise a plan whereby the oyster as a choice

⁴⁵Robert G. Benton, Shellfish Sanitation Bulletin (Morehead City, 1980), 1.

food might regain the confidence of the public.⁴⁶ At the meeting the United States Public Health Service passed regulations for sanitary control of the shell-fish industry and asked the individual states to do the same.

Commissioner Nelson immediately asked an official fo the United States Public Health Service and an official of the North Carolina State Board of Health to assist him in providing sanitary standards for North Carolina's shell-fish industry. They adopted the federal guidlines on sanitary control, hired a full time bacteriologist, equipped the patrol boat Pamlico with a bacteriological laboratory and made immediate tests on all North Carolina oyster grounds. Three oyster areas in North Carolina waters were found to be polluted by sewage, Morehead City harbor, Beaufort harbor, and a small section of Wrightsville Sound.

The new sanitation department within the Fisheries Commission could now certify oysters as safe for public consumption and along with new regulations for sanitary control, made excellent progress in cleaning up unsanitary conditions in all facets of oyster processing. The typhoid scare had forced the Fisheries Commission to expand and to include a sanitation control unit. It cost the Fisheries Commission nearly \$6,200 more than it had planned on spending from 1924 to 1926. That additional expense along with the loss of over \$12,000 in revenue from reduced oyster prices during that same period, created a deficit for the commission of \$22,194.43 by 1926, the largest deficit ever to that point in its history. For many years after 1926, the Fisheries Commission would continue to just

⁴⁶Sixth Fisheries Commission Report, 27.

barely support itself, and mostly it relied on state appropriations to continue its operational duties and fishery programs.

CHAPTER VI

CONCLUSION

In 1925, the Department of Conservation and Development was established to take over the duties of the State Geological and Economic Survey, the State Geological Board, and the State Geologist. Later in 1927, the Fisheries Commission was also placed under the supervision of the Department of Conservation and Development. Initially the Fisheries Commission kept its original name of 1915, the Fisheries Commission Board. However, by the time of the Second Biennial Report of the Department of Conservation and Development on June 30, 1928, the Commission's name had been changed to the Division of Commercial Fisheries. The name had been changed, but in actuality little else had happened.

The Fisheries Commission continued to strive to enhance North Carolina's seafood industries, showing some, but very slow growth within the Commission. It continued the management programs for oysters but often with moderate or poor success for the money spent. Little or no money was spent on research for the fishery industry so that wise fishery management decisions could be made, instead the commission continued to pass laws and regulations to manage the fishery resources from a law enforcement position. The enforcement of the rules and regulations by the Fisheries Commission was and always has been absolutely essential to protecting the fishery resources in North Carolina, but it was not until about 1965 that a Research and Development section was added to the commission to help base its fishery management decisions

and laws and regulations on a sounder basis.¹

Concluding from the material covered in the period of this text from 1822 to 1925, it would have to be said that the development and growth of the Fisheries Commission had been notable. The Commission showed steady growth, especially from around 1891 to 1925. However, despite the fact that the commission showed continual growth as a state organization, it can not be said, that during the same period, it was all that successful in doing what it had set out to do, to wit: to manage and stimulate a state resource into a thriving industry, the ultimate goal of which was to benefit not only the citizens of North Carolina, but to produce revenue for the State from a large seafood industry. This was not to say that the Fisheries Commission was a complete failure in its attempts up to 1925, because it did have some limited success in helping the seafood industry. It just never met with the "projected" success that it was called upon to make. This might have been because the state was trying to manage a natural resource industry that would be difficult to regulate at best, because of the nature of the resource, that is, a resource that could be affected by so many different variables. Therefore, the success of the seafood industry to be regulated by the state was full of "ifs". Secondly, the commission met with limited success because they knew very little about the fishery resources they were trying to manage. A great deal of scientific research was lacking on most shell-fish and finfish up to 1925 and beyond. As a state organization, the Fisheries Commission was seldom

¹Interview with Michael W. Street, Chief of Research and Development, North Carolina Division of Marine Fisheries, March 14, 1980.

self-supporting as it was designed to be, but again it was probably due to the nature of the resource that it was trying to exist on. There was and always has been resistance from those who make their living from the sea, to keep license fees and taxes on commercial fishermen to a bare minimum. The result has usually been a lack of funds to cover the costs of operating the Fisheries Commission.

In 1923 the most important seafood commodity was the oyster. During that year Governor Cameron Morrison pushed for and got \$500,000 appropriated by the General Assembly to enhance the oyster industry and fisheries in general. Governor Morrison felt the money was all that was needed to revive the state's oyster culture. He looked at the tax money as an investment by the people of North Carolina in an industry that would not only return the initial \$500,000, but produce an immense profit. However, this was not the case, instead the oyster industry and fisheries in general went on a gradual decline for the next twenty years after 1923.

Tax money would continue to be invested in the fisheries industry to try and nurture the various fisheries to a point where they would produce profitable revenue returns for the state, and make the Fisheries Commission self-supporting. But as time would show, the Fisheries Commission would meet with only limited success and continue to need tax support to survive as a state organization.

TABLE I
 CATCH OF OYSTERS FROM PUBLIC
 AND PRIVATE BEDS IN 1908

State	From Public (Natural Rock)		From Private or Cultivated Beds		Total	
	Bushels	Value	Bushels	Value	Bushels	Value
Maryland	6,076,000	\$2,142,000	154,000	86,000	623,000	\$2,228,000
Virginia					4,075,000	2,348,000
North Carolina	199,832	54,644	11,000	8,605	210,832	63,249
Georgia	507,000	*101,000	952,000	*238,000	1,459,000	339,000
Florida		296,000				296,000
Connecticut+						2,583,000
New Jersey		249,000		1,120,000		1,369,000

*Estimated.

+Principally from private beds.

SOURCE: Pratt, Joseph Hyde. "Fishing Industry of North Carolina." North Carolina Geological and Economic Survey, Economic Paper No. 24. Raleigh: E. M. Uzzell & Co., 1911, 12.

TABLE II

Section and Locality	Area	Area suitable for oysters		Progress of survey
		Possible area	Probable area	
1 Croatan and Roanoke Sounds	48,389	14,800	9,000	Incomplete
2 Upper Pamlico	45,757	31,800	26,100	Completed
3 Upper Pamlico	45,157	9,200	-	Completed
4 Upper Pamlico	82,904	79,850	79,850	Completed
5 Eastern Pamlico	60,626	51,000	41,000	Incomplete
6 Middle Pamlico	95,776	15,300	15,300	Completed
7 Western Pamlico	43,038	22,489	22,489	Incomplete
8 Eastern Pamlico	61,834	48,300	48,300	Incomplete
9 Middle Pamlico	103,270	32,980	32,980	Completed
10 Western Pamlico	30,291	29,900	29,900	Incomplete
11 Eastern Pamlico	76,570	59,100	59,100	Incomplete
12 Middle Pamlico	67,738	57,000	57,000	Completed
13 Western Pamlico	15,746	15,700	15,000	Incomplete
14 Southern Pamlico	39,988	17,000	17,000	Completed
15 Middle Pamlico	45,413	13,390	13,390	Completed
16 Western Pamlico	38,315	38,315	38,315	Incomplete
17 Southern Pamlico	38,888	23,200	23,200	Completed
18 Middle Pamlico	65,164	43,800	43,800	Completed
19 Western Pamlico	50,639	47,344	33,891	Incomplete
20 Pamlico and Pungo River	63,437	26,000	-	Not surveyed
21 Neuse River	50,299	28,600	-	Incomplete
22 Cedar Island Bay	28,615	28,600	23,600	Under Examination
23 Northern Core Sound	44,307	32,800	32,800	Completed
24 Southern Core Sound	38,907	20,500	20,500	Completed
25 Bogue Sound	25,929	20,000	15,000	Completed
26 White Oak River	-	-	-	Incomplete
27 New River and Stump Sound	-	-	-	Under Examination
28 Topsail to Myrtle Sounds	-	-	-	Not surveyed
29 Cape Fear region	-	-	-	Not surveyed
	1,316,997	806,968	697,515	

SOURCE: Executive and Legislative Document No. 7, 1887, 105.

TABLE III

RECOMMENDATIONS TO THE 1887 GENERAL ASSEMBLY FOR LEGISLATION

- 1st. That the control of the shell-fish interests of the State be committed to some body, which shall be large enough to enable it to exercise the semi-judicial functions which its duties will entail, and yet sufficiently small to secure executive qualifications and full responsibility.
- 2d. That, as the entire area of the waters of the State has not yet been surveyed or examined and as the areas and positions of all the various natural oyster beds have not yet been determined, the several sections defined in the first part of this report be accepted and made legal divisions of the area. The sections have been laid off with a view to their possible utilization in this way. They begin and end at points established with all the accuracy of the most accurate surveyors in the world—the officers of the U.S. Coast Survey; and their limits are therefore clearly and sharply defined. In many the surveys have been completed, and by adopting these or similar divisions, portions of the area may be opened to entry from time to time as the natural beds are located, and thus an immediate revenue secured and a portion, if not all of the expenses attending the installation of the work, be defrayed. The action will be similar to laying off a town in blocks and permitting building in each as fast as the grades are established and public ways defined.
- 3d. That the body controlling the shell-fisheries, after suitable surveys have been made and the positions of the natural beds defined and laid down on proper maps, shall determine upon the areas and positions of the public grounds of the State, in each section.
- 4th. *That the public grounds shall include all natural beds and such adjacent area as may be necessary to provide for such natural expansion as would occur within a reasonable time, and that a definition be given to the term "natural bed."*
- 5th. That the body controlling the fishery shall have full power and jurisdiction over the public grounds, and shall prescribe such rules and regulations for the government of the same as may be necessary.
- 6th. That upon the determination of the location and area of the public grounds, in any section, the same shall be published for the information of those whom it may concern, and that opportunity to be heard be given any person who is dissatisfied with the decision as announced; and that all objections and protests shall receive consideration, and be substantiated or refuted, if necessary, by additional surveys and examinations.
- 7th. That the body controlling the fishery, after being fully satisfied as to all the facts in the case, shall come to a final decision, which shall be binding upon all persons until reversed by due process before the courts to which appeals shall lie.
- 8th. That the body controlling the fishery, after having determined the positions and areas of the public grounds, shall have power to grant perpetual franchises for the fishery and cultivation of shell-fish on any area not within the boundaries of the public grounds.
- 9th. That the Legislature determine upon a certain fixed price per acre to be paid, and that upon its payment the applicant for ground shall be entitled to his franchise.
- 10th. That the body controlling the shell-fishery shall furnish each owner of ground with a survey, plot and description of his lot for the actual cost of making the same, and shall prescribe the place, character and number of stakes, buoys or

monuments or ranges which the owner shall maintain, so that there shall be no interference with navigation or the fishery of migratory fishes.

11th. That all holders of licenses under the present statute, who have complied with the law, shall obtain from the body controlling the fisheries franchises for their grounds, and that the surveys and locations of the same shall be verified before issuing such franchises.

12th. That a regular tax be levied and collected on all private grounds in the same manner as upon other property.

13th. That any private ground which is not improved within five years shall revert to the State.

14th. That forms for all applications, grants, assignments and protests be determined upon by some competent authority and be adopted for use.

15th. That regular books of record and plats of the grounds shall be kept by the body controlling the fisheries and that all grants, transfers and assignments shall be therein recorded.

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TABLE IV

OYSTER PRODUCTION OF NORTH CAROLINA, 1880 to 1948

	Bushels*	Value
1880	170,000	\$ 60,000
1887	212,980	48,353
1888	204,703	46,129
1889	1,001,620	194,272
1890	807,626(2,700,000 est.)+	175,567
1894	60,000+	_____
1896	40,000+	_____
1897	858,818	241,099
1899	2,450,000+	_____
1900	1,900,000+	_____
1902	1,022,813	268,363
1903	658,769‡	_____
1904	505,141‡	_____
1905	459,485‡	_____
1906	291,846‡	_____
1908	753,500	227,300
1910	332,257	63,405
1918	216,962	70,280
1923	559,628	229,576
1927	434,375	200,742
1928	414,241	167,490
1929	512,395	245,533
1930	411,354	155,148
1931	251,352	92,061
1932	210,395	51,339
1934	208,011	53,092
1936	500,101	160,631
1937	351,612	112,051
1938	334,170	98,468
1939	313,234	72,965
1940	204,260§	52,560
1941	276,095§ II	_____
1942	235,272§ II	_____
1943	484,332§ II	_____
1944	508,670§ II	_____
1945	554,254	400,210
1946	391,521§ II	_____
1947	200,323§ II	_____
1948	223,680§ II	_____

*Production figures from Federal statistics.

+Grave, 1904.

‡Coker, 1907.

§Yield from public grounds only.

II Figures based on tax return to N. C. Division of Commercial Fisheries.

SOURCE: Taylor, Survey of Marine Fisheries, 146.

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+Grave, 1904.

‡Coker, 1907.

§Yield from public grounds only.

¶Figures based on tax return to N. C. Division of Commercial Fisheries.

SOURCE: Taylor, Survey of Marine Fisheries, 146.

TABLE V

FIRST FINANCIAL REPORT OF THE SHELL-
FISH COMMISSION - 1893REPORTS OF THE CLERKS OF THE FOLLOWING COUNTIES FOR
THE YEAR ENDING MAY 1, 1892.

Beaufort.	\$ 94.45	
Carteret.	2,334.53	
Chowan.	28.30	
Dare.	538.71	
Hyde.	1,565.62	
Pasquotank.	36.91	
Pamlico	662.60	
Tyrrell	14.73	
Washington.	<u>2.50</u>	
		\$5,278.35

REPORTS OF THE CLERKS OF THE FOLLOWING COUNTIES
FROM MAY 1, 1892, TO DECEMBER 7, 1892.

Carteret.	\$ 807.03	
Craven.	13.78	
Dare.	87.37	
Hyde.	408.99	
Pamlico	<u>323.47</u>	
		\$1,640.64
		<u>\$6,918.99</u>

EXPENSE ACCOUNT OF W. H. LUCAS, CHAIRMAN OF THE
SHELL FISH COMMISSION.

Paid Capt. Adam Warner for service as Captain of patrol boat and Associate Commission on account of salary. .	\$ 800.00
Paid S.R. Fowle & Son for supplies furnished patrol boat and payment of wages to boat hands	2,474.41
Paid Citizens National Bank, Raleigh, on purchase of patrol boat	804.00
Paid Prof. J.A. Holmes, expenses as Associate Commiss- ioner for attending meeting	33.32
Paid attorney's fees in defending the oyster interest of the State	107.50
Paid W. H. Lucas, Chief Commissioner, expenses in look- ing after the interests of the public oyster grounds of the State.	332.90
Paid expenses of investigating and inspecting public oyster grounds of the State	149.10

Paid expenses of Chief Commissioner in visiting various parts of the Sound for the months of May, June, July, August and September, for the purpose of appointing inspectors and putting in operation the workings of the present oyster laws	\$ 257.95
Paid for stationery, blanks and printing connected with the oyster interest.	86.00
Paid for necessary postage.	5.25
Paid Julian S. Mann, expenses to Raleigh and return as attorney for Oyster Commission.	12.85
Paid for investigation of the law concerning natural oyster grounds.	10.00
Paid Clerk's commissions of Superior Court of Hyde county, allowed on amounts previously received	54.48
Paid for investigating the law in regard to dredging upon private oyster grounds under the law of 1891	10.00
Paid Prof. H.V. Wilson, Associate Commissioner, for expenses attending meetings of Oyster Commission	46.95
Paid Prof. H.V. Wilson for apparatus purchased by him for the oyster industry.	44.95
Paid W.H. Lucas, expenses attending meeting of Oyster Commission.	22.00
Paid H.L. Gibbs for warrant60
Paid expenses of investigation of charges made by F. Winslow and M. Makely against W. H. Lucas, Chief Commissioner.	66.10
Paid W.H. Lucas, Chief Commissioner, expenses to Goldsboro and Washington in interest of Oyster Commission	25.10
Paid W.H. Lucas, Chief Commissioner, expenses to Washington in interest of Oyster Commissioner	12.50
Paid expenses of patrol boat in attending the Oyster and Fish Fair at New Berne	52.50
Paid W.H. Lucas, salary as Chief Commissioner	1,300.00
	<hr/>
	\$6,678.46

TABLE VI

NORTH CAROLINA FISHERIES: ALL FISHERY PRODUCTS, FOOD
AND NON-FOOD, AND FISHERMEN, 1880-1945

Year	Quantity* Pounds '000	Actual Value Dollars '000	Fishermen* Number
1880	32,902	846	4,729
1887	44,809	773	6,103
1888	42,720	776	6,465
1889	44,063	950	7,070
1890	50,604	1,028	7,303
1897	62,963	1,316	9,918
1902	66,071	1,740	11,159
1908	99,891	1,767	9,210
1918	210,080	2,979	6,198
1923	94,364	2,414	6,195
1927	143,396	2,760	6,249
1928	141,122	2,624	6,063
1929	216,314	2,546	5,975
1930	168,939	1,856	5,205
1931	98,161	1,088	5,248
1932	86,214	827	4,933
1934	163,462	1,672	5,355
1936	219,879	2,735	6,902
1937	112,755	1,658	6,619
1938	198,764	1,950	6,905
1939	224,457	1,800	7,005
1940	170,581	1,865	7,113
1945	198,169	5,495	7,456

*As canvassed by U. S. Fish Commission, Bureau of
Fisheries and Fish & Wildlife Service.

SOURCE: Taylor, Survey of Marine Fisheries, 427.

TABLE VII

PRODUCTION AND VALUE OF MENHADEN FOR NORTH CAROLINA, 1880-1945
(In thousands of pounds and thousands of dollars)

Year	North Carolina	
	Lbs.	\$
1880	---	---
1887	14,756	18
1888	13,844	17
1889	8,753	12
1890	12,410	16
1891	---	---
1897	11,310	20
1898	---	---
1901	---	---
1902	18,867	31
1904	---	---
1905	---	---
1908	57,912	70
1918	179,911	1,307
1919	---	---
1920	---	---
1921	---	---
1923	63,290	326
1924	---	---
1925	---	---
1926	---	---
1927	98,987	490
1928	99,302	431
1929	173,490	719
1930	134,051	536
1931	67,877	94
1932	54,476	75
1933	---	---
1934	106,651	356
1935	---	---
1936	150,088	599
1937	61,706	220
1938	146,819	427
1939	186,968	557
1940	129,592	485
1941	---	---
1942	---	---
1943	---	---
1944	---	---
1945	141,533	975

SOURCE: Taylor, Survey of Marine Fisheries, 501.

TABLE VIII
 NORTH CAROLINA - 1918
 FOOD FISH

Species	Quantity Pounds '000	Per Cent of All Food Fish
Alewives	14,484	48.0
Squeteague	3,361	11.2
Shad	1,657	5.5
Spot	1,236	4.1
Oysters	1,198	4.0
Mullet	1,128	3.7
Shrimp	940	3.1
Butterfish	731	2.4
Perch, white	617	2.0
Black bass	551	1.8
Scallops	423	1.4
Croaker	387	1.3
Crabs, (hard)	146	.5
" (soft)	234	.8
Bluefish	323	1.1
Striped bass	286	.9
Clams	197	.7
All other food fish	2,251	7.5
Total food fish	30,150	14.4
Menhaden	<u>179,931</u>	<u>85.6</u>
Total all fish	210,081	100.0

SOURCE: Taylor, Survey of Marine Fisheries, 526.

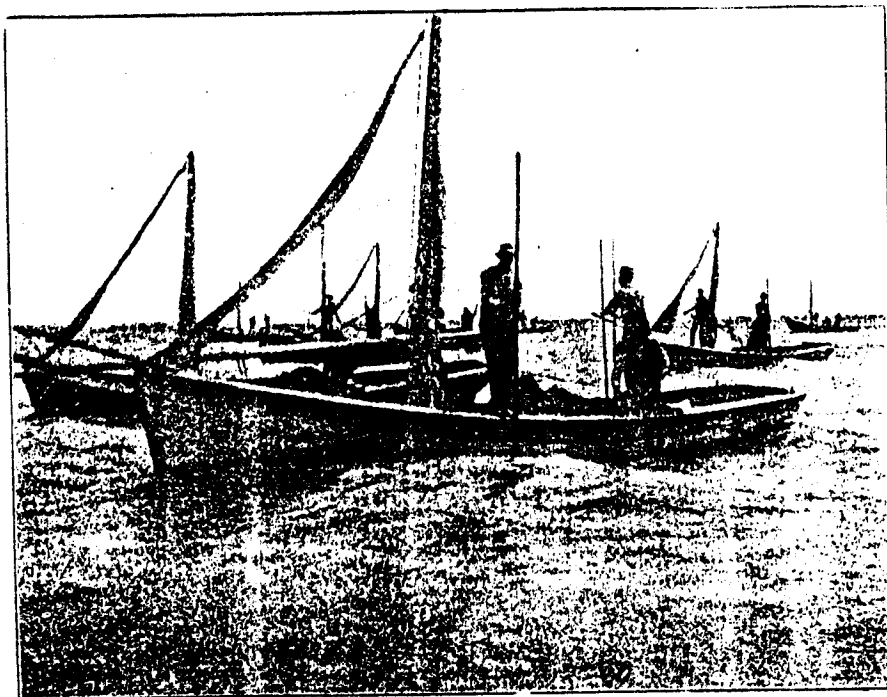


PLATE I: A TYPICAL TONG BOAT, SHOWING TONGMEN AT WORK

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum, Beaufort, N.C.

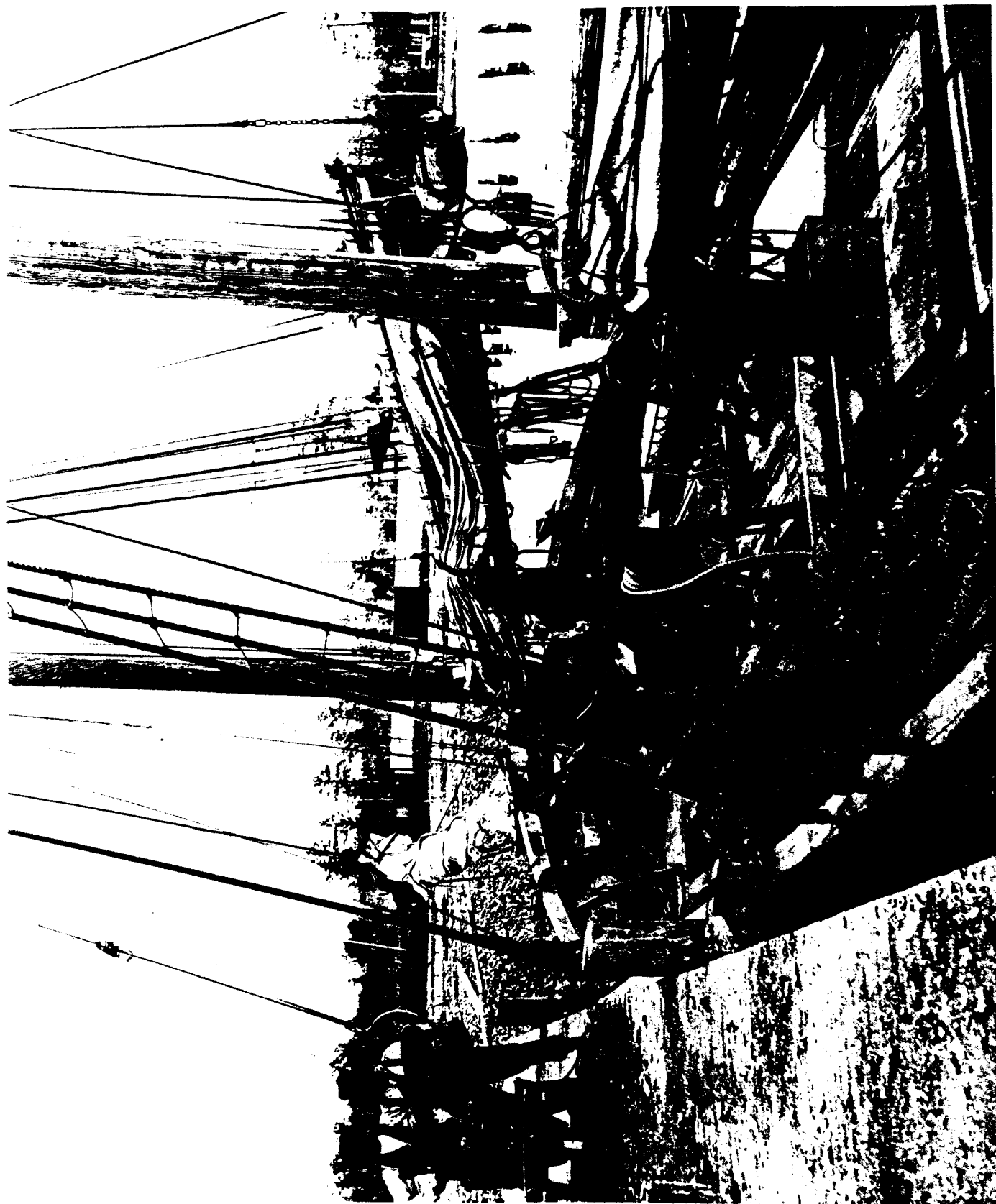


PLATE II: OYSTER BOAT UNLOADING WITH OYSTER DREDGE ON DECK, 1900

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum.
Beaufort, N.C.



PLATE III: OYSTER SHIP AT SEA

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum,
Beaufort, N.C.



PLATE IV: OYSTER CANNERY

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum.
Beaufort, N.C.



PLATE V: OYSTER FACTORY

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum.
Beaufort, N.C.

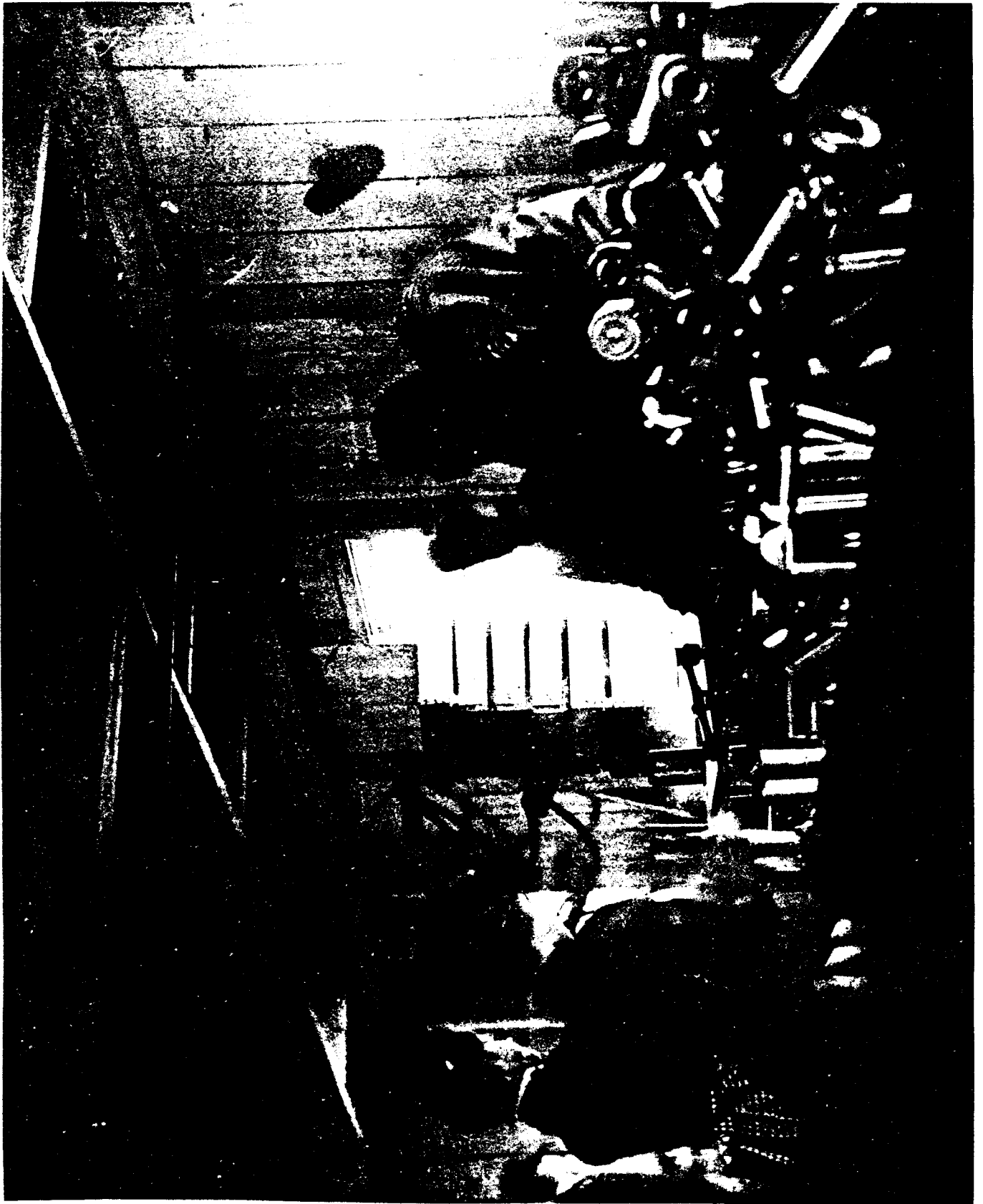


PLATE VI: INSIDE DUNCAN OYSTER FACTORY

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum.
Beaufort, N.C.

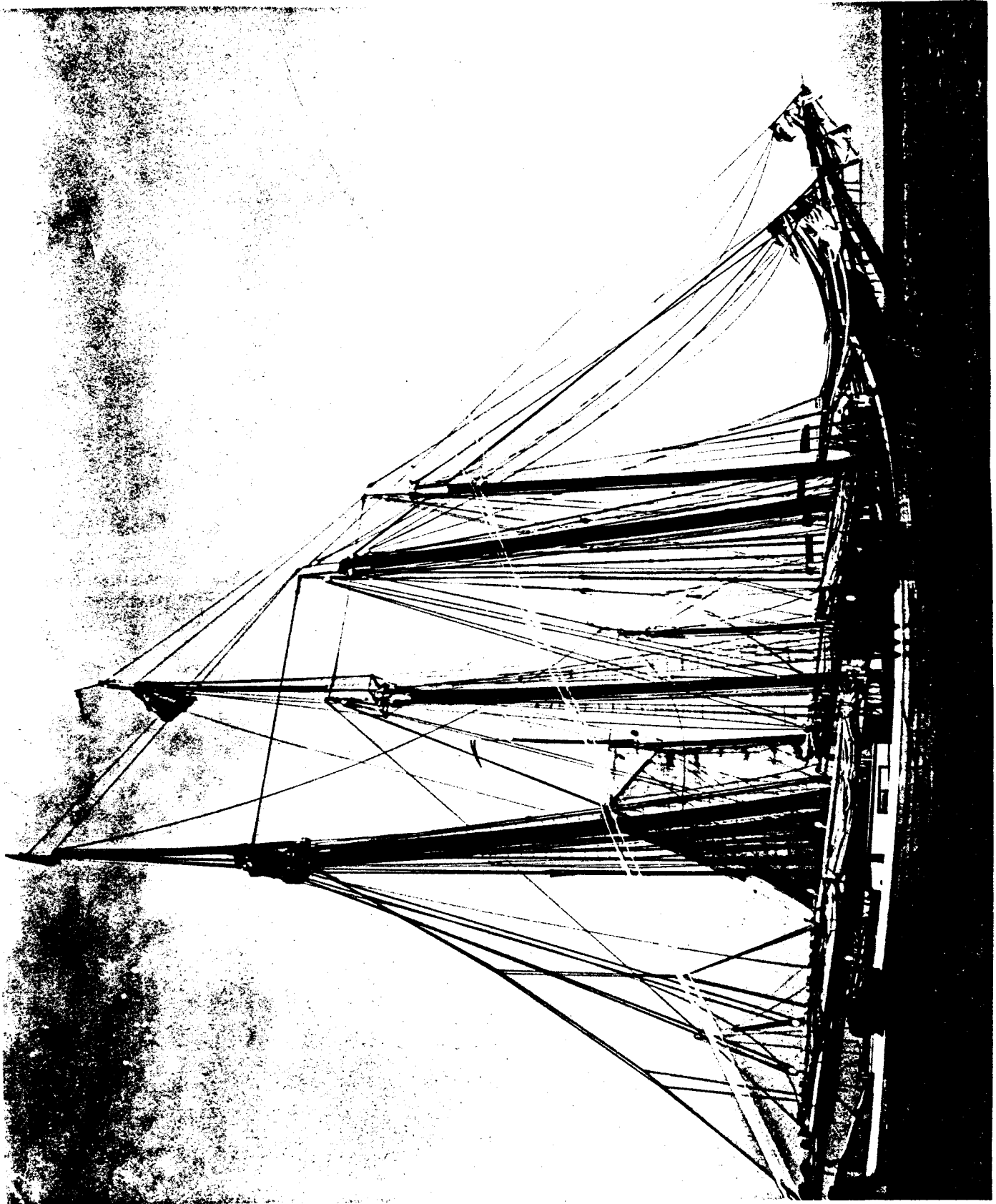


PLATE VII: A "BUY BOAT" ANCHORED TO BUY OYSTERS FROM TONGERS

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum.
Beaufort, N.C.

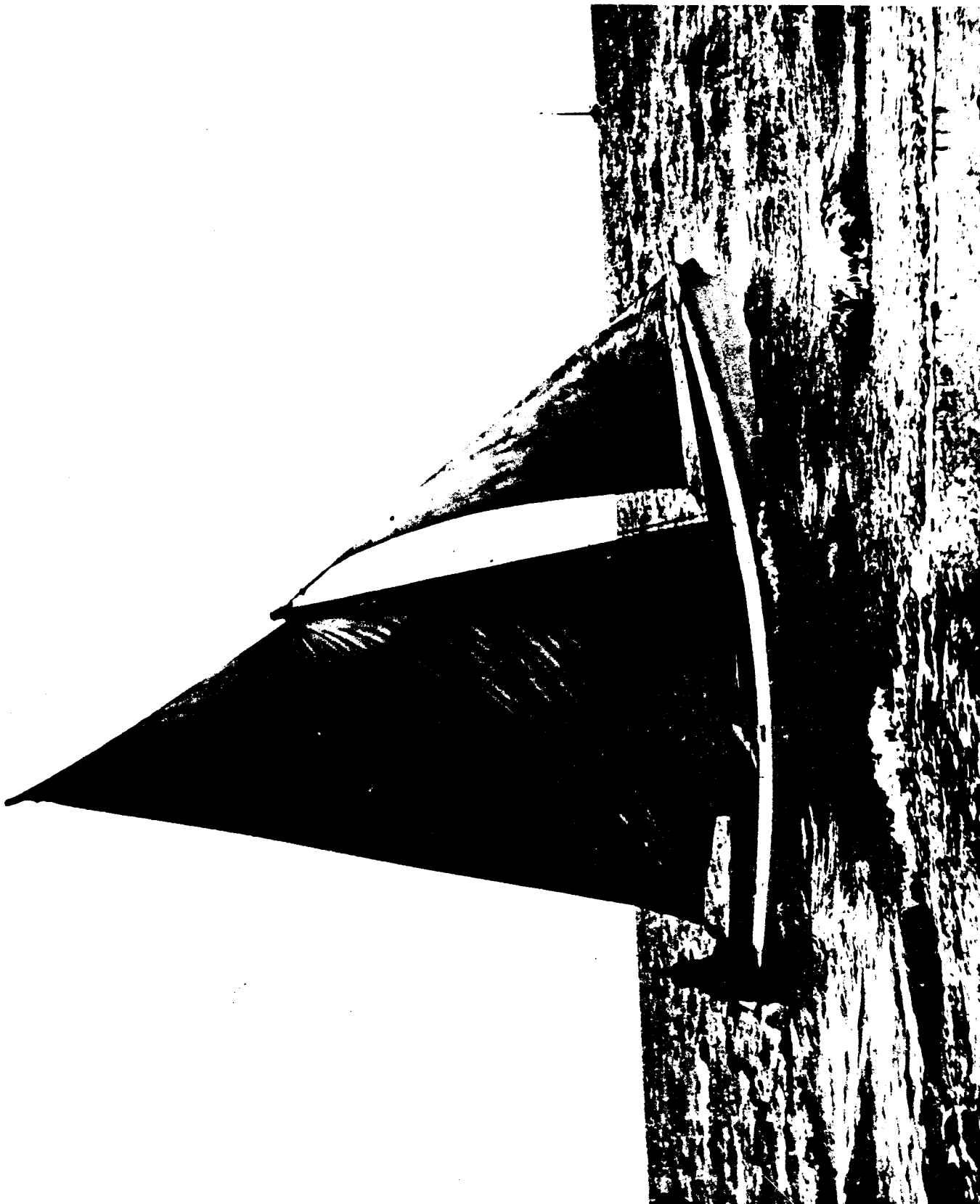


PLATE VIII: FLAT BOTTOMED SKIFF WITH EARLY GAME WARDEN, 1890's

SOURCE: Down to the Sea Collection. Hampton's Mariner Museum.
Beaufort, N.C.

BIBLIOGRAPHY

A. PRIMARY SOURCES

I. Manuscript Sources

Elias Carr Papers. East Carolina Manuscript Collection. East Carolina University, Greenville.

Locke Craig Governor's Papers. January to June 1915. North Carolina Division of Archives and History, Raleigh.

Daniel G. Fowle Governor's Papers. January to April 1891. North Carolina State Archives, Raleigh.

Elizabeth Gordon Griffin Papers. East Carolina Manuscript Collection. East Carolina University, Greenville.

North Carolina Legislative Papers. Petitions, Box 53, 1915. North Carolina State Archives, Raleigh.

William Blount Rodman Papers. Vol. 19-36, 1899-1903, East Carolina Manuscript Collection, East Carolina University, Greenville, N.C.

II. Printed Government Documents (Federal)

Bureau of Fisheries Report of the United States Commissioner of Fisheries For the Fiscal Year 1919 with Appendixes. Hugh M. Smith Commissioner. Washington: Government Printing Office, 1921.

Department of Commerce Bureau of Fisheries Report of the United States Commissioner of Fisheries For the Fiscal Year 1925 with Appendixes. Henry P. Mally Commissioner. Washington: Government Printing Office, 1926.

House of Representatives Document No. 751 United States Commission of Fish and Fisheries, Part XXIX Report of the Commissioner for the Year Ending June 30, 1903. George M. Bowers Commissioner. Washington: Government Printing Office, 1905.

House of Representatives Document No. 479 Department of Commerce and Labor Report of the Bureau of Fisheries 1904. George M. Bowers Commissioner. Washington: Government Printing Office, 1905.

United States Commission of Fish and Fisheries Part XXVI Report of the Commissioner for the Year Ending June 30, 1900. George M. Bowers Commissioner. Washington: Government Printing Office, 1901.

III. Printed Government Documents (State)

Battles Revisal of the Public Statues of North Carolina. Raleigh: Edwards, Broughton & Co., 1873.

Biennial Message of Elias Carr Governor of North Carolina to the General Assembly Session of 1895. Raleigh: Josephus Daniels, 1895.

Biennial Message of Elias Carr Governor of North Carolina to the General Assembly Session of 1897. Winston, North Carolina: M. I. & J. C. Stewart, 1897.

Biennial Message of Thomas M. Holt Governor of North Carolina to the General Assembly Session of 1893. Raleigh: Josephus Daniels, 1893.

Coker, Robert E. "Oyster Culture in North Carolina." North Carolina Geological Survey, Economic Paper No. 10. Raleigh: E. M. Uzzell & Co., 1905.

Corbett, David L., ed. Public Papers and Letters of Angus Wilton McLean Governor of North Carolina 1925-1929. Raleigh: Council of State, 1931.

_____. Public Papers and Letters of Cameron Morrison Governor of North Carolina 1921-1925. Raleigh: Edwards & Broughton Co., 1927.

Executive and Legislative Document of the State of North Carolina Session 1885. Raleigh: P. M. Hale, 1885.

Executive and Legislative Document Laid Before the General Assembly of North Carolina Session 1887. Raleigh: Edwards & Broughton & Co., 1887.

Fifth Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1922, to June 30, 1924. Raleigh: Bynum Printing Co., 1924.

First Biennial Message of His Excellency Governor Alfred M. Scales to the Legislature of North Carolina 1887. Raleigh: Josephus Daniels, 1887.

- First Biennial Report of the Fisheries Commission Board of North Carolina from May 1, 1915 to November 30, 1916. Raleigh: Edwards & Broughton Printing Co., 1916.
- Fourth Biennial Report of the Department of Conservation and Development of the State of North Carolina For the Biennium Ending June 30, 1932. Raleigh: State Printers, 1932.
- Fourth Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1920, to November 30, 1922. Raleigh: Mitchell Printing Company, 1922.
- Jones, May F., ed. Public Letters and Papers of Locke Craig Governor of North Carolina 1913-17. Raleigh: Edwards & Broughton Printing Co., 1916.
- "Oyster Culture in North Carolina." North Carolina Geological and Economic Survey, 1891. Raleigh: E. M. Uzzell & Co., 1907.
- Pratt, Joseph Hyde. "Fishing Industry of North Carolina." North Carolina Geological and Economic Survey, Economic Paper No. 24. Raleigh: E. M. Uzzell & Co., 1911.
- _____. "Report of Committee Appointed By Governor R. B. Glenn to Investigate the Fishing Industry of North Carolina." North Carolina Geological and Economic Survey, Economic Paper No. 16. Raleigh: E. M. Uzzell & Co., 1906.
- _____. "Report of Convention Called by Governor R. B. Glenn to Investigate the Fishing Industry of North Carolina." North Carolina Geological and Economic Survey, Economic Paper No. 16. Raleigh: E. M. Uzzell & Co., 1908.
- _____. "Report of the Fisheries Convention Held at New Bern, North Carolina, December 13, 1911." North Carolina Geological and Economic Survey, Economic Paper No. 29. Raleigh: Edwards & Broughton Printing Co., 1912.
- Public Documents of the State of North Carolina Sessions of 1889, 1891, 1893, 1895, 1897, 1899, 1903, 1913. 8 Vols. Raleigh: Josephus Daniels, and others, 1889, 1891, 1893, 1895, 1897, 1899, 1903, 1913.
- Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly at its Sessions of 1887, 1889, 1891, 1893, 1895, 1897, 1899, 1901, 1903, 1907, 1909, 1915, 1917. 13 Vols. Raleigh: Josephus Daniels, and others, 1887, 1889, 1891, 1893, 1895, 1897, 1899, 1901, 1903, 1907, 1909, 1915, 1917.
- Public Laws of the State of North Carolina Sessions of 1854-55, 1858-59,

1871-72, 1881, 1921. 5 Vols. Raleigh: Holden & Wilson, and others, 1855, 1859, 1872, 1881, 1921.

Revisal of the Laws of the State of North Carolina Passed From 1821 to 1825. Raleigh: J. Gales & Sons, 1827.

Revised Code of North Carolina. Boston: Little, Brown, & Co., 1855.

Revised Statues of the State of North Carolina 1836-1837. Raleigh: Turner & Hughes, 1837.

Second Biennial Report of the Department of Conservation and Development of the State of North Carolina Biennium Ending June 30, 1928. Raleigh: State Printers, 1928.

Second Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1917 to November 30, 1918. Raleigh: Edwards & Broughton, 1919.

Sixth Biennial Report of the Fisheries Commission Board of North Carolina from July 1, 1924 to June 30, 1926. Raleigh: Capital Printing Co., 1926.

Smith, Hugh M. "The Fishes of North Carolina." North Carolina Geological and Economic Survey. Raleigh: E. M. Uzzell & Co., 1907.

State of North Carolina Public Documents Sessions of 1917, 1919. 2 Vols. Raleigh: Edwards & Broughton Printing Co., 1920.

State of North Carolina Public Laws and Resolutions Passed by the General Assembly at its Sessions of 1923, 1925. 2 Vols. Raleigh: Commercial Printing Co., and others, 1923, 1925.

Third Biennial Report of the Department of Conservation and Development of the State of North Carolina For the Biennium Ending June 30, 1930. Raleigh: State Printers, 1930.

Third Biennial Report of the Fisheries Commission Board of North Carolina from December 1, 1918 to November 30, 1920. Raleigh: Mitchel Printing Co., 1922.

IV. Newspapers

Carteret County News-Times (Morehead City, N.C.), 1980.

Economist (Elizabeth City, N.C.), 1872-1905.

Elizabeth City News (Elizabeth City, N.C.), 1891.

Fisherman and Farmer (Edenton, N.C.), 1887-1896.

New Berne Journal (New Bern, N.C.), 1891.

Progressive Farmer (Raleigh, N.C.), 1886-1915.

Washington Gazette (Washington, N.C.), 1884-1898.

Washington Progress (Washington, N.C.), 1887-1915.

V. Contemporary Monographs

Grave, Caswell. Oyster-Culture. Washington: Government Printing Office, 1904.

_____. The Oyster Reefs of North Carolina: A Geological and Economic Study. Baltimore: John Hopkins University, 1901.

Ingersoll, Ernest. "The Oyster, scallop, clam, mussel and abalone industry." The Fisheries and Fishing Industry of the United States. Washington: Government Printing Office, 1887.

Kellogg, James. Shell-Fish Industries. New York: H. Holt & Co., 1910.

Moore, H. F. "Oysters and Methods of Oyster-Culture." Manual of Fish Culture, Department of United States Commercial Fisheries. Washington: Government Printing Office, 1900.

Pratt, Joseph Hyde. The Fisheries of North Carolina. Raleigh: E. M. Uzzell & Co., 1907.

_____. "The Fisheries of North Carolina." Journal of the Elisha Mitchell Scientific Society. Raleigh: Edwards & Broughton Printing Co., 1917.

VI. Museums

Down to the Sea Collection. Hampton's Mariner Museum. Beaufort, N.C.

B. SECONDARY SOURCES

I. General Works

Stick, David. A History of the Outer Banks of North Carolina. Chapel Hill: University of North Carolina Press, 1958.

Taylor, Harden F. Survey of Marine Fisheries of North Carolina. Chapel Hill: University of North Carolina Press, 1951.

Wennersten, John R. "Almighty Oyster, A Chronicle of Chesapeake Bay," Oceans, Vol. XIII, January, 1980.

II. Interviews

Benton, Robert G. Division of Health Services. Morehead City: March 14, 1980.

Street, Michael W. Division of Marine Fisheries, Research and Development. Morehead City: March 14, 1980.

III. Monographs

Benton, Robert G. Shellfish Sanitation. Morehead City: Division of Health Services Bulletin, 1980.

Cawley, Mary Anne. "State Policy and Economic Development in North Carolina 1876-1896." Greenville: East Carolina University M A Thesis, 1974.

Fisheries Law and Legislation of North Carolina. Raleigh: North Carolina Department of Conservation and Development, 1967.

Hobbs, S. Huntington. North Carolina: An Economic and Social Profile. Chapel Hill: University of North Carolina Press, 1958.